JOURNAL

OF THE

HOUSE OF DELEGATES

EIGHTY-FIFTH

LEGISLATURE

OF

WEST VIRGINIA

VOLUME I

REGULAR SESSION, 2022

WEST VIRGINIA HOUSE OF DELEGATES

HONORABLE ROGER HANSHAW

SPEAKER OF THE HOUSE

* *

COMPILED AND PUBLISHED
UNDER THE DIRECTION
OF

STEPHEN J. HARRISON

CLERK OF THE HOUSE

OFFICE OF THE CLERK OF THE HOUSE

STATE CAPITOL
CHARLESTON, WEST VIRGINIA

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Lori Skull
Operations Clerk

TABLE OF CONTENTS

VOLUME I

Members and officers of the House of Delegates V

Members and officers of the Senate VII

Standing committees of the House IX

Standing committees of the Senate XIII

Schedule showing legislative and calendar days XVII

Journal of proceedings

(First Extraordinary Session, 2022) Vol I 1

(Regular Session, 2022) Vol. I 37

(Regular Session, 2022) *See* Vol. II 1297

(Regular Session, 2022) *See* Vol. III 2513

(Second Extraordinary Session, 2022) *See* Vol. IV 3777

(Third Extraordinary Session, 2022) *See* Vol. IV 3835

(Fourth Extraordinary Session, 2022) *See* Vol. IV 3997

Index 4019

(This index is arranged as follows: Delegates, etc., House Bills, House Concurrent Resolutions, House Joint Resolutions, House Resolutions, Senate Bills, Senate Concurrent Resolutions and Senate Joint Resolutions.)

Topical Index 4229
(This is an index by subject to all House Bills introduced for the Regular Session.)

Disposition of bills enacted 4331

Appendix 4347

REGULAR SESSION, 2022

OFFICERS

Speaker: Roger Hanshaw - Wallback
Clerk: Stephen J. Harrison - Cedar Grove
Sergeant-at-Arms: Marshall Clay - Fayetteville
Doorkeeper: Robert W. Stewart - Cross Lanes

Name	District	City	Occupation	Term
Anderson, Bill (R)	8th	Williamstown	Educator	71st - 85th
Barach, Jim (D)	36th	Charleston	Retired TV Meteorologist	85th - 85th
Barnhart, Trenton (R)	7th	St. Marys	Community Banker	Appt. 9/17/2019, 84th; 85 – 85th
[1]Barrett, Jason (R)	61st	Martinsburg	Restaurant owner	81st; 83rd - 85th
[2] Bates, Mick (R)	30th	Beckley	Physical therapist Small Business Owner	82nd - 85th
Boggs, Brent (D)	34th	Gassaway	Railroad Engineer	73rd - 85th
[3] Booth, Josh (R)	19th	Ceredo	Officer Highway Safety Inc.	Appt. 1/27/2021, 85th
Bridges Jordan (R)	24th	Logan	Coal Miner	85th
Brown, Nathan (D)	20th	Williamson	Attorney	84th – 85th
Bruce, Barry L. (R)	42nd	Lewisburg		Resigned 12/7/2021[4], 85th
Burkhammer, Adam (R)	46th	Horner	Business Owner	85th
Capito, Moore (R)	35th	Charleston	Attorney	83rd - 85th
Clark, Wayne (R)	65th	Charles Town	Business Owner	85th
Conley, Roger (R)	10th	Vienna	Business Owner	85th
Cooper, Roy (R)	28th	Wayside	Retired U. S. Navy	81st - 85th
Criss, Vernon (R)	10th	Parkersburg	Executive	69th; 83rd - 85th
Crouse, Kathie Hess (R)	19th	Buffalo		Appt. 12/2/2021[7], 85th
Dean, Mark (R)	21st	Verner	Principal	83rd - 85th
Diserio, Phillip W. (D)	2nd	Follansbee	Retired Electrician	81st; 83rd - 85th
Doyle, John (D)	67th	Shepherdstown		66th; 71st - 80th; 84th - 85th
Ellington, Joe (R)	27th	Princeton	Physician	80th - 85th
Espinosa, Paul (R)	66th	Charles Town	Public Affairs Manager	81st - 85th
Evans, Ed (D)	26th	Welch	Retired Science Teacher	83rd - 85th
Fast, Tom (R)	32nd	Fayetteville	Attorney	82nd - 85th
Ferrell, Dana (R)	39th	Sissonville	Business Owner	85th
Fleischauer, Barbara Evans (D)	51st	Morgantown	Attorney Small Business Owner	72nd - 76th; 78th - 85th
Fluharty, Shawn (D)	3rd	Wheeling	Attorney	82nd - 85th
Forsht, Don (R)	60th	Gerrardstown	Construction and Property Management	85th
Foster, Geoff (R)	15th	Winfield	Construction Supply	82nd - 85th
Garcia, Joey (D)	50th	Fairmont	Attorney	85th
Gearheart, Marty (R)	27th	Bluefield	Businessman	80th – 83rd; 85th
Graves, Dianna (R)	38th	Cross Lanes	Auditor	Appt. 9/19/2017, 83rd; 84th - 85th
Griffith, Ric (D)	19th	Kenova	Pharmacist	85th
Hamrick, Danny (R)	48th	Lost Creek	Business Owner	81st - 85th
Hanna, Caleb (R)	44th	Richwood	Full-time Student	84th - 85th
Hansen, Evan (D)	51st	Morgantown	President, Downstream Strategies	84th - 85th
Hanshaw, Roger (R)	33rd	Wallback	Attorney	82nd - 85th
Hardy, John (R)	63rd	Shepherdstown	Businessman	84th - 85th
Haynes, Austin (R)	32nd	Oak Hill	Insurance Agent	85th
Holstein, Josh (R)	23rd	Ashford		85th
Hornbuckle, Sean (D)	16th	Huntington	Financial Advisor	82nd - 85th
Horst, Charles K. "Chuck" (R)	62nd	Falling Waters	Business Owner	85th
Hott II, John Paul (R)	54th	Petersburg	Insurance Disposal Service	84th - 85th
Householder, Eric L. (R)	64th	Martinsburg	Business Owner	80th - 85th
Howell, Gary G. (R)	56th	Keyser	Business Owner	80th - 85th
Jeffries, Dean (R)	40th	Elkview	Insurance Agent	Appt. 9/5/2018, 83rd; 84th - 85th
Jeffries, Joe (R)	22nd	Culloden	Maintenance Manager	84th - 85th

Jennings, D. "Buck" Rolland (R)	53rd	Thornton	Self-Employed	Appt. 10/10/2017, 83rd; 84th - 85th
Keaton, N. Riley (R)	11th	Spencer	Youth Camping Ministry	85th
Kelly, David (R)	6th	Sistersville	Pastor	84th - 85th
Kelly, John R. (R)	10th	Parkersburg	Retired, Chemical Industry	82nd - 85th
Kessinger, Kayla (R)	32nd	Mount Hope	Director of Human Resources	82nd - 85th
Kimble, Laura (R)	48th	Bridgeport	Homemaker	85th
Kimes, D. "Shannon" (R)	9th	Rockport	Business Owner	85th
Linville, Daniel (R)	16th	Milton	Information Technology Officer	Appt. 8/1/2018, 83rd; 84th - 85th
Longanacre, Todd (R)	42nd	Caldwell	Retired Army	85th
Lovejoy, Chad (D)	17th	Huntington	Attorney	83rd - 85th
Mallow, Phil (R)	50th	Fairmont	Retired UPS Management	85th
Mandt, John Jr. (R)	16th	Huntington	Businessman	84th, Resigned 10/7/2020[5]; 85th
Martin, Carl "Robbie" (R)	45th	Buckhannon	Business Owner	84th - 85th
Maynard, Zack (R)	22nd	Harts	Self Employed	83rd - 85th
Maynor, Jordan (R)	28th	Daniels	Executive	Appt. 8/19/2021[6] - 85th
Mazzocchi, Margitta (R)	24th	Chapmanville	Business Owner	85th
McGeehan, Pat (R)	1st	Chester	Business Management/Author	79th; 82nd - 85th
Miller, George A. (R)	58th	Berkeley Springs	Retired Maintenance Supervisor	85th
Nestor, William "Ty" (R)	43rd	Elkins	Lawyer	85th
Pack, Larry (R)	35th	Charleston		85th
Paynter, Tony (R)	25th	Hanover	Truck Driver	83rd - 85th
Pethtel, Dave (D)	5th	Hundred	Educator	69th - 71st; 74th - 85th
Phillips, Chris (R)	47th	Buckhannon	President, CGP Foods, Inc	84th - 85th
Pinson, Jonathan Adam (R)	13th	Point Pleasant	Pastor	85th
Pritt, Chris (R)	36th	Charleston	Lawyer	85th
Pushkin, Mike (D)	37th	Charleston	Taxi Driver/Musician	82nd - 85th
Queen, Ben (R)	48th	Bridgeport	Media Entrepreneur Photography	83rd - 85th
Reed, Ken (R)	59th	Hedgesville	Pharmacist	85th
Reynolds, Charlie (R)	4th	Moundsville	Railroad Terminal Manager	85th
Riley, Clay (R)	48th	Shinnston	Professional Engineer	85th
Rohrbach, Matthew (R)	17th	Huntington	Physician	82nd - 85th
Rowan, Ruth (R)	57th	Points	Retired Educator	77th - 85th
Rowe, Larry L. (D)	36th	Charleston	Attorney	73rd - 74th (House) 75th - 76th (Senate) 82nd - 85th (House)
Skaff, Doug (D)	35th	South Charleston	Business Owner	79th - 81st; 84th - 85th
Smith, Doug (R)	27th	Princeton	Retired Army	85th
Statler, Joe (R)	51st	Core	Retired	82nd – 83rd; 85th
Steele, Brandon (R)	29th	Beckley	Attorney	84th - 85th
Storch, Erikka (R)	3rd	Wheeling	Financial Officer	80th - 85th
Summers, Amy (R)	49th	Flemington	Registered Nurse	82nd - 85th
Sypolt, Terri Funk (R)	52nd	Kingwood	Assessor	83rd - 85th
Thompson, Cody (D)	43rd	Elkins	Educator	84th - 85th
Toney, Christopher Wayne (R)	31st	Beckley	School Bus Operator	84th - 85th
Tully, Heather (R)	41st	Summersville	Family Nurse Practitioner	Appt. 6/17/2020, 84th; 85th
Walker, Danielle (D)	51st	Morgantown	Direct Care Worker	84th - 85th
Wamsley, Johnnie II (R)	14th	Point Pleasant	Entrepreneur	85th
Ward, Bryan C. (R)	55th	Fisher	Retired Sheriff	85th
Ward, Guy (R)	50th	White Hall	Material Analyst	83rd; 85th
Westfall, Steve (R)	12th	Ripley	Insurance Agents	81st - 85th
Williams, John (D)	51st	Morgantown	Insurance Sales	83rd - 85th
Worrell, Evan (R)	18th	Barboursville	Healthcare Data Analytics	84th - 85th
Young, Kayla (D)	35th	South Charleston	Entrepreneur	85th
Zatezalo, Mark (R)	1st	Weirton	Hydrogeologist	82nd - 83rd; 85th
Zukoff, Lisa (D)	4th	Moundsville	Business Owner	84th - 85th

[1]Jason Barrett switched from Democrat to Republican in December 2020.
[2]Mick Bates switched from Democrat to Republican on May 12, 2021.
[3]Joshua Booth appointed January 27, 2021 to fill the vacancy created by the January 9, 2021 resignation of Derrick Evans.
[4]Michael Honaker appointed December 21, 2021 to fill the vacancy created by the December 3, 2021 resignation of Barry Bruce.
[5]Zachary Perry appointed October 16, 2020 to fill the vacancy created by the October 7, 2020 resignation of John Mandt Jr. Mandt won election to a new term in November 2020.
[6]Jordan Maynor appointed August 19, 2021 to fill the vacancy created by the August 1, 2021 resignation of Jeffrey Pack.

[7]Kathie Hess Crouse appointed December 2, 2021 to fill the vacancy created by the November 5, 2021 resignation of Joshua Higginbotham.

REGULAR SESSION, 2022

OFFICERS

President: Craig P. Blair - Martinsburg
Clerk: Bruce Lee Cassis, Jr. - Charleston
Sergeant-at-Arms: David Lavender - Hurricane
Doorkeeper: Jeffrey L. Branham - Cross Lanes

Name	District	City	Occupation	Term
Azinger, Michael T. (R)	3rd	Vienna	Manager	82nd (House); 83rd - 85th
Baldwin, Stephen (D)	10th	Ronceverte	Minister	83rd (House); Appt. Oct. 16, 2017, 83rd; 84th- 85th
Beach, Robert D. (D)	13th	Morgantown		Appt. April 24, 1998, 73rd (House); 75th - 79th (House); 80th- 85th
Blair, Craig (R)	15th	Martinsburg	Businessman	76th - 79th (House); 81st - 85th
Boley, Donna J. (R)	3rd	St. Marys	Retired	Appt. May 14, 1985, 67th; 68th - 85th
Brown, Owens (D)	1st	Wheeling	Executive	Appt. Oct 7, 2021[1], 85th
Caputo, Mike (D)	13th	Rivesville	UMWA District 31Vice President	73rd -84th (House); 85th
Clements, Charles H. (R)	2nd	New Martinsville	Retired	77th (House); Appt. Jan. 28, 2017, 83rd; 84th- 85th
Geffert, Hannah (D)	16th	Martinsburg	Retired	Appt. Sept 29, 2021[2], 85th
Grady, Amy N. (R)	4th	Leon	Teacher	85th
Hamilton, Bill (R)	11th	Buckhannon	Retired	76th-83rd (House); 84th – 85th
Jeffries, Glenn D. (D)	8th	Red House	Businessman	83rd - 85th
Karnes, Robert L. (R)	11th	Helvetia		82nd – 83rd; 85th
Lindsay, Richard D. (D)	8th	Charleston	Attorney	84th – 85th
Maroney, Michael J. (R)	2nd	Glen Dale	Physician	83rd - 85th
Martin, Patrick (R)	12th	Weston	Business Owner	83rd – 84th (House); 85th
Maynard, Mark R. (R)	6th	Genoa	Automobile Dealer	82nd - 85th
Nelson, Eric (R)	17th	Charleston	Financial Consultant	80th – 84th (House); 85th
Phillips, Rupert W., Jr.	7th	Lorado	Sales Manager	80th – 83rd (House); 85th
Plymale, Robert H. (D)	5th	Huntington	Businessman	71st - 85th
Roberts, Rollan (R)	9th	Raleigh	Minister	84th – 85th
Romano, Michael J. (D)	12th	Clarksburg	Attorney / CPA	82nd - 85th
Rucker, Patricia Puertas (R)	16th	Harpers Ferry	Home Schooling Mother	83rd - 85th
Smith, Randy E. (R)	14th	Davis	Coal Miner	81st - 82nd (House); 83rd - 85th
Stollings, Ron D. (D)	7th	Madison	Physician	78th - 85th
Stover, David (R)	9th	Mullens	Circuit Clerk	85th
Swope, Chandler (R)	6th	Mercer	Retired	83rd-85th
Sypolt, Dave (R)	14th	Kingwood	Professional Land Surveyor	78th - 85th
Takubo, Tom (R)	17th	Charleston	Physician	82nd - 85th
Tarr, Eric J. (R)	4th	Putnam		84th – 85th
Trump IV, Charles S. (R)	15th	Berkeley Springs	Attorney	71st - 77th (House); 82nd - 85th
[2]Unger II, John R. (D)	16th	Martinsburg	Businessman/Economic Development	74th - 85th
Weld, Ryan W. (R)	1st	Wellsburg	Attorney	82nd (House); 83rd - 85th
Woelfel, Michael A. (D)	5th	Huntington	Lawyer	82nd – 85th
Woodrum, Jack David (R)	10th	Hinton	Funeral Director	85th

[1]Owens Brown appointed October 7, 2021 to fill the vacancy created by the October 5, 2021 resignation of William J. Ihlenfeld, II.
[2]Hannah Geffert appointed September 29, 2021 to fill the vacancy created by the September 11, 2021 resignation of John R. Unger, II.

COMMITTEES OF THE HOUSE OF DELEGATES
(As of December 21, 2021)

STANDING

AGRICULTURE AND NATURAL RESOURCES

Dean (Chair, *Natural Resources*), Phillips (Chair, *Agriculture*), Hamrick (Vice Chair, *Agriculture*), Paynter (Vice Chair, *Natural Resources*), Griffith (Minority Chair, *Agriculture*), Hansen (Minority Chair, *Natural Resources*), Evans (Minority Vice Chair, *Agriculture*), Young (Minority Vice Chair, *Natural Resources*), Anderson, Bridges, Brown, Burkhammer, Cooper, Doyle, Horst, Hott, D. Kelly, Longanacre, Maynor, Pinson, Sypolt, Wamsley, B. Ward, Westfall, Worrell

BANKING AND INSURANCE

Westfall (Chair), Hott (Vice Chair), Rowe (Minority Chair), Williams (Minority Vice Chair), Barnhart, Barrett, Brown, Capito, Criss, Espinosa, Garcia, Graves, Haynes, Householder, D. Jeffries, Keaton, Kimes, Lovejoy, McGeehan, Miller, Pack, Pritt, Reed, Worrell, Young

EDUCATION

Ellington (Chair), Statler (Vice Chair), Hornbuckle (Minority Chair), Thompson (Minority Vice Chair), Bridges, Clark, Doyle, Evans, Ferrell, Griffith, Hamrick, Hanna, Horst, Jennings, J. Kelly, Kessinger, Kimble, Longanacre, Maynor, Mazzocchi, Smith, Toney, Tully, Walker, Wamsley

ENERGY AND MANUFACTURING

Anderson (Chair), Kelly (Vice Chair), Evans (Minority Chair), Pethtel (Minority Vice Chair), Boggs, Bridges, Burkhammer, Clark, Cooper, Diserio, Ferrell, Graves, Hansen, Holstein, Hott, Mallow, Mandt, Maynard, Paynter, Phillips, Reynolds, Wamsley, Westfall, Young, Zatezalo

ENROLLED BILLS

D. Jeffries (Chair), Westfall (Vice Chair), Barach, Pack, Pushkin

FINANCE

Householder (Chair), Criss (Vice Chair), Boggs (Minority Chair), Rowe (Minority Vice Chair), Anderson, Barrett, Ellington, Espinosa, Gearheart, Graves, Hardy, Hornbuckle, Hott, Howell, D. Jeffries. Linville, Maynard, Pethtel, Riley, Rohrbach, Rowan, Statler, Storch, Toney, Williams

FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES

Statler (Chair), Riley (Vice Chair), Pethtel (Minority Chair), Boggs (Minority Vice Chair), Honaker, Jennings, Lovejoy, Maynor, Paynter, B. Ward, G. Ward

GOVERNMENT ORGANIZATION

Steele (Chair), Foster (Vice Chair), Diserio (Minority Chair), Barach (Minority Vice Chair), Barnhart, Booth, Conley, Cooper, Crouse, Dean, Fleischauer, Forsht, Hamrick, Hansen, Holstein, J. Jeffries, Kimes, Martin, Mazzocchi, Reynolds, Skaff, Smith, Sypolt, Worrell, Young

HEALTH AND HUMAN RESOURCES

Rohrbach (Chair), D. Jeffries (Vice Chair), Pushkin (Minority Chair), Walker (Minority Vice Chair), Barach, Barnhart, Bates, Criss, Dean, Fleischauer, Forsht, Griffith, Honaker, Jennings, Longanacre, Mallow, Miller, Pack, Reed, Rowan, Summers, Tully, G. Ward, Worrell, Zukoff

INTERSTATE COOPERATION

Storch (Chair), Howell (Vice Chair), Brown, Capito, Fleischauer, Nestor, G. Ward

JUDICIARY

Capito (Chair), Fast (Vice Chair), Lovejoy (Minority Chair), Brown (Minority Vice Chair), Burkhammer, Fluharty, Garcia, Haynes, Keaton, D. Kelly, Kessinger, Kimble, McGeehan, Nestor, Pack, Phillips, Pinson, Pritt, Pushkin, Queen, B. Ward, Westfall, Zatezalo, Zukoff

PENSIONS AND RETIREMENT

Storch (Chair), Gearheart (Vice Chair), Pethtel (Minority Chair), Evans (Minority Vice Chair), Anderson, Bates, Graves

POLITICAL SUBDIVISIONS

Martin (Chair), Hardy (Vice Chair), Williams (Minority Chair), Doyle (Minority Vice Chair), Anderson, Barrett, Crouse, Fast, Fluharty, Forsht, Foster, Gearheart, Griffith, Hamrick, Hansen, J. Kelly, Kimes, Mazzocchi, Phillips, Riley, Storch, Thompson, Tully, B. Ward, G. Ward

PREVENTION AND TREATMENT OF SUBSTANCE ABUSE

D. Kelly (Chair), Hanna (Vice Chair), Walker (Minority Chair), Pushkin (Minority Vice Chair), Ellington, Holstein, Kessinger, Mandt, Reed, Rohrbach

RULES

Hanshaw (Chair), Summers (Vice Chair), Anderson, Capito, Criss, Ellington, Espinosa, Fluharty, Foster, Householder, Howell, D. Jeffries, J. Kelly, Kessinger, Lovejoy, Rowe, Skaff, Steele, Storch, Zukoff

SENIOR, CHILDREN, AND FAMILY ISSUES

Rowan (Chair), Sypolt (Vice Chair), Zukoff (Minority Chair), Boggs (Minority Vice Chair), Dean, Forsht, Graves, Hanna, Haynes, J. Kelly, Kessinger, Linville, Lovejoy, Mandt, Martin, Paynter, Pethtel, Pinson, Queen, Rohrbach, Smith, Toney, Walker, Young

SMALL BUSINESS, ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT

Queen (Chair), Mandt (Vice Chair), Young (Minority Chair), Hornbuckle (Minority Vice Chair), Barach, Barnhart, Clark, Crouse, Ferrell, Garcia, Griffith, Hardy, Holstein, Horst, Keaton, Linville, Mallow, Martin, Miller, Pack, Phillips, Steele, Toney, Wamsley, Zukoff

TECHNOLOGY AND INFRASTRUCTURE

Linville (Chair), Maynard (Vice Chair), Thompson (Minority Chair), Garcia (Minority Vice Chair), Boggs, Booth. Capito, Criss, Espinosa, Evans, Fast, Gearheart, Hamrick, Hansen, Hardy, Howell, Keaton, Pritt, Reed, Riley, Rohrbach, Rowe, Statler, Storch, Tully

VETERANS' AFFAIRS AND HOMELAND SECURITY

Cooper (Chair, *Veterans' Affairs*), Jennings (Chair, *Homeland Security*), Toney (Vice Chair, *Veterans' Affairs*), Worrell (Vice Chair, *Homeland Security*), Fleischauer (Minority Chair, *Veterans' Affairs*), Pushkin (Minority Chair, *Homeland Security*), Griffith (Minority Vice Chair, *Veterans' Affairs*), Zukoff (Minority Vice Chair, *Homeland Security*), Boggs, Clark, Conley, Fluharty, Honaker, D. Jeffries, D. Kelly, J. Kelly, Kimble, Longanacre, Mazzocchi, Nestor, Reynolds, Rowan, Smith, Sypolt, Wamsley

WORKFORCE DEVELOPMENT

Zatezalo (Chair), Barnhart (Vice Chair), Fluharty (Minority Chair), Garcia (Minority Vice Chair), Barach, Bridges, Burkhammer, Conley, Dean, Diserio, Fast, Ferrell, Foster, Horst, Householder, D. Jeffries, Jennings, Kimble, Kimes, Mallow, Pushkin, Reynolds, Thompson, Wamsley, G. Ward

COMMITTEES OF THE SENATE

(As of October 7, 2021)

STANDING

AGRICULTURE AND RURAL DEVELOPMENT

Sypolt (Chair), Woodrum (Vice Chair), Baldwin, Beach, Geffert, Grady, Martin, Maynard, Roberts, Rucker, Smith

BANKING AND INSURANCE

Azinger (Chair), Clements (Vice Chair), Beach, Boley, Brown, Hamilton, Karnes, Nelson, Romano, Rucker, Swope, Weld, Woelfel

CONFIRMATIONS

Boley (Chair), Takubo (Vice Chair), Azinger, Baldwin, Plymale, Rucker, Stollings, Tarr, Weld

ECONOMIC DEVELOPMENT

Swope (Chair), Martin (Vice Chair), Azinger, Brown, Hamilton, Jeffries, Nelson, Roberts, Romano, Stollings, Stover, Tarr, Woelfel, Woodrum

EDUCATION

Rucker (Chair), Roberts (Vice Chair), Azinger, Beach, Boley, Clements, Geffert, Grady, Karnes, Plymale, Romano, Stollings, Tarr, Trump

ENERGY, INDUSTRY AND MINING

Smith (Chair), Phillips (Vice Chair), Boley, Brown, Caputo, Clements, Hamilton, Jeffries, Martin, Nelson, Romano, Swope, Sypolt

ENROLLED BILLS

Maynard (Chair), Roberts (Vice Chair), Lindsay, Tarr, Woelfel

FINANCE

Tarr (Chair), Sypolt (Vice Chair), Baldwin, Boley, Brown, Clements, Geffert, Hamilton, Jeffries, Maroney, Martin, Nelson, Plymale, Roberts, Stollings, Swope, Takubo

GOVERNMENT ORGANIZATION

Maynard (Chair), Swope (Vice Chair), Brown, Caputo, Jeffries, Lindsay, Maroney, Martin, Nelson, Smith, Stover, Sypolt, Woelfel, Woodrum

HEALTH AND HUMAN RESOURCES

Maroney (Chair), Grady (Vice Chair), Azinger, Geffert, Lindsay, Plymale, Roberts, Rucker, Stollings, Stover, Takubo, Weld, Woodrum

INTERSTATE COOPERATION

Woodrum (Chair), Stover (Vice Chair), Brown, Karnes, Maynard, Romano, Trump

JUDICIARY

Trump (Chair), Weld (Vice Chair), Azinger, Beach, Caputo, Grady, Karnes, Lindsay, Maynard, Phillips, Romano, Rucker, Smith, Stover, Takubo, Woelfel, Woodrum

MILITARY

Weld (Chair), Phillips (Vice Chair), Caputo, Grady, Hamilton, Lindsay, Maroney, Romano, Smith

NATURAL RESOURCES

Hamilton (Chair), Stover (Vice Chair), Beach, Grady, Jeffries, Phillips, Roberts, Rucker, Smith, Stollings, Sypolt, Woelfel, Woodrum

PENSIONS

Nelson (Chair), Clements (Vice Chair), Azinger, Karnes, Lindsay, Plymale, Trump

RULES

Blair (Chair), Takubo (Vice Chair), Azinger, Baldwin, Boley, Maroney, Plymale, Stollings, Tarr, Trump, Weld

TRANSPORTATION AND INFRASTRUCTURE

Clements (Chair), Swope (Vice Chair), Beach, Boley, Jeffries, Karnes, Maynard, Plymale, Roberts

WORKFORCE

Roberts (Chair), Nelson (Vice Chair), Caputo, Geffert, Jeffries, Maroney, Martin, Phillips, Smith, Tarr, Weld

SCHEDULE SHOWING LEGISLATIVE DAYS AND CALENDAR DAYS AND PAGES OF JOURNAL COVERING SAME

REGULAR SESSION, 2022

			Page
1st Day	Wednesday	January 12	37
2nd Day	Thursday	January 13	109
3rd Day	Friday	January 14	129
6th Day	Monday	January 17	137
7th Day	Tuesday	January 18	157
8th Day	Wednesday	January 19	209
9th Day	Thursday	January 20	227
10th Day	Friday	January 21	275
13th Day	Monday	January 24	311
14th Day	Tuesday	January 25	329
15th Day	Wednesday	January 26	361
16th Day	Thursday	January 27	379
17th Day	Friday	January 28	437
20th Day	Monday	January 31	459
21st Day	Tuesday	February 1	499
22nd Day	Wednesday	February 2	523
23rd Day	Thursday	February 3	557
27th Day	Monday	February 7	605
28th Day	Tuesday	February 8	639
29th Day	Wednesday	February 9	667
30th Day	Thursday	February 10	727
31st Day	Friday	February 11	777
34th Day	Monday	February 14	825
35th Day	Tuesday	February 15	853
36th Day	Wednesday	February 16	955
37th Day	Thursday	February 17	983
38th Day	Friday	February 18	1019
41st Day	Monday	February 21	1055
42nd Day	Tuesday	February 22	1103
43rd Day	Wednesday	February 23	1195
44th Day	Thursday	February 24	1241
45th Day	Friday	February 25	1297
48th Day	Monday	February 28	1357
49th Day	Tuesday	March 1	1387
50th Day	Wednesday	March 2	1433
51st Day	Thursday	March 3	1655
52nd Day	Friday	March 4	1727

53rd Day ..... Saturday..... March 5..... 1753
55th Day..... Monday ..... March 7..... 1781
56th Day..... Tuesday ..... March 8..... 1805
57th Day..... Wednesday ..... March 9..... 2125
58th Day..... Thursday..... March 10..... 2275
59th Day..... Friday ..... March 11..... 2513
60th Day..... Saturday..... March 12..... 2657

FIRST EXTRAORDINARY SESSION

1st Day ..... Monday ..... January 10..... 1
2nd Day..... Tuesday ..... January 11..... 21

SECOND EXTRAORDINARY SESSION

1st Day ..... Monday ..... April 25..... 3777
2nd Day..... Tuesday ..... April 26..... 3828

THIRD EXTRAORDINARY SESSION

1st Day ..... Monday ..... July 25 3835
2nd Day..... Tuesday ..... July 26 3845
3rd Day ..... Wednesday ..... July 27 3848
4th Day..... Thursday..... July 28 3860
5th Day..... Friday ..... July 29 3870
6th Day..... Tuesday ..... September 13 3956

FOURTH EXTRAORDINARY SESSION

1st Day ..... Monday ..... September 12 3997

West Virginia Legislature

Journal

of the

House of Delegates

Eighty-Fifth Legislature

First Extraordinary Session

Charleston, Monday, January 10, 2022

Pursuant to the Proclamation of His Excellency, the Governor, issued the eighth day of January, 2022, convening the Legislature in Extraordinary Session, the House of Delegates assembled in its Chamber in the Capitol Building in the City of Charleston at 11:00 a.m., and was called to order by the Speaker, the Honorable Roger Hanshaw.

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

The following communications were laid before the House of Delegates and read by the Clerk:

House of Delegates
West Virginia Legislature
1900 Kanawha Blvd., East
Charleston, WV 25305

Friday, November 5, 2021

The Honorable Roger Hanshaw
Speaker of the WV House of Delegates
Building 1, Room 228-M
1900 Kanawha Blvd. East
Charleston, WV 25305

Dear Mr. Speaker:

With this letter, and a lot of pride in things accomplished during my tenure, I hereby resign my position as a member of the West Virginia House of Delegates. It has been my honor, since my election in 2016, to serve as delegate to the 13th district. From day one my goal has been to make West Virginia a place where young adults can find jobs that affords them a change to stay in West Virginia and raise their families. While there is still more work to be done, I truly believe over the last six years West Virginia has made great progress toward that goal.

Please know my decision was not one made lightly but with much consideration for both those I represent as well as my personal future. Recent changes in my life have led me to a move out of my current delegate district and into Kanawha County in the very near future. Kanawha County has always been a special place to me that feels like home and a great place to start a family and raise children.

Thank you for the faith you showed in me during your tenure as Speaker including the appointment as Vice Chairman of House Education. I will always be thankful for the opportunities afforded me during my tenure in the WV House of Delegates.

With many blessings,

Delegate Joshua Higginbotham
WV House of Delegates
District 13, Putnam County

The communication was received and filed with the Clerk.

The following letter of appointment was then read by the Clerk:

State of West Virginia
Jim Justice
Governor of West Virginia

November 24, 2021

The Honorable Mac Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code § 3-10-5, I have this day appointed Kathie Hess Crouse, Buffalo, Putnam County, as a Delegate representing the Thirteenth District of the House of Delegates, to fill the vacancy created by the resignation of the Honorable Joshua Higginbotham.

Sincerely,

Jim Justice,
Governor.

The Clerk announced that Delegate Crouse had taken the oath of office on December 2, 2021.

House of Delegates
West Virginia Legislature
1900 Kanawha Blvd., East
Charleston, WV 25305

December 1, 2021

Via email: roger.hanshaw@wvhouse.gov

Roger Hanshaw
Speaker of The House of Delegates

Room 228M, Building 1
State Capitol Complex
Charleston, WV 25305

Re: Resignation of Barry L. Bruce, Delegate 42nd District

Dear Honorable Speaker Hanshaw,

It has been an honor and privilege of a lifetime to serve the 42nd District of Greenbrier, Summers, and Monroe Counties since being elected as their delegate in November 2020. Serving as a member of the Republican Super Majority has been a blessing, and I am excited about the progress out state is making on the economic, social, and judicial fronts that were the hallmarks of my campaign.

However, I am now facing health-related issues which will require surgical intervention(s) and a lengthy time of recovery, which will be during the upcoming 2022 legislative session. Thus, effective December 4, 2021, I resign my position as Delegate from the 42nd House District of West Virginia, to assure my constituents full representation for the coming legislative session. While I am saddened to leave office, I resign knowing my votes were made prayerfully and with the best interests of West Virginia and her people in mind. I am thankful that I heeded God's call to run for office and serve a state and region that has given so much to me. I will continue to work behind the scenes for a better tomorrow for the Greenbrier Valley, and I will support whomever is appointed as my successor in any way possible.

Thank you, Greenbrier, Summers, and Monroe Counties for allowing me to be your voice in ensuring that Mountaineers Are Always Free!

God Bless,

Delegate Barry L. Bruce

The communication was received and filed with the Clerk.

The following letter of appointment was then read by the Clerk:

State of West Virginia
Jim Justice
Governor of West Virginia

December 21, 2021

The Honorable Mac Warner
Secretary of State
State Capitol
Charleston, WV 25305

Dear Secretary Warner:

Pursuant to W. Va. Code § 3-10-5, I have this day appointed Michael Honaker, Lewisburg, Greenbrier County, as a Delegate representing the Forty-Second District of the House of Delegates, to fill the vacancy created by the resignation of the Honorable Barry Bruce.

Sincerely,

Jim Justice,
Governor.

The Clerk announced that Delegate Honaker had taken the oath of office on January 4, 2022.

Delegate Summers arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken **(Roll No. 1)**, and 93 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Brown, Capito, Fluharty, Graves, Nestor, Phillips and Williams.

Note: Delegate Williams arrived later in the morning session and Delegates Capito and Fluharty were present in the evening session.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in extraordinary session and was ready

to enter upon the business stated in the Proclamation by which it had been called together.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Storch, Toney and Boggs.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three, to join with a similar committee on the part of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Westfall, Martin and Lovejoy.

Messages from the Executive

A Proclamation of His Excellency, the Governor, convening the Legislature in extraordinary session, was laid before the House of Delegates and read by the Clerk as follows:

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at 11:00 AM on Monday, January 10, 2022, in its chambers in the State Capitol, the City of Charleston, for the limited purpose of considering and acting upon only the following matters:

FIRST: Legislation relating to and implementing a bill to provide certain tax incentives, based upon certain investment and employment thresholds, to promote development and expansion of new labor and capital intensive heavy industry in this State.

SECOND: To make supplementary appropriation out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2022, organization 0100, to allow for the reimbursement of eligible expenses for the first half of the current fiscal year by certain spending units, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

THIRD: To supplement and amend the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612; all of which spending units have eligible expenses for the first half of the current fiscal year that may be paid from other sources; and by increasing as a result items of appropriation of general revenue funds to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256,

fiscal year 2022, organization 0307 for the fiscal year ending June 30, 2022.

FOURTH: To supplement and amend the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612; all of which spending units will have eligible expenses for the second half of the current fiscal year that may be paid from other sources; and by increasing as a result items of appropriation of general revenue funds to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307 for the fiscal year ending June 30, 2022.

FIFTH: To expire funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022 from the balance of moneys remaining as an unappropriated balance in Federal Funds to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, organization 0100, and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022 to the

Department of Health and Human Resources, Division of Heath – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612; to allow for the funding of eligible expenses for the second half of the current fiscal year by certain spending units.

SIXTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

SEVENTH: To authorize and appropriate public funds sufficient to pay for this Extraordinary Session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Eighth day of January, in the Year of our Lord, Two Thousand Twenty-Two, and in the One Hundred Fifty-Ninth year of the State.

James Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State.

Messages from the Senate

A message from the Senate, by Senator Azinger, accompanied by Senators Martin and Caputo, announced that the Senate had assembled for the First Extraordinary Session of the 85th Legislature, and was ready to proceed to the business of the session.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

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

H. B. 101 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13LL-1, §11-13LL-2, §11-13LL-3, §11-13LL-4, §11-13LL-5, §11-13LL-6, §11-13LL-7, §11-13LL-8, §11-13LL-9, §11-13LL-10, §11-13LL-11, §11-13LL-12, §11-13LL-13, and §11-13LL-14, all relating to establishment of the West Virginia Industrial Advancement Act, specifying short title, setting forth legislative findings and purpose, specifying definitions, specifying Department of Economic Development certification of qualified labor intensive heavy industrial manufacturing projects, specifying

conditions for certification, specifying filing of application with Tax Commissioner, authorizing qualified labor intensive heavy industrial manufacturing project tax credit, specifying calculation and application of tax credit, specifying transfer of credit to successors in business and retention of credit pursuant to change in form of doing business, specifying record keeping and property identification requirements, authorizing promulgation of rules, specifying application of West Virginia Tax Procedure and Administration Act and Tax Crimes and Penalties Act, specifying effective date, retrospective to January 1, 2022, authorizing consumers sales and service tax and use tax exemption for qualified labor intensive heavy industrial manufacturing project certificate holders and construction contractors, and providing for the prohibition of certain taxes and fees"; to the Committee on Finance.

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

H. B. 102 - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 103 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and

Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612, and by increasing items of appropriation to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307 for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 104 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612, and by increasing items of appropriation to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year

2022, organization 0307 for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 105 - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022 in the amount of $157,500,000 from the balance of moneys remaining as an unappropriated balance in Federal Funds to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, organization 0100, and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022 to the Department of Health and Human Resources, Division of Heath – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612"; to the Committee on Finance.

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

H. B. 106 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of

the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

At 11:26 a.m., on motion of Delegate Summers, the House of Delegates recessed until 6:00 p.m.

* * * * * * *

Evening Session

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

Messages from the Senate

A message from the Senate, by

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

S. B. 1001 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13LL-1, §11-13LL-2, §11-13LL-3, §11-13LL-4, §11-13LL-5, §11-13LL-6, §11-13LL-7, §11-13LL-8, §11-13LL-9, §11-13LL-10, §11-13LL-11, §11-13LL-12, §11-13LL-13, and §11-13LL-14, all relating to establishment of the West Virginia Industrial Advancement Act; specifying short title; setting forth legislative findings and purpose; specifying definitions; specifying Department of Economic Development certification of qualified labor intensive heavy industrial manufacturing projects; specifying conditions for certification; specifying filing of application with Tax Commissioner; authorizing qualified labor intensive heavy industrial manufacturing project tax credit; specifying calculation and application of tax credit; specifying transfer of credit to successors in business and retention of credit pursuant to change in form of doing business; specifying recordkeeping and property identification requirements; authorizing promulgation of rules; specifying application of West Virginia Tax Procedure and

Administration Act and Tax Crimes and Penalties Act; specifying effective date, retrospective to January 1, 2022; authorizing consumers sales and service tax and use tax exemption for qualified labor intensive heavy industrial manufacturing project certificate holders and construction contractors; and providing for the prohibition of certain taxes and fees."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1001) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 1002 - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1002) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 1003 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization

0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612, and by increasing items of appropriation to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, for the fiscal year ending June 30, 2022."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1003) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 1004 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and

Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612, and by increasing items of appropriation to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, for the fiscal year ending June 30, 2022."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1004) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 1005 - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of $157,500,000 from the balance of moneys remaining as an unappropriated balance in Federal Funds to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, organization 0100, and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022 to the Department of Health and Human Resources, Division of Heath – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation –

Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1005) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 1006 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1006) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 101, Relating to establishment of the West Virginia Industrial Advancement Act,

H. B. 102, Making supplemental appropriation of federal funds to the Governor's Office, Coronavirus State Fiscal Recovery Fund,

H. B. 103, Making supplemental appropriations to various agencies,

And,

H. B. 106, Supplementing and amending the appropriations to the Department of Economic Development Office of the Secretary,

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

At the respective requests of Delegate Summers, and by unanimous consent, each bill reported from the Committee on Finance (H. B. 101, H. B. 102, H. B. 103 and H. B. 106) was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Finance has had under consideration:

H. B. 104, Making supplemental appropriations to agencies,

And,

H. B. 105, Making supplemental appropriations to Governor's office and other agencies,

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

At the respective requests of Delegate Summers, and by unanimous consent, each bill reported from the Committee on

Finance (H. B. 104 and H. B. 105) was taken up for immediate consideration, read a first time and ordered to second reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Brown, Graves and Phillips.

At 6:19 p.m., Monday, January 10, 2022, the House of Delegates adjourned until 9:00 a.m., Tuesday, January 11, 2022.

Tuesday, January 11, 2022

SECOND DAY

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

The House of Delegates met at 9:00 a.m., and 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 Monday, January 10, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Messages from the Executive

The following communication from His Excellency, the Governor, was reported by the Clerk:

State of West Virginia
Office of the Governor
1900 Kanawha Blvd., East
Charleston, WV 25305

January 11, 2022

HOUSE EXECUTIVE MESSAGE NO. 1
2022 1st EXTRAORDINARY SESSION
The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
Building 1, Room M-228
1900 Kanawha Boulevard, East

Charleston, West Virginia 25305

Dear Speaker Hanshaw:

The following is the "FY 2022 Official Estimate General Revenue – Statement of Revenues by Source" which I submitted as revised to you on June 24, 2021 for the fiscal year ending June 30, 2022:

General Revenue Fund

Statement of Revenues by Source

(Expressed in Thousands)

Source of Revenue		FY 2022 Official Estimate
Business and Occupation Tax	$	111,000
Consumers Sales and Use Tax		1,473,800
Personal Income Tax		2,041,300
Liquor Profit Transfers		25,000
Beer Tax and Licenses		7,550
Tobacco Products Tax (Cigarette & Other)		164,600
Business Franchise Fees		700
Property Transfer Tax		13,400
Property Tax		7,600
Insurance Tax		126,600
Departmental Collections		23,700
Corporate Income/Business Franchise Tax		160,300
Miscellaneous Transfers		2,000
Interest Income		5,500
Severance Tax		319,700
Miscellaneous Receipts		11,000
HB102 - Lottery Transfers		65,000
Special Revenue Transfer		766
Senior Citizen Tax Credit Reimbursement		10,000
Total	$	4,569,616

The following is the "General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance" which I submitted as revised to you on June 24, 2021 for the fiscal year ending June 30, 2022:

General Revenue Fund

Statement of Revenues, Expenditures,

and Changes in Cash Balance

(Nearest Dollar)

Actual Beginning Cash Balance July 1, 2021	$ 679,107,496
Less: 31 Day Disbursements (July 1, 2021 - July 31, 2021)	(44,064,733)
Plus:Prior Year Reimbursements (July 1, 2021 - July 31, 2021)	17,588
Less: Prior Year Appropriations Forwarded	(604,045,150)
Less: Cash Balance - Adjustments and Accruals	212,369
Accumulated Surplus from FY 2021 @ July 31, 2021	$ 30,802,833
Less: Transfer to Revenue Shortfall Reserve Fund (Statutory)	(15,401,416)
Unappropriated Surplus Balance @ August 01, 2021	**$15,401,416**
Plus: FY 2022 Supplemental Appropriation (SB 3003) FY 2022 Surplus Supplemental Appropriation Expiration of Special Revenue to Unappropriated Surplus Balance of General Revenue (Attorney General)	$ 2,000,000
Less: FY 2022 Supplemental Appropriation (SB 3019) FY 2022 Surplus Supplemental Appropriation General Revenue Appropriation from the Unappropriated Surplus Balance of General Revenue (Civil Contingent Fund)	(2,000,000)
Plus: FY 2022 Recommended Supplemental Appropriation - Expiration from Federal Funds to Unappropriated Surplus Balance	157,500,000
Less: FY 2022 Recommended Supplemental Appropriation – FY 2022 Surplus	

Supplemental Appropriation to various agencies	(157,500,000)
Plus: Prior Year Reimbursements and Adjustments (August 1, 2021 – December 31, 2021)	120,479
Unappropriated Surplus Balance @ January 11, 2022	**$ 15,521,895**
Plus: FY 2022 Revenue Estimate	$4,569,616,000
Less: FY 2022 Appropriations (FY 2022 Budget Bill) (2021 Regular Session)	(4,495,032,115)
Less: FY 2022 Supplemental Appropriation to Department of Economic Development (SB 3040) (Broadband)	(10,000,000)
Less: FY 2022 Supplemental Appropriation to Department of Homeland Security (SB 3036) (VOCA)	(4,000,000)
Less: FY 2022 Supplemental Appropriation to Department of Administration (SB 3020) (Division of Personnel)	(500,000)
Less: FY 2022 Supplemental Appropriation to Department of Education (SB 3018) (Charter Schools)	(250,000)
Less: FY 2022 Supplemental Appropriation to Department of Economic Development (SB 3017) (Global Partnerships)	(150,000)
Less: FY 2022 Supplemental Appropriation to Department of Arts, Culture and History (SB 3016)	(72,900)
Less: FY 2022 Supplemental Appropriation to Transportation (SB 3023)	(30,000)
Less: FY 2022 Recommended Supplemental Appropriation to Department of Economic Development	(15,000,000)
Total Estimated Unappropriated Balance @ June 30, 2022	**$44,580,985**
Total Estimated Unappropriated Balance @ June 30, 2022	**$60,102,880**

Thank you for your cooperation in this matter.

Sincerely,

Jim Justice
Governor

Special Calendar

Second Reading

S. B. 1001, West Virginia Industrial Advancement Act; on second reading, coming up in regular order, was read a second time.

An amendment, offered by Delegates Rowe and Pushkin, was reported by the Clerk.

Whereupon,

Delegate Rowe asked and obtained unanimous consent that the amendment, and three other amendments submitted by the Delegate, be withdrawn.

The bill was then ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken **(Roll No. 2)**, and there were—yeas 79, nays 25, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle and Phillips.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 3)**, and there were—yeas 91, nays 2, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle, Phillips and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 1001) passed.

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

On this question, the yeas and nays were taken **(Roll No. 4)**, and there were—yeas 88, nays 3, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Conley, Ellington, Fluharty, Graves, Hornbuckle, Phillips, Williams and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1001) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

S. B. 1002, Making supplemental appropriation of federal funds to Governor's Office, Coronavirus State Fiscal Recovery Fund; on second reading, coming up in regular order, was read a second time.

An amendment to the bill, offered by Delegates Doyle, Hansen and Barach was reported by the Clerk.

Whereupon,

Delegate Doyle asked and obtained unanimous consent that the amendment be withdrawn.

The bill was then ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken **(Roll No. 5)**, and there were—yeas 78, nays 12, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Diserio, Doyle, Fleischauer, Hansen, J. Jeffries, Kimble, Longanacre, McGeehan, Pritt, Pushkin, Thompson and Walker.

Absent and Not Voting: Brown, Conley, Ellington, Fluharty, Graves, Hornbuckle, Kessinger, Mallow, Phillips and Worrell.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken **(Roll No. 6)**, and there were—yeas 90, nays 2, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Kimble and Pritt.

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1002) passed.

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

On this question, the yeas and nays were taken **(Roll No. 7)**, and there were—yeas 90, nays 2, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Kimble and Pritt.

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1002) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

S. B. 1003, Decreasing and increasing existing appropriations from State Fund, General Revenue; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken **(Roll No. 8)**, and there were—yeas 80, nays 11, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Doyle, Fleischauer, Hansen, J. Jeffries, Kimble, Longanacre, McGeehan, Pritt, Pushkin, Thompson and Walker.

Absent and Not Voting: Brown, Conley, Ellington, Garcia, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken **(Roll No. 9)**, and there were—yeas 88, nays 3, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries, Kimble and Pritt.

Absent and Not Voting: Brown, Conley, Ellington, Garcia, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1003) passed.

Delegate Summers 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 89, nays 3, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries, Kimble and Pritt.

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1003) 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. 1004, Decreasing items of appropriation from State Fund, General Revenue; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Householder, the bill was amended on page three, line seven, following the number 33500, by striking out the number "$57,676,000" and inserting in lieu thereof the number "$55,136,000".

The bill was then ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken **(Roll No. 11)**, and there were—yeas 81, nays 11, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Doyle, Fleischauer, Hansen, J. Jeffries, Kimble, Longanacre, Pritt, Pushkin, Thompson, Walker and Young.

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken **(Roll No. 12)**, and there were—yeas 86, nays 6, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries, Kimble, Longanacre, Paynter, Pritt and Thompson.

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1004) passed.

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

On this question, the yeas and nays were taken **(Roll No. 13)**, and there were—yeas 88, nays 4, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries, Kimble, Longanacre and Pritt.

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1004) 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. 1005, Expiring funds and supplementing appropriations to various state agencies; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Householder, the bill was amended on page three, line seven, following the number 63200, by striking out the number "$57,676,000" and inserting in lieu thereof the number "$55,136,000".

The bill was then ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken **(Roll No. 14)**, and there were—yeas 84, nays 8, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Doyle, Hansen, Kimble, Longanacre, McGeehan, Pritt, Thompson and Walker.

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken **(Roll No. 15)**, and there were—yeas 88, nays 4, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Kimble, McGeehan, Paynter and Pritt.

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1005) passed.

Delegate Summers 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 90, nays 2, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Kimble and Pritt.

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1005) 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. 1006, Supplementing and amending appropriations to Department of Economic Development, Office of Secretary; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken **(Roll No. 17)**, and there were—yeas 80, nays 12, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Doyle, Fleischauer, Gearheart, Hansen, J. Jeffries, Kimble, Longanacre, McGeehan, Pritt, Pushkin, Thompson and Walker.

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken **(Roll No. 18)**, and there were—yeas 83, nays 9, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Bates, Gearheart, J. Jeffries, Kimble, Longanacre, McGeehan, Paynter, Pritt and Smith.

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1006) passed.

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

On this question, the yeas and nays were taken **(Roll No. 19)**, and there were—yeas 86, nays 6, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Gearheart, Horst, J. Jeffries, Kimble, McGeehan and Pritt.

Absent and Not Voting: Brown, Conley, Ellington, Graves, Hornbuckle, Kessinger, Phillips and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1006) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

H. B. 101, Relating to establishment of the West Virginia Industrial Advancement Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 102, Making supplemental appropriation of federal funds to the Governor's Office, Coronavirus State Fiscal Recovery Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

At 11:26 a.m., on motion of Delegate Summers, the House of Delegates recessed until 4:00 p.m.

* * * * * * *

Afternoon Session

* * * * * * *

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

Messages from the Senate

A message from the Senate, by

Senator Hamilton, accompanied by Senators Azinger and Caputo, announced that the Senate had completed its work for the First Extraordinary Session, 2022, and was ready to adjourn *sine die.*

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

S. B. 1004, Decreasing items of appropriation from State Fund, General Revenue.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

S. B. 1005, Expiring funds and supplementing appropriations to various state agencies.

Miscellaneous Business

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had completed the business of the First Extraordinary Session, 2022 and was ready to adjourn *sine die.*

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates Storch, Toney and Pethtel.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the legislature was ready to adjourn *sine die.*

The Speaker appointed as members of such committee the following:

Delegates Martin, D. Jeffries and Lovejoy.

Committee Reports

In accordance with House Rule 68, Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, filed the following reports with the Clerk:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 12th day of January, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 1001, West Virginia Industrial Advancement Act,

S. B. 1002, Making supplemental appropriation of federal funds to Governor's Office, Coronavirus State Fiscal Recovery Fund,

S. B. 1003, Decreasing and increasing existing appropriations from State Fund, General Revenue,

S. B. 1004, Decreasing items of appropriation from State Fund, General Revenue,

S. B. 1005, Expiring funds and supplementing appropriations to various state agencies,

And,

S. B. 1006, Supplementing and amending appropriations to Department of Economic Development, Office of Secretary.

Subsequent to the adjournment of the session, a communication was received from His Excellency, the Governor, advising that on January 12, 2022, he approved **S. B. 1001, S. B. 1002, S. B. 1003, S. B. 1004, S. B. 1005** and **S. B. 1006.**

There being no further business to come before the House, at 4:12 p.m., on motion of Delegate Summers, the House of Delegates adjourned *sine die.*

We hereby certify that the forgoing record of the proceedings of the House of Delegates, First Extraordinary Session, 2022, is the Official Journal of the House of Delegates for said session.

_____

Roger Hanshaw
Speaker of the House of Delegates

_____

Stephen J. Harrison
Clerk of the House of Delegates

West Virginia Legislature

Journal

of the

House of Delegates

Eighty-Fifth Legislature

Second Regular Session

Charleston, Wednesday, January 12, 2022

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

This being the day fixed by Section 18, Article VI of the Constitution of the State of West Virginia for the annual assembly of the Legislature, the Members of the House of Delegates met in their Chamber in the Capitol Building in the City of Charleston, at 12:00 noon and were called to order for the Second Regular Session of the Eighty-Fifth Legislature by the Speaker, the Honorable Roger Hanshaw.

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

Delegate Summers arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken **(Roll No. 20)**, and 98 Delegates having answered to their names, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Graves and Phillips.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled for the Second Regular Session of the 85th Legislature, as provided by Section 18, Article VI of the Constitution of the State, with a quorum present, and was ready to proceed to the business of the session.

Whereupon,

The Speaker appointed as members of such committee the following:

Delegates Queen, Storch and Boggs.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to join with a similar committee of the Senate to inform His Excellency, the Governor, that the Legislature had assembled in Regular Session as provided by Section 18, Article VI of the Constitution of the State, with a quorum of each house present, was ready to enter into the business of the session and to convey to him that it would be pleased to receive any communication he may desire to present.

Whereupon,

The Speaker appointed as members of such committee the following:

Delegates Pack, Tully and Lovejoy.

Messages from the Senate

A message from the Senate, by
Senator Nelson, accompanied by Senators Phillips and Beach, announced that the Senate had assembled for the Second Regular Session of the 85th Legislature, and was ready to proceed to the business of the session.

Resolutions

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk:

H. R. 1 - "Authorizing the appointment of employees for this, the Second Regular Session of the Eighty-fifth Legislature, Two Thousand Twenty-two."

Resolved by the House of Delegates:

That the Speaker of the House of Delegates be, and he is hereby, authorized to appoint employees to perform technical, clerical, stenographic, custodial and other services for this session of the Legislature to receive the per diems and salaries as herein provided, as follows:

(1) For per diem employees, the following rates:

Nine Legislative Assistants at $90.00 - $115.00

Three Committee Clerks at $90.00 - $125.00

Four Committee Assistant Clerks at $85.00 - $95.00

One Analysts at $250.00

Five Attorneys at $200.00 - $410.00

Two Legal Analyst at $200.00 - $250.00

One Doorkeeper at $155.00

Five Assistant Doorkeepers at $90.00

One Assistant Doorkeeper at $100.00

One Sergeant-at-Arms at $155.00

Two Assistant Sergeant-at Arms at $90

One House Clerk Assistant at $95.00

One Head Page at $125.00

One Assistant Head Page at $100.00

(2) For salaried full-time employees, the following employees at the following rates, in addition to and exclusive of any experience increment or pay in lieu of an experience increment as may be payable under Section 2, Article 5, Chapter 5 of the Code of West Virginia of 1931, as amended:

One Chief Clerk at ninety-four thousand five hundred thirty dollars per year;

One Senior Assistant Clerk/Parliamentarian at sixty-eight thousand five hundred sixty dollars per year;

One Assistant Clerk/Bills at fifty thousand dollars per year;

One Assistant Clerk/Journal fifty thousand dollars per year;

One Operations Clerk at forty-eight thousand five hundred forty dollars per year;

One Administrative Clerk at forty-eight thousand five hundred forty dollars per year;

One Communications Director to the House at seventy-three thousand five hundred dollars per year;

One Chief of Staff at seventy-five thousand dollars per year;

One Counsel to the Speaker at one hundred twenty-one thousand five hundred twenty-nine dollars per year;

One Assistant to the Speaker at seventy-eight thousand dollars per year;

One Director of Supplies at forty-seven thousand thirty dollars per year;

One Maintenance Staff at forty-one thousand four hundred forty-three dollars per year;

One Maintenance Staff at twenty-nine thousand six hundred thirty-eight dollars per year;

One Maintenance Staff at twenty-eight thousand five hundred sixty-five dollars per year;

One Chief Counsel to the Committee on the Judiciary at ninety-four thousand dollars per year;

One Counsel to the Committee on the Judiciary at ninety-three thousand three hundred seventy dollars per year;

One Legislative Analyst to the Committee on the Judiciary at fifty-five thousand three hundred seventy dollars per year;

One Administrative Assistant to the Committee on the Judiciary at forty-seven thousand five hundred dollars per year;

One Chief Counsel to the Committee on Education at eighty-six thousand five hundred thirty dollars per year;

One Legislative Assistant to the Committee on Education at forty-eight thousand dollars per year;

One Analyst to the Committee on Education at forty-eight thousand five hundred thirty dollars per year;

One Chief Counsel to the Committee on Finance at one hundred nine thousand four hundred thirty dollars per year;

Two Budget Analysts to the Committee on Finance at forty thousand dollars per year;

One Research Analyst to the Committee on Finance at fifty-four thousand three hundred seventy dollars per year;

One Chief Counsel to the Committee on Government Organization at eighty-five thousand dollars per year;

One Administrative Assistant to the Committee on Government Organization at forty-five thousand dollars per year;

One Legislative Analyst to the Committee on Government Organization at forty thousand dollars per year;

One Chief Counsel to the Committee on Health and Human Resources at eighty-eight thousand eight hundred seventy dollars per year;

One Administrative Assistant to the Committee on Health and Human Resources at forty-five thousand dollars per year;

One analyst to the Committee on Health and Human Resources at forty-three thousand dollars per year;

One Analyst to the Subject Matter Committees at forty-five thousand and thirty dollars per year;

One Chief Counsel to the Subject Matter Committees at ninety-one thousand dollars per year;

One Counsel to the Subject Matter Committees at eighty thousand dollars per year;

One Chief Counsel to the Energy and Manufacturing Committee at eighty-five thousand three hundred seventy dollars per year;

One Clerk to the Energy and Manufacturing Committee at forty-eight thousand dollars per year;

And,

One Analyst to the Minority Leader at fifty-one thousand five hundred forty-two dollars per year;

The Speaker is authorized to appoint or assign additional or present employees and to determine the rate of compensation therefor as he may deem necessary to expedite the work of the House of Delegates; and, be it

Further Resolved, That, in accordance with Chapter 4, Article 2A of the code, the Clerk of the House is hereby authorized to draw

his requisitions upon the Auditor for travel expenses and compensation of members of the House of Delegates; and, be it

Further Resolved, That all appointments made under authority of the foregoing provisions of this resolution shall be certified to the Auditor and Treasurer by the Clerk of the House, and the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor in favor of the persons so appointed and the Auditor shall honor and pay such requisitions when presented and charge same to the "per diem of officers and employees" fund or "contingent" fund of the House of Delegates. The Clerk shall draw his requisitions in favor of employees for consecutive days or months from the date of their employment at the per diem or salary herein set out until such time as their services shall cease. The Speaker may remove any employee and appoint another in his or her place, and he shall require each of said employees to perform such duties as shall be assigned him or her, and he is hereby given authority to dispense with the services of any employee or employees for any such time or number of days as their services shall not be needed during the session, and they shall not be paid for such time, nor shall other persons be appointed into their places for any such time as they may be suspended when not needed; and, be it

Further Resolved, That the Speaker is hereby authorized to assign employees to such positions and duties as he may deem proper to secure the most efficient and expeditious work during the Session of the Legislature; and, be it

Further Resolved, That no person appointed under authority of this resolution and receiving pay hereunder shall concurrently receive compensation from any other department or agency of state government and no person who availed himself or herself of early retirement under the provisions of Senate Bill 10, First Extraordinary Session, 1988, may be appointed under the provisions of this resolution. Notwithstanding designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties, as may be deemed proper to serve the most efficient and expeditious work; and, be it

Further Resolved, That following the session, the Speaker is authorized until superseded by subsequent House Resolution, to remove or appoint any employee of the House, and establish such duties and compensation as is deemed appropriate for each employee; and, be it

Further Resolved, That any and all provisions of House Rule 9 in conflict with this resolution are hereby suspended.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk:

H. R. 2 - "Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates."

Resolved by the House of Delegates:

That under authority of section thirteen, article one, chapter four of the Code of West Virginia, the Clerk of the House of Delegates is hereby authorized to have printed not to exceed 150 copies of the Acts of the 2022 regular session of the Legislature, bound in buckram, and to include therein the Acts of any extraordinary session which may not have been printed.

The Clerk of the House of Delegates is also authorized to publish not to exceed 150 copies of the Journal of the House of Delegates for the first and second regular sessions of the 85th Legislature and to include therein the unpublished Journals of any extraordinary sessions. In addition, there shall be printed twelve official copies of any Journal published, properly bound and designated. A copy of the Journal and a copy of said Acts shall be furnished to each member of the Legislature, upon request of each such member. The Clerk shall retain sufficient copies of the buckram bound Acts to supply legislative offices and the remaining copies shall be retained by the Clerk, for sale by his department.

The Clerk of the House shall provide copies of said Acts for distribution as provided by section six, article eight, chapter fifty-one of the code insofar as such distribution is practicable.

Copies of the Acts of the Legislature or Journals of the House of Delegates may be provided in electronic format if requested or if demand exceeds the number of available printed volumes.

For the work required in indexing, printing and distributing said Acts and in the publication of said Journal of the House of Delegates and for completing other work of the session, the Speaker is hereby authorized to appoint such persons as he may deem necessary to perform technical, clerical, stenographic, custodial and other services required by the House of Delegates.

The Speaker shall certify a list of persons entitled to compensation under authority of this resolution to the Clerk of the House of Delegates, and the Clerk shall draw his requisition in favor of such persons at per diems or at monthly salaries, which shall be paid from the Per Diem of Officers and Employees Fund or the Contingent Fund of the House of Delegates.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk:

H. R. 3 – "Creating a Select Committee on Jails and Prisons."

Whereas, The task of safely incarcerating the State's over 10,000 inmates and providing a safe working environment for the men and women employed in the State's correctional facilities is a matter of utmost importance to the public safety and often requires legislative action; and

Whereas, The costs involved in properly securing the increasing population of the State's jails and prisons, including maintenance of facilities, medical care for inmates, and per diem

charges to the various counties, are matters which may be resolved, balancing the best interest of public safety and increased efficiencies, through oversight of the Legislature and a Select Committee; and

Whereas, The public safety and interest is enhanced through appropriate legislative action considering the issue of programming in the State's correctional facilities which would examine reasonable methods to ensure the successful transition and reentry of incarcerated persons from confinement into a post-carceral setting such that those persons may become productive members of society; and

Whereas, The State continues to seek methods which would address issues of filling critical vacancies in the State's correctional facilities, which would ensure uninterrupted service to law enforcement and the Courts of this State, and this issue can, and has, been addressed through appropriate legislative action; therefore, be it

Resolved by the House of Delegates:

That for the remainder of the 85th Legislature, there is hereby created a Select Committee on Jails and Prisons, consisting of not more than eleven members of the House of Delegates, to be appointed by the Speaker. Notwithstanding the provisions of any House rule to the contrary, the Select Committee hereby created shall receive testimony, consider legislation, and recommend action to the Speaker of the House regarding all issues relating to corrections in the State of West Virginia; and, be it

Further Resolved, That the rules of the House governing Standing Committees shall govern the actions and proceedings of this Select Committee insofar as applicable.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 3) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk:

H. R. 4 - "Amending House Rule 138, relating to news correspondents and reporters."

Resolved by the House of Delegates:

That House Rule 138 be amended to read as follows:

"**News Correspondents and Reporters**

(a) Any person accorded the privilege of the press gallery or press table must be a professional journalist employed at a recognized media outlet, or of a recognized press association, who is not engaged in any department of state government, or in any other business, including lobbying or advocacy for or against any matter pending before the Legislature Seating or access to the designated press tables, galleries or seating areas shall be on a first come first served basis or on any such rotation agreed upon among members of the press.

(b) All applications for admission to the press gallery or press table must be made to the Speaker or any such representative he or she may appoint. Such applications shall state the name and location of the media organization and be signed by the applicant Temporary one-day passes for admittance may be granted by the Speaker or his or her designee as needed. The Speaker or the representative he or she appoints shall reserve the right to refuse the issuance of or to revoke media credentials at his or her discretion, in accordance with the published guidelines for media.

(c) The Speaker or his or her designee(s) shall verify statements made in such application, and if the application is approved, they shall issue a correspondent's card.

(d) The correspondents shall not visit the members in their seats during the session of the House, and shall abide by such rules and regulations as may be adopted by the House or any of its committees. Failure or refusal to abide by such rules may result in revocation of press credentials.

(e) The card issued by the Speaker must be presented when required by any Sergeant-at-Arms, Doorkeeper or other employee of the House. It shall not be transferable. The transfer or loan of such card to anyone shall be followed by its cancellation and the withdrawal of all its privileges from the correspondent so offending.

(f) The gallery, press tables or seating areas allotted to journalists shall be designated by the Speaker or chair of the committee using the Chamber or committee rooms. These areas will be reserved for the exclusive use of the press, and persons not holding correspondents' cards shall not be entitled to admission thereto. (HR1, Reg. Sess., 2021; HR4, Reg. Sess., 2022)

Effect of the 2021 amendment. Made numerous updates to the rule.

Effect of the 2022 amendment. Added the last sentence in paragraph (b).

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 4) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegate Holstein offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 1 - "Requesting the Division of Highways name bridge number 03-001/00-008.66 (03A004), locally known as Falling Rock Br 8.66, carrying CR 1 over Falling Rock Creek in Boone County, the 'Alex Perdue Memorial Bridge'."

Whereas, Alex Perdue was born June 2, 2005, in Ashford, West Virginia, to Dema and Ben Perdue; and

Whereas, Alex Perdue attended Ashford Rumble Elementary School, in Ashford, West Virginia, and Sherman Jr. High School in Seth, West Virginia; and

Whereas, Alex was known for his love of hunting and sports; Alex was always happy to help anyone with anything and did so with a smile and a happy heart; and

Whereas, Alex Perdue was fatally wounded in an ATV accident at the young age of 14, leaving behind family, friends, and a community who adored him; and

Whereas, Alex Perdue, died on Saturday, January 11, 2020, and his outgoing personality and kindness has been greatly missed by the community; and

Whereas, It is fitting that an enduring memorial be established to commemorate the life of Alex Perdue and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 03-001/00-008.66 () (03A004), locally known as Falling Rock Br 8.66, carrying CR 1 over Falling Rock Creek in Boone County, the "Alex Perdue Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Alex Perdue Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates B. Ward, Howell, Horst, Zatezalo, Tully, Maynor, Hanna, Bridges, Hamrick, Holstein and Jennings offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 2 - "Requesting the Division of Highways name bridge number 36-001/00-000.95 (36A041), (38.78702, -79.26673), locally known as the Kline Road Bridge, carrying CR 11 over the South Branch of the Potomac River, in Pendleton County, the 'U. S. Air Force Major Joseph Edward Sites, Jr. Memorial Bridge'."

Whereas, Joseph Edward Sites. Jr. was born on August 9, 1924, in Upper Tract, Pendleton County, West Virginia, and was the son of Joseph Edward Sites, Sr. and Olivia Stearn Sites; and

Whereas, Joseph Edward Sites. Jr. grew up in Upper Tract, and graduated from Franklin High School in 1941; upon graduation, he and his brother, James Sites, attended Potomac State College before enlisting in the U.S. Army Air Corps where he received flight training as a fighter pilot just as World War II was ending; and

Whereas, After World War II, U. S. Air Force Major Joseph Edward Sites, Jr. briefly returned home and married Naomi Berg and later returned to service in the U.S. Air Force; and

Whereas, U. S. Air Force Major Joseph Edward Sites, Jr., during his illustrious military career, flew several military aircraft, one of the most notable being the Corvair F-106A Delta Dart, a supersonic, lethal all weather delta wing interceptor aircraft of the United States Air Force, from the 1960's through 1988, a fast and sophisticated aircraft used during the Cold War years; and

Whereas, U. S. Air Force Major Joseph Edward Sites, Jr. retired as a highly decorated fighter pilot, becoming one of the very few fighter pilots to have served during World War II, the Korean War and the Vietnam War; and

Whereas, U. S. Air Force Major Joseph Edward Sites, Jr. flew over 300 missions in Vietnam alone and received the Distinguished Flying Cross with one Oak Leaf Cluster, two Bronze Stars and ten Air Metals; and

Whereas, The Citation accompanying the Distinguished Flying Cross with one Oak Cluster awarded U. S. Air Force Major Joseph Edward Sites, Jr., states: "Major Joseph E. Sites, Jr. distinguished himself by extraordinary achievement while participating in aerial flight as an F-100 Pilot near Saigon, Republic of Vietnam on 27 December 1967. On that date, Major Sites flew his aircraft under conditions of adverse weather in the face of intense hostile ground fire in support of elements of the United Stated Army in heavy

combat. With determination and great skill, Major Sites flew his aircraft on repeated attacks on the hostile position, drawing hostile fire. With complete disregard for his own personal safety, Major Sites neutralized hostile forces thereby relieving the pressure of friendly units. The professional competence, aerial skill, and devotion to duty displayed by Major Sites reflect great credit upon himself and the United States Air Force"; and;

Whereas, U. S. Air Force Major Joseph Edward Sites, Jr., upon retiring from the U.S. Air Force, became the owner and operator of Sites Oil Company in Petersburg and served his community as a member of the Petersburg Presbyterian Church, the VFW Post #6454, the American Legion Post #78 in Petersburg and the Potomac Highlands Wounded Warrior Outreach program; and

Whereas, U. S. Air Force Major Joseph Edward Sites, Jr. passed away on October 27, 2013; he was preceded in death by his wife of almost 60 years, Naomi Sites, on March 24, 2010, and is survived by his only daughter, Diana K. Sites, of Petersburg; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Air Force Major Joseph Edward Sites, Jr. and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 36-001/00-000.95 () (36A041), (38.78702, -79.26673), locally known as the Kline Road Bridge, carrying CR 11 over the South Branch of the Potomac River, in Pendleton County, the "U. S. Air Force Major Joseph Edward Sites, Jr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Air Force Major Joseph Edward Sites, Jr. Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Criss offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 3 - "Requesting the Division of Highways name bridge number 54-047/00-009.61 (54A098), originally known as Kites Run Bridge (CSWB), carrying WV 96 over Walker Creek in Wood County, the 'U.S. Army SSG. William Codar States Memorial Bridge.'"

Whereas, William Codar States was born in Parkersburg, West Virginia, on January 27, 1948, to Denzil and Marie (Freed) States and the family lived in the nearby community of Leachtown along the Little Kanawha River. William, known to all as "Bill," attended Wood County schools; and

Whereas, Bill States graduated from Parkersburg High School in 1966, and worked for a while as a lineman for the telephone company; and

Whereas, Bill States was drafted into the United States Army for service in the Vietnam War and he underwent advanced training in the Non-Commissioned Officers School at Fort Benning, Georgia, in 1968, earning the rank of Sergeant (E-5); and

Whereas, Sargent Bill States began his tour of duty in Vietnam on July 16, 1968 in Light Weapons Infantry, attached to the 82nd Airborne Division, 1st Battalion, 505th Infantry, B Company. During his service, he was repeatedly decorated for his skills and conduct; and

Whereas, During hostile action on April 20, 1969, in Hua Nghia Province in South Vietnam, Sargent Bill States was killed by a fragmentation explosive device; and

Whereas, William (Bill) Codar States was posthumously promoted to the rank of Staff Sergeant (E-6) and, among his many honors, he received the Bronze Star, the Purple Heart, Army Commendation Medal, and the Vietnam Gallantry Cross; and

Whereas, It is fitting that an enduring memorial be established to commemorate Staff Sergeant William Codar States and his service to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 54-047/00-009.61 () (54A098), originally known as Kites Run Bridge (CSWB), carrying WV 96 over Walker Creek in Wood County, the "U.S. Army SSG. William Codar States Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. SSG William Codar States Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Mazzocchi and Bridges offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 4 - "Requesting the Division of Highways name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, the 'John B. Short Memorial Bridge'."

Whereas, John B. Short was born in 1923, the son of LeRoy and Linda Jackson Short of Davin, West Virginia. He was a graduate of Man High School in 1942 and enlisted in the U. S. Army Air Corps in 1943, where he served until 1946.

Whereas, After completing electrician training in Michigan, John B. Short returned to West Virginia and married Ruby K. Nunley. They had seven children; and

Whereas, John B. Short worked as Chief Electrician with Pittston Coal Company until he retired in 1986; and

Whereas, John B. Short was an avid outdoorsman, hunter, and fisherman; and

Whereas, John B. Short passed away in 2008; and

Whereas, It is fitting that an enduring memorial be established to commemorate this individual who meant so much to his family and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, the "John B. Short Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "John B. Short Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Nestor, Jennings, Hott, Pritt, Kimes, Smith, Reynolds, Conley, D. Jeffries, J. Kelly and McGeehan offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 5 - "Requesting the Division of Highways name a bridge bearing the Bridge Number: 42-219/00-030.96 (42A136), (38.80906, -79.88206) locally known as Burnt Bridge, carrying US 219 over Tygart Valley River in Randolph County, West Virginia, as the 'James 'Big Jim' Shaffer Memorial Bridge.'"

Whereas, James Shaffer, known in his community as "Big Jim," was born on October 5, 1943, in East Dailey, West Virginia, where he was raised by his grandparents, Sterl and Vida Gear; and

Whereas, In 1958, James Shaffer joined the Tygart Valley Fire Company at the age of 15 as a young man; and

Whereas, In 1968, James Shaffer assumed the position of chief of the Tygart Valley Fire Company; and

Whereas, During James Shaffer's time as chief, the Tygart Valley Fire Company built two new stations and purchased updated trucks and equipment to expand their services to the community; and

Whereas, James Shaffer participated in a variety of community activities during his time as a member and chief of the Tygart Valley Fire Company, including aiding the former Valley Water Company with line repairs, searching for line breaks, providing traffic control, assisting the former Coastal Lumber Company with silo fires and brush fires, and putting on safety demonstrations for the children at the former Homestead Elementary School; and

Whereas, James Shaffer, while serving as a member and chief of the Tygart Valley Fire Company, responded to a wide array of calls, including structure fires, motor vehicle accidents, downed trees, CPR, searching for missing individuals, and mutual aid calls; and

Whereas, James Shaffer, both as a member and chief of the Tygart Valley Fire Company, organized many fundraisers to raise money for the department, including "Porch Light Drives," in which community members would turn on their porch lights to alert the fire company to collect their donations as the members walked through the Dailey, East Dailey, and Valley Bend communities; and

Whereas, In 2003 and 2004, James Shaffer wrote two Federal Emergency Management Agency grants that provided over $165,000 for the Tygart Valley Fire Company, which helped pay

for over 30 sets of gold personal protective equipment, including bunker coats, bunker pants, boots, gloves, and Nomex hoods; and

Whereas, James Shaffer retired from the Tygart Valley Fire Company in 2006 after 48 years of volunteer service to his community and beyond; and

Whereas, Sadly, James Shaffer passed away on December 18, 2012, and is survived by his wife and his daughter; and

Whereas, James Shaffer exemplified what it means to be a true community leader and a role model for all those in the community and across West Virginia; and

Whereas, For these reasons it is fitting and proper that this bridge be named in honor of James "Big Jim" Shaffer; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a bridge bearing the Bridge Number: 42-219/00-030.96 () (42A136), (38.80906, -79.88206) locally known as Burnt Bridge, carrying US 219 over Tygart Valley River in Randolph County, West Virginia, as the "James 'Big Jim' Shaffer Memorial Bridge" and, be it

Further Resolved, That the commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "James 'Big Jim' Shaffer Memorial Bridge"; and, be it

Further Resolved, That the clerk of the House of Delegates forward a copy of this resolution to the commissioner of the Division of Highways.

Delegate Cooper offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 6 - "Requesting the Division of Highways name a portion of U.S. Route 219, in Monroe County, beginning at its

intersection with WV Route 122 and ending at its intersection with County Route 219/16, the 'Elmer Galford Memorial Road'."

Whereas, Elmer Lee Galford was born November 26, 1947, at Gap Mills in Monroe County, West Virginia, to Price and Thelma Hudnall Galford; and

Whereas, He attended Monroe County Schools and graduated from Gap Mills High School; and

Whereas, Elmer Galford graduated from the West Virginia State Police Academy and started a long career in law enforcement, including service as a city police officer, Deputy Sheriff, and two terms as Sheriff of Monroe County; and

Whereas, Elmer Galford eventually retired from law enforcement and with his wife, Katie, established Galford's Country Store at Pickaway, which they ran for many years; and

Whereas, Elmer Galford was well known for his participation in, and contributions to, community activities and during his lifetime he was an active member of the Lindside Volunteer Fire Department, the Rock Camp/Wikel Ruritan Club, and the Monroe County Republican Club, in various times serving as the president of each of these organizations; and

Whereas, Elmer Galford served for many years as the organizer of the Fourth of July and Veteran's Day Parades in Lindside, West Virginia; and

Whereas, Elmer Galford passed away on November 16, 2020; and

Whereas, It is fitting that an enduring memorial be established to commemorate former Sheriff and community leader Elmer Galford and his contributions to his state and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of U.S. Route 219, in Monroe County, beginning at its intersection with WV Route 122 and ending at its intersection with County Route 219/16, the "Elmer Galford Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "Elmer Galford Memorial Road"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Holstein offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 7 - "Requesting the Division of Highways name bridge number: 03-005/00-017.66 (03A042), (38.63616, -81.62303) locally known as Seth Bridge, carrying CR 5 over Big Coal River in Boone County, the 'Daniel Edward Kolhton "Red" Haney Memorial Bridge'."

Whereas, Daniel Edward Kolhton "Red" Haney was born on March 17, 1998, in Orgas, West Virginia, to Nicki Haney and Bruce Haney; and

Whereas, Daniel Edward Kolhton "Red" Haney, known throughout his life as "Red", attended and graduated from Sherman High School in Seth, West Virginia; and

Whereas, Daniel Edward Kolhton "Red" Haney was fatally wounded in an automobile accident at the age of 21, leaving behind a fiancé and many loved ones; and

Whereas, Daniel Edward Kolhton "Red" Haney was adored by many friends, family, and community members that he impacted during his short life; and

Whereas, Daniel Edward Kolhton "Red" Haney passed away on August 6, 2019, and his character, outgoing personality, and kindness are greatly missed by the communities along Big Coal River in Boone County, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate Daniel Edward Kolhton "Red" Haney for his contributions to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number: 03-005/00-017.66 (03A042), (38.63616, -81.62303) locally known as Seth Bridge, carrying CR 5 over Big Coal River in Boone County, the "Daniel Edward Kolhton "Red" Haney Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Daniel Edward Kolhton 'Red' Haney Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the commissioner of the Division of Highways.

Delegates Cooper, Smith, Haynes, Toney and Maynor offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 8 - "Requesting the Division of Highways name a portion of County Route 19/1, Ballangee Road, from its intersection with County Route 17/1, known as War Ridge Road, to its intersection with County Route 19/3, known as Big Stony Creek Road, in Summers County, the 'U.S. Army PVT Lomer Elmo Davis Memorial Road'."

Whereas, Lomer Elmo Davis, born November 29, 1921, at Ballengee, in Summers County, was a son of the late Lomer A. and Allie Lyons Davis; and

Whereas, Lomer Elmo Davis volunteered his service to the Army in early 1942 during WWII; he trained and deployed as an infantryman with the 85th infantry division. He fought with the 85th in Patton's Campaign in Sicily during the summer of 1943 along with his brother, Thomas who was assigned to the 3rd Infantry Division; and

Whereas, At the battle of Messina, U.S. Army PVT Lomer Elmo Davis was severely wounded and eventually evacuated back to the U.S.; he was awarded the three signature awards of a WWII warrior for his bravery; the Combat Infantryman's Badge, the Bronze Star and the Purple Heart. His wounds troubled him the remainder of his adult life; and

Whereas, U.S. Army PVT Lomer Elmo Davis was a truck driver for Shanklin's Trucking and later purchased his own truck and began hauling miscellaneous goods for local residents and neighbors. Mr. Davis owned and operated Davis Grocery at Ballengee from 1963-1980; and

Whereas, U. S. Army PVT Lomer Elmo Davis was a member of the Ballengee Farm Club and a trustee of the Oak Grove Cemetery; and

Whereas, U.S. Army PVT Lomer Elmo Davis passed away on Saturday, May 31, 2014, at Main Street Care in Hinton following a short illness; and

Whereas, U.S. Army PVT Lomer Elmo Davis was preceded in death by one brother, Thomas "Verdo" Davis and three sisters, Winnie McMillion, Ruby Riffe and Lena Clair Hedrick; those left to cherish his memory include his daughter, Anita Tabor and husband Dean of Marie; step-son, Floyd Light and wife Audra of Leesburg, Va.; four step-grandchildren; five step-great grandchildren; many loved nieces and nephews; and

Whereas, It is fitting that an enduring memorial be established to commemorate U S. Army PVT Lomer Elmo Davis and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of County Route 19/1, Ballangee Road, from its intersection with County Route 17/1, known as War Ridge Road, to its intersection with County Route 19/3, known as Big Stony Creek Road, in Summers County, the "U.S. Army PVT Lomer Elmo Davis Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U.S. Army PVT Lomer Elmo Davis Memorial Road"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the commissioner of the Division of Highways.

Delegate Holstein offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 9 - "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'."

Whereas, James C. Vickers was born on February 3, 1932, in Lorado, West Virginia, the son of Watt and Desta Vickers; he went to Man High School in Logan County before his parents moved him to Boone County; and

Whereas, In April 1950, James C. Vickers enlisted in the United States Army and took his basic training at Fort Knox, Kentucky; he completed basic training there the same month the Korean War started, June 1950; and

Whereas, SSG James C. Vickers was assigned to B Company, 31st Infantry Regiment, 7th Infantry Division, and saw his first combat action in the amphibious assault at Inchon, South Korea on September 14, 1950; he made a second amphibious assault at Iwon, North Korea on October 29, 1950, as part of a push for an early end to the war; his unit was part of Taskforce Drysdale, an action to

clear a number of enemy roadblocks between Koto-ri and Hagaru-ri, North Korea; his whole unit was pinned down by a.50 caliber heavy machine gun 800 to 1,000 yards away; he took out the enemy gun, protecting his unit from taking losses. SSG James C. Vickers was wounded in action a day later in the battle for the Chosin Reservoir, in weather as cold as -32 degrees; he was one of very few in his unit that was not killed or captured in the battle, as he ignored his commander's order to surrender and fought his way back to American troops; and

Whereas, The actions of U.S. Army SSG James C. Vickers on that day were recognized when he was awarded the prestigious Silver Star, March 11, 2001; SSG James C. Vickers distinguished himself on many occasions and is the recipient of many awards including: The Purple Heart, Combat infantry Badge, Republic of South Korea Presidential Unit Citation, Army Presidential Unit Citation W/ Oak Leaf Cluster, Navy Presidential Unit Citation W/ Oak Leaf Cluster, Korean Service Medal W/ four Combat Stars and two Arrowheads, National Defense Service Medal, United Nations Service Medal, Army of Occupation Medal (Japan), and Army Good Conduct Medal; and

Whereas, U.S. Army SSG James C. Vickers is a retired Iron Worker of Local 201, in Charleston; during his working career, he worked at Cape Canaveral and helped construct the Vertical Assembly Building and also helped construct the Arming Tower for the first rocket launch to space; also set steel for the interstate system through Charleston, and the Corridor G bridge in Danville, WV; and

Whereas, The citizens of Boone County's 23rd District of West Virginia, seek to honor the service and bravery of Korean War veteran and Silver Star recipient U.S. Army SSG James C. Vickers; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to 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"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the portion of road containing bold and prominent letters proclaiming the road as "U.S. Army SSG James C. Vickers Silver Star Highway"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Reynolds, Conley, Barnhart, D. Jeffries, Foster, Ferrell, Jennings, Smith, Mallow, Horst and Haynes offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 10 - "Requesting the Division of Highways name a portion of US Route 250, beginning at mile marker 31.35, and ending at its intersection with WV 2, mile marker 31.63, in Marshall County, the 'U. S. Marine Corps LCpl Leonard Joe Zelaski, Jr. Memorial Road'."

Whereas, Leonard Joe Zelaski, Jr. was born on July 18, 1948, in Marshall County, and was the son of Leonard Joe Zelaski, Sr. and Betty Leola Liston Zelaski; and

Whereas, Leonard Joe Zelaski, Jr. entered the U.S. Marine Corps on December 1, 1966; he began his tour of duty in Vietnam on May 13, 1967, where he served as a Mortarman in K Company, 3rd Battalion, 1st Marines Regiment of the 1st Marine Division; and

Whereas, LCpl Leonard Joe Zelaski, Jr. was killed in a hostile action by hostile small arms fire northeast of Dong Ha, Quang Tri Provence, South Vietnam on March 2, 1968, during Operation Napoleon/Saline, in which 31 other U. S. Troops also lost their lives; and

Whereas, U. S. Marine Corps LCpl Leonard Joe Zelaski, Jr. arrived home to West Virginia on March 13, 1968, and was interred in Riverview Cemetery, Moundsville West Virginia; and

Whereas, U. S. Marine Corps LCpl Leonard Joe Zelaski, Jr. received the following commendations and awards in honor of his service in the U.S. Marine Corps: the Purple Heart, Combat Defense Ribbon, National Defense Service Medal, Vietnam Campaign Medal, Vietnam Service Medal, Marine Corps Presidential Unit Citation, Vietnam Gallantry Cross, Marine Corps Good Conduct Medal, and the Marine Corps Expeditionary Medal; and

Whereas, U.S. Marine Corps LCpl Leonard Joe Zelaski, Jr.'s name is inscribed on the Vietnam War Memorial in Washington, D. C. on Panel 42E, Line 045, in recognition of his service and his ultimate sacrifice for our country; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Marine Corps LCpl Leonard Joe Zelaski, Jr., honoring his life and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of US Route 250, beginning at mile marker 31.35, and ending at its intersection with WV 2, mile marker 31.63, in Marshall County, the "U. S. Marine Corps LCpl Leonard Joe Zelaski, Jr. Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U. S. Marine Corps LCpl Leonard Joe Zelaski, Jr. Memorial Road"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Holstein offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 11 - "Commending Former President Donald John Trump for his service, admiration, and dedication to the State of West Virginia as the 45th President of the United States."

Whereas, Former President Donald John Trump worked tirelessly for the people of West Virginia by protecting and promoting pro-energy policies, protecting constitutional rights, promoting state's rights, fair trade, tax cuts, lowering prescription drug costs, rolling back Obama-era EPA rules, eliminating unnecessary regulations, recognizing the severity of the opioid epidemic, protecting the nation from enemies foreign and domestic, and by putting America First; and

Whereas, In a re-election bid in West Virginia, former President Donald John Trump won 545,382 votes, the highest number of raw votes and percentage in the history of the great State of West Virginia on November 3rd, 2020; and

Whereas, former President Donald John Trump won more votes from West Virginians than some of the most notable presidents in history including, but not limited to, Franklin D. Roosevelt, John F. Kennedy, Richard Nixon, Ronald Reagan, and Barack Obama; and

Whereas, The super majority of citizens of the State of West Virginia wish to recognize the historic accomplishments of the Trump Administration; and

Whereas, It is appropriate that the West Virginia Legislature recognize the legacy of West Virginia's most popular president, former President Donald John Trump, by commending him for his service, admiration, and dedication to West Virginia as the 45th President of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That the State of West Virginia commends former President Donald John Trump for his service, admiration, and dedication to

the State of West Virginia as the 45th President of the United States; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the former President.

The following House Joint Resolutions from the First Regular Session of the 85th Legislature were reintroduced and referred to the various standing committees pursuant to House Rule 92a:

House Joint Resolutions 5, 6, 7, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23, 25, 27 and 30.

Motions

At the request of Delegate Summers, and by unanimous consent, the applicable provisions of House Rule 136, relating to privileges of the floor, were suspended for approved activities during the Session to permit invited guests the privileges of the floor.

Bills Introduced

The following House Bills from the First Regular Session of the 85th Legislature were reintroduced and referred to the various standing committees pursuant to House Rule 92a:

House Bills 2007, 2017, 2032, 2033, 2038, 2039, 2041, 2048, 2049, 2050, 2052, 2053, 2054, 2055, 2057, 2058, 2059, 2060, 2061, 2062, 2064, 2065, 2066, 2067, 2069, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2142, 2143, 2144, 2147, 2148, 2150, 2153, 2155, 2157, 2158, 2159, 2160, 2167, 2168, 2169, 2170, 2171, 2174, 2176, 2177, 2178, 2181, 2182, 2184, 2185, 2186, 2188, 2190, 2191, 2192, 2193, 2194, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2220, 2222, 2223, 2225,

2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2237, 2238, 2239, 2240, 2246, 2247, 2248, 2249, 2254, 2255, 2256, 2257, 2258, 2259, 2268, 2273, 2274, 2276, 2277, 2278, 2279, 2280, 2283, 2284, 2285, 2287, 2288, 2291, 2292, 2293, 2294, 2295, 2297, 2298, 2299, 2300, 2301, 2310, 2311, 2312, 2314, 2315, 2317, 2318, 2319, 2320, 2324, 2325, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2340, 2341, 2345, 2347, 2349, 2362, 2364, 2365, 2367, 2369, 2376, 2379, 2480, 2481, 2482, 2483, 2484, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2498, 2501, 2502, 2503, 2504, 2505, 2508, 2509, 2511, 2513, 2514, 2515, 2517, 2518, 2519, 2520, 2521, 2524, 2531, 2533, 2534, 2535, 2538, 2539, 2540, 2541, 2542, 2543, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2557, 2558, 2559, 2560, 2562, 2563, 2567, 2568, 2576, 2577, 2578, 2579, 2580, 2584, 2585, 2586, 2587, 2594, 2595, 2596, 2598, 2599, 2600, 2602, 2603, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2617, 2618, 2622, 2623, 2624, 2625, 2629, 2630, 2631, 2635, 2637, 2644, 2645, 2647, 2653, 2654, 2655, 2657, 2668, 2669, 2673, 2674, 2677, 2685, 2686, 2693, 2697, 2698, 2707, 2710, 2711, 2712, 2713, 2715, 2716, 2717, 2718, 2724, 2725, 2727, 2728, 2729, 2731, 2732, 2733, 2735, 2737, 2749, 2751, 2752, 2753, 2754, 2755, 2759, 2761, 2762, 2771, 2774, 2775, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2792, 2798, 2800, 2806, 2809, 2812, 2815, 2817, 2818, 2819, 2828, 2831, 2835, 2836, 2838, 2839, 2840, 2841, 2843, 2844, 2845, 2846, 2848, 2849, 2850, 2853, 2856, 2857, 2858, 2860, 2861, 2864, 2865, 2866, 2869, 2871, 2872, 2875, 2876, 2879, 2881, 2882, 2883, 2904, 2907, 2908, 2910, 2911, 2912, 2919, 2921, 2923, 2925, 2926, 2928, 2929, 2930, 2931, 2934, 2935, 2936, 2937, 2943, 2948, 2950, 2951, 2952, 2954, 2956, 2959, 2961, 2963, 2964, 2967, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2984, 2989, 2990, 2994, 2999, 3000, 3001, 3003, 3005, 3006, 3008, 3013, 3016, 3017, 3018, 3019, 3020, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3031, 3032, 3035, 3036, 3039, 3041, 3043, 3048, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3058, 3061, 3062, 3064, 3067, 3068, 3072, 3073, 3079, 3080, 3082, 3084, 3086, 3090, 3091, 3092, 3093, 3095, 3097, 3098, 3099, 3102, 3103, 3104, 3108, 3109, 3110, 3111, 3112, 3113, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125,

3126, 3127, 3135, 3136, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3147, 3149, 3153, 3155, 3160, 3161, 3163, 3166, 3167, 3168, 3170, 3174, 3176, 3178, 3179, 3180, 3184, 3186, 3187, 3188, 3190, 3192, 3193, 3195, 3196, 3197, 3198, 3201, 3204, 3205, 3207, 3209, 3210, 3211, 3212, 3216, 3219, 3220, 3222, 3223, 3224, 3225, 3227, 3228, 3229, 3230, 3231, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3251, 3253, 3257, 3258, 3259, 3261, 3262, 3263, 3264, 3265, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3284, 3303 and 3312.

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegates Rowan, Crouse, Dean, Kimes, G. Ward, Maynor, Worrell, Hanna, Barrett, Conley and Horst:

H. B. 4004 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to limiting an abortion to 15 weeks' gestation; defining terms; requiring reports; providing professional discipline; and providing criminal penalties"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Tully, Dean, Worrell, Longanacre, Toney, Crouse, Burkhammer, Conley, D. Jeffries, Mazzocchi and Mallow:

H. B. 4005 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-17, relating to fetal body parts; defining terms; prohibiting the sale of fetal body parts resulting from an induced abortion; prohibiting the transport of fetal body parts with the intent to engage in a prohibited sale; and providing misdemeanor criminal penalties"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Steele, Smith, Wamsley and Forsht:

H. B. 4006 - "A Bill to repeal §55-9-1, §55-9-2, and §55-9-3 of the Code of West Virginia, 1931, as amended; to repeal §61-1-4, §61-1-5, §61-1-7, §61-1-8, §61-1-9, §61-2-5a, §61-2-9a, §61-2-9b, §61-2-9c, §61-2-9d, §61-2-10a, §61-2-10b, §61-2-14a, §61-2-

14b, §61-2-14c, §61-2-14d, §61-2-14e, §61-2-14f, §61-2-14g, §61-2-14h, §61-2-15a, §61-2-16a, §61-2-26, §61-2-27, §61-2-27a, §61-2-28, §61-2-29, §61-2-29a, §61-2-29b, §61-2-30, §61-3-20a, §61-3-22a, §61-3-24a, §61-3-24b, §61-3-24c, §61-3-24d, §61-3-24e, §61-3-24f, §61-3-24g, §61-3-24h, §61-3-39, §61-3-39a, §61-3-39b, §61-3-39c, §61-3-39d, §61-3-39e, §61-3-39f, §61-3-39g, §61-3-39h, §61-3-39i, §61-3-39j, §61-3-39k, §61-3-39m, §61-3-39n, §61-3-39o, §61-3-39p, §61-3-39q, §61-3-40, §61-3-41, §61-3-42, §61-3-43, §61-3-44, §61-3-45, §61-3-45a, §61-3-46, §61-3-47, §61-3-48, §61-3-48a, §61-3-49, §61-3-49a, §61-3-49b, §61-3-50, §61-3-51, §61-3-52, §61-3-53, §61-3-54, §61-3-55, §61-3-56, §61-3-57, §61-3-58, §61-3-59, §61-3A-4a, §61-3C-14a, §61-3C-14b, §61-3C-14c, §61-3E-13, §61-5-12a, §61-5-12b, §61-5-25a, §61-5-27a, §61-5-28, §61-5-29, §61-6-1a, §61-6-1b, §61-6-14a, §61-6-18, §61-6-19, §61-6-20, §61-6-21, §61-6-22, §61-6-23, §61-6-24, §61-6-25; §61-7-4a, §61-7-6a, §61-7-11a, §61-7-15a, §61-8-9a, §61-8-19a, §61-8-19b, §61-8-19c, §61-8-27a, §61-8-28, §61-8-28a, §61-8-29, §61-8-30, §61-8-31, §61-8C-3a, §61-8C-3b, §61-8D-4a, §61-8D-5a, §61-8E-1, §61-8E-2, §61-8E-3, §61-9-9, §61-9-10, §61-9-11, §61-10-11a, §61-10-11b, §61-10-30, §61-10-31, §61-10-32, §61-10-33, §61-10-34, §61-11-1a, §61-11-8a, §61-11-22a, §61-11-26a, §61-11-26b and §61-11A-9 of said code; to amend and reenact §15-12-8 of said code; to amend and reenact §19-1A-3b of said code; to amend and reenact §29-22-12 of said code; to amend and reenact §61-1-1, §61-1-2, §61-1-3 of said code; to amend and reenact §61-2-1, §61-2-2, §61-2-3, §61-2-4, §61-2-5, §61-2-6, §61-2-7, §61-2-8, §61-2-9, §61-2-10, §61-2-11, §61-2-12, §61-2-13, §61-2-14, §61-2-15, and §61-2-16 of said code; to amend and reenact §61-3-1, §61-3-2, §61-3-3, §61-3-4, §61-3-5, §61-3-6, §61-3-7, §61-3-8, §61-3-11, §61-3-12, §61-3-13, §61-3-14, §61-3-15, §61-3-16, §61-3-18, §61-3-19, §61-3-20, §61-3-21, §61-3-22, §61-3-23, §61-3-24, §61-3-25, §61-3-26, §61-3-27, §61-3-28, §61-3-29, §61-3-30, §61-3-31, §61-3-32, §61-3-33, §61-3-34, §61-3-35, §61-3-36, §61-3-37, and §61-3-38 of said code; to amend and reenact §61-3A-3 and §61-3A-7 of said code; to amend and reenact §61-3B-2, §61-3B-3, §61-3B-4, §61-3B-5, §61-3B-6, and §61-3B-7 of said code; to amend and reenact §61-3C-2, §61-3C-3, §61-3C-4, §61-3C-5, §61-3C-6, §61-3C-7, §61-3C-8, §61-

3C-9, §61-3C-10, §61-3C-11, §61-3C-12, §61-3C-13, §61-3C-14, §61-3C-15, §61-3C-16, §61-3C-17, §61-3C-18, §61-3C-19, §61-3C-20, §61-3C-21; to amend and reenact §61-3D-2 and §61-3D-3 of said code; to amend and reenact §61-3E-1, §61-3E-3, §61-3E-4, §61-3E-5, §61-3E-6, §61-3E-7, §61-3E-8, §61-3E-9, §61-3E-10, and §61-3E-12 of said code; to amend and reenact §61-4-1, §61-4-2, §61-4-3, §61-4-4, §61-4-5, §61-4-6, §61-4-7, §61-4-8, and §61-4-9 of said code; to amend and reenact §61-5-1, §61-5-2, §61-5-3, §61-5-4, §61-5-5, §61-5-6, §61-5-7, §61-5-8, §61-5-9, §61-5-10, §61-5-11, §61-5-12, §61-5-13, §61-5-14, §61-5-15, §61-5-16, §61-5-17, §61-5-18, §61-5-19, §61-5-20, §61-5-21, §61-5-22, §61-5-23, §61-5-24, §61-5-25, §61-5-26, and §61-5-27 of said code; to amend and reenact §61-5A-9 of said code; to amend and reenact §61-6-2, §61-6-3, §61-6-6, §61-6-7, §61-6-8, §61-6-9, §61-6-10, §61-6-11, §61-6-12, §61-6-13, §61-6-14, §61-6-15, §61-6-16, and §61-6-17; §61-6-1, §61-6-1a, and §61-6-1b of said code; to amend and reenact §61-7-2, §61-7-3, §61-7-4, §61-7-5, §61-7-6, §61-7-7, §61-7-8, §61-7-9, §61-7-10, §61-7-11, §61-7-12, §61-7-14, §61-7-15, §61-7-16, and §61-7-17 of said code; to amend and reenact §61-8-1, §61-8-2, §61-8-5, §61-8-6, §61-8-7, §61-8-8, §61-8-9, §61-8-10, §61-8-11, §61-8-12, §61-8-14, §61-8-15, §61-8-16, §61-8-19, §61-8-21, §61-8-20, §61-8-22, §61-8-23, §61-8-25, §61-8-26, and §61-8-27, of said code; to amend and reenact §61-8A-1, §61-8A-2, §61-8A-4, and §61-8A-5 of said code; to amend and reenact §61-8B-3, §61-8B-4, §61-8B-5, §61-8B-7, §61-8B-8, §61-8B-9, §61-8B-9b, §61-8B-10, §61-8B-11, §61-8B-11a, §61-8B-12, §61-8B-13, §61-8B-14, §61-8B-15, §61-8B-16, §61-8B-17 and §61-8B-18 of said code; to amend and reenact §61-8C-1, §61-8C-2, and §61-8C-3 of said code; to amend and reenact §61-8D-1, §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4, §61-8D-4a, §61-8D-5, §61-8D-6, §61-8D-7, §61-8D-8, §61-8D-9, and §61-8D-10 of said code; to amend and reenact §61-9-1, §61-9-2, §61-9-3, §61-9-4, §61-9-5, §61-9-6, §61-9-7, and §61-9-8 of said code; to amend and reenact §61-10-1, §61-10-2, §61-10-3, §61-10-4, §61-10-5, §61-10-6, §61-10-7, §61-10-8, §61-10-9, §61-10-10, §61-10-11, §61-10-12, §61-10-13, §61-10-14, §61-10-15, §61-10-16, §61-10-17, §61-10-19, §61-10-20, §61-10-22, and §61-10-23 of said code; to amend and reenact §61-11-1, §61-11-1a, §61-11-

3, §61-11-4, §61-11-5, §61-11-6, §61-11-7, §61-11-8, §61-11-18, §61-11-20, §61-11-21, and §61-11-22 of said code; to amend and reenact §61-11A-7 and §61-11A-8 of said code; to amend and reenact §61-12-8, §61-12-9, and §61-12-13 of said code; to amend and reenact §61-13-3 of said code; to amend and reenact §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8, and §61-14-9 of said code; to amend and reenact §61-15-2 and §61-16-2 of said code; to amend and reenact §62-6-8 of said code; to amend and reenact §62-12-2 and §62-12-26 of said code; to amend said code by adding thereto a new article designated as §23-5B-1, §23-5B-2, §23-5B-3, and §23-5B-4; to amend said code by adding thereto a new section, designated §30-29-9a; to amend said code by adding thereto two new sections, designated §30-1-27 and §30-1-28; to amend said code by adding a new section, designated §55-2-23; to amend said code by adding a new section, designated §60A-4-418; to amend said code by adding thereto nine new sections, designated §61-2-17, §61-2-18, §61-2-19, §61-2-20, §61-2-21, §61-2-22, §61-2-23, §61-2-24, and §61-2-25; to amend said code by adding thereto two new sections, §61-3-9, §61-3-10, and §61-3-17; to amend said code by adding thereto three new sections, designated §61-3B-8, §61-3B-9, and §61-3B-10; to amend said code by adding thereto two new sections, §61-3C-22 and §61-3C-23; to amend said code by adding thereto a new article, designated §61-3F-1, §61-3F-2, §61-3F-3, §61-3F-4, §61-3F-5, §61-3F-6, §61-3F-7, §61-3F-8, §61-3F-9, §61-3F-10; §61-3F-11, §61-3F-12, §61-3F-13, §61-3F-14, §61-3F-15, §61-3F-16, and §61-3F-17; to amend said code by adding thereto a new section designated §61-4-10; to amend said code by adding thereto three new sections, designated §61-7-13, §61-7-18, and §61-7-19; to amend said code by adding thereto five new sections, designated §61-8-3, §61-8-4, §61-8-17, §61-8-18, and §61-8-24; to amend said code by adding thereto six new sections, designated §61-8B-6, §61-8B-19, §61-8D-11, §61-8D-12, §61-10-18, and §61-10-21; to amend said code by adding thereto two new sections, designated §61-11-27 and §61-11-28; to amend said code by adding thereto a new article designated §61-17-1, §61-17-2, §61-17-3, §61-17-4, §61-17-5, §61-17-6, and §61-17-7; and to amend said code by adding a new article designated §61-18-1, §61-18-2, §61-18-3, and §61-18-4; all

relating to revising the criminal code generally; relating to the failure of a sex offender to register or provide notice of registration changes and the penalty for the same; timber theft, investigations thereof, and the criminal and civil penalties for the same; crimes against the worker's compensation system generally; the crime of omission to subscribe for workers' compensation insurance; the crime of failure to file a premium tax report or pay premium taxes; crimes relating to false testimony or statements concerning such; the crime of failure to file reports; criminal penalties for such actions or inactions; provisions for asset forfeiture; venue for trial of such crimes; the crime of wrongfully seeking workers' compensation; criminalizing false testimony or statements given in support of the same; criminal penalties for these offenses; venue for the trial of such crimes; workers' compensation health care offenses; fraud; theft or embezzlement; false statements; criminal penalties for the above offenses; notice requirements; prohibition against providing future services; penalties for the same; provisions for asset forfeiture; venue for the trial of such crimes; defining the crime of providing false documentation to workers' compensation, to the Insurance Commissioner or a private carrier of workers' compensation insurance; criminalizing altering documents or certificates from workers' compensation; criminal penalties for such offenses; venue for the trial of such crimes; the required reporting of gunshot and other wounds; the required reporting of burns; penalty for aiding and abetting; railroad employees being conservators of the peace; special railroad policemen; and the powers and duties of the same; relating to shooting ranges, limitations on nuisance actions, and noise ordinances; relating generally to criminal activity and the punishment thereof; wanton endangerment involving the use of fire, and the criminal penalty for the same; relating to crimes against the government; defining treason, the crime of treason, and penalties therefor, the crime of failure to give information of treason and its penalty; the crime of desecration of the flag, and its penalty; relating to crimes against the person, first and second degree murder defined, and punishment for the same; delineating provisions for allegations in indictment for homicide; defining voluntary manslaughter and the penalty thereof; defining

involuntary manslaughter, and specifying the penalty for the same; defining concealment of a deceased human body, and specifying the penalty for the same; clarifying that Homicide is punishable within the state if injury occurs within and death without, or vice versa; defining an attempt to kill or injure by poison, and specifying the penalty for the same; defining the crime of abortion and the penalty for the same; defining malicious or unlawful assault, assault, and battery, and specifying the penalties for each and aggravated factors and enhanced penalties; explaining provisions of sentencing for such acts committed by incarcerated persons; defining assault during the commission of or attempt to commit a felony, and specifying the penalty for the same; delineating that for violent crimes against the elderly a sentence is not subject to suspension or probation; defining harassment, and providing penalties, and certain definitions for the same; defining strangulation, suffocation, and asphyxiation and providing definitions and penalties for the same; defining robbery or attempted robbery and specifying the penalties for the same; defining extortion, and attempted extortion by threat, and specifying the penalty for these; defining kidnapping and specifying penalties for the same; defining concealment or removal of a minor child from custodian or from person entitled to visitation; and setting forth penalties and defenses for the same; providing that one aiding or abetting in kidnapping or in concealing or removing a minor child is guilty as a principal, and explaining venue for those offenses; defining unlawful restraint and providing penalties for the same; prohibiting the purchase or sale of a child, setting the criminal penalty for the same, and providing definitions and exceptions; the failure to remove doors from abandoned refrigerators, freezers and other appliances, and providing penalties for the same; providing definitions for various forms of domestic violence and criminal penalties; providing definitions and criminal penalties for the abuse or neglect of an incapacitated adult; providing criminal penalties for the death of an incapacitated adult by a caregiver; defining and providing criminal penalties for the financial exploitation of an elderly person, protected person or incapacitated adult; recognizing an embryo or fetus as a distinct unborn victim of certain crimes of violence against the person;

relating to crimes against property; arson; the degrees of arson, and definitions and criminal penalties for the same; burning, or attempting to burn, insured property and the criminal penalty for the same; causing injuries during an arson-related crime, and the criminal penalties for the same; recovery of costs incurred in fighting fires caused by arson; defining burglary, the entry of dwelling house or outbuilding, and providing criminal penalties for the same; defining entry of a house, building, vehicle, or enclosed property, the criminal penalties for the same, and specifying counts in indictment for the same; manufacture or possession of burglary tools, and the criminal penalties for the same; setting forth criminal offenses involving theft detection shielding devices, their criminal penalties and providing for detention of persons suspected of this offense; grand larceny, aggravated grand larceny, and petit larceny distinguished, setting forth the criminal penalties for each, defining larceny of bank notes, checks, writings of value and book accounts, and delineating the determination of value in larceny; explaining receiving or transferring stolen goods and providing a criminal penalty; providing a criminal penalty for bringing into this state, receiving or disposing of property stolen in another state; embezzlement, and the criminal penalties for the same; falsifying accounts, and the criminal penalties for the same; Possession or use of automated sales suppression devices, and the criminal penalties for the same; the offenses of destroying or concealing a will, and embezzlement by fiduciary, and the criminal penalties for the same; obtaining money, property and services by false pretenses, disposing of property to defraud creditors, and the criminal penalties for each of these; the offenses of attempted or fraudulent use, forgery, traffic of credit cards, possession and transfer of credit cards and credit card making equipment, the false or fraudulent use of telephonic services, and the criminal penalties for these offenses; intercepting or monitoring customer telephone calls, and the criminal penalties for the same; requirements for finding fraudulent schemes and provisions for the cumulation of amounts where a common scheme exists, and the criminal penalties for the same; the casting away, destroying, or interfering with floating craft or material, and the criminal penalties for the same; interference with or destruction of buoys, signal lights or other aids to navigation,

and the criminal penalties for the same; the offense of malicious killing of animals by poison or otherwise, and the criminal penalties for the same; the removal out of a county of property securing a claim, and the criminal penalties for such offense; the fraudulent disposition of personal property in possession by virtue of lease, notice to return, failure to return, and penalties where such property is not returned; noting a right to immediate possession in such instances; making a false statement as to financial condition of person, firm or corporation, and the criminal penalty for the same; publication of false advertisements, and the criminal penalty for the same; fraudulently obtaining food or lodging, and the criminal penalty for the same; intoxication of a person in charge of locomotive engine or car, and the criminal penalty for the same; the offenses of jumping on or off car or train in motion; driving vehicle upon track or bridge except at crossings, and the criminal penalty for the same; procuring gas, water or electricity, by device, with intent to defraud, and the criminal penalty for the same; placing a dam or obstructions in watercourses, and the criminal penalty for the same; setting forth requirements for the purchase of scrap metal by scrap metal purchasing businesses, salvage yards, or recycling facilities; requiring certificates, records, and reports of such purchases; providing criminal penalties for violations of these provisions; setting forth requirements for the purchase of items by precious metals and gem dealers, records to be kept by them, and delineating prohibited acts, and the criminal penalty for the same; criminalizing the unauthorized use of dumpsters and setting forth penalties; defining the offense of identity theft and providing a penalty; criminalizing the failure to pay for gasoline and providing a penalty; the offense of scanning device or re-encoder fraud, delineating when it is a felony; providing definitions; and setting forth criminal penalties for the same; the offense of possession of bogus receipts or universal product codes with intent to defraud, and the criminal penalties for the same; the offense of misrepresentation of past or present military status or military awards to obtain anything of value, and delineating criminal penalties for the same; relating to shoplifting; prescribing penalties; defining the crime of organized retail theft, and providing penalties for that offence, all relating to trespass; trespass

in a structure or conveyance and penalties for the same; trespass on property other than a structure or conveyance, removal, injury to or destruction of property, monuments designating land boundaries and of certain no trespassing signs and penalties for the same; trespass on student residence premises or student facility premises of an institution of higher education and penalties for the same; trespass on state government property; aiding and abetting; penalties for each of those offenses; defining the offense of mine trespass, and penalties for the same; defining animal or crop facilities trespass; providing penalties for the same; allowing for injunctive relief in such instances; offenses involving damage to shrubbery, flowers, trees and timber; providing for a limitation of application of the relevant subsection, and providing penalties; prohibiting cutting, damaging, or carrying away without written permission, any timber, trees, growing plants or the products thereof; treble damages provided for the same; creating the Critical Infrastructure Protection Act; defining terms relevant to the same; prohibiting certain acts, including trespass and conspiracy to trespass against property designated a critical infrastructure facility; providing criminal penalties; and, allowing for certain forms of civil action in such instances; relating to the West Virginia Computer Crime And Abuse Act, defining terms; computer fraud; access to legislative or state-owned computer; criminal penalties for the same; unauthorized access to computer services and criminal penalties for the same; unauthorized possession of computer data or programs and criminal penalties for the same; unauthorized possession of computer data or programs and criminal penalties for the same; alteration, destruction, etc., of computer equipment, and criminal penalties for the same; unauthorized possession of computer information, and criminal penalties for the same; disclosure of computer security information and criminal penalties for the same; computer invasion of privacy and criminal penalties for the same; fraud and related activity in connection with access devices, and criminal penalties for the same; endangering public safety, and criminal penalties for the same; obscene, anonymous, harassing and threatening communications by computer, cell phones and electronic communication devices, and criminal penalties for the same;

soliciting, etc. a minor via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; cyberbullying or specific acts of electronic harassment of minors; definitions; criminal penalties for the same; exceptions; use of a computer as an instrument of forgery; civil relief and damages available; defenses to criminal prosecution; venue; prosecution under other criminal statutes not prohibited; personal jurisdiction; and, severability; relating to the theft of cable television services, the acquisition of cable television services, and penalties for wrongfully acquitting the same; sale or transfer of a device or plan intended for acquisition or diversion, and criminal penalties for the same; Illegal possession of destructive devices, explosive materials or incendiary devices; and the criminal penalty for the same; criminal use of destructive device, explosive material or incendiary device; and the criminal penalty for the same; causing accidental or intentional death or injury; penalties; causing death or injury to an explosives detection animal; and the penalty for the same; manufacture, purchase, sale, advertising for sale, transporting or possession or use of a hoax bomb; possession or use in commission of a felony; and the penalty for the same; theft of explosive material from storage magazines or buildings; and the penalty for the same; receipt, possession, storage, sale or transportation of stolen explosive material; and the criminal penalty; wanton endangerment involving destructive devices, explosive materials or incendiary devices; and the criminal penalty; contraband, seizure, forfeiture of explosive devices; relating to crimes involving worthless checks; obtaining property in return for worthless check, and the criminal penalties for the same; making, issuing, etc., worthless checks on a preexisting debt, and the criminal penalties for the same; payment as a defense to such offenses; requiring making a statement for the reason for dishonor a duty of the drawee; defining what constitutes prima facie evidence of knowledge, setting forth requirements for identity, and providing a criminal penalty for providing false information; requiring a notice of dishonor by payee, and providing for a service charge; prescribing manner of filing complaint for warrant and the form thereof; providing guidance for a complaint, what constitutes notice of complaint, and the issuance of a warrant; delineating payment procedures, and imposing costs; providing for

the payment of costs in worthless check cases, and the disposition of certain costs; requiring the preparation of a list of worthless check warrants; the use of that worthless check list upon receipt of complaint for warrant; delineating the duties of a prosecuting attorney upon receipt of notice of multiple worthless check warrants; requiring the magistrate court clerk to advise complainant; providing for the creation and operation of a program for worthless check offenders, and requirements for acceptance of a person in that program; requiring certain notice to persons accepted to the worthless check restitution program; agreement to suspend prosecution of a person accepted into the restitution program; providing for fees for participation in the worthless check restitution program; and, providing that statements by individuals referred to or participating in the worthless check restitution program are criminally inadmissible; relating to forgery, crimes against the currency, the forgery of public records, certificates, returns or attestation of a court or officer; and the criminal penalty for the same; forgery of official seals; keeping or concealing instrument for forging same; and the criminal penalty for the same; counterfeiting, and the criminal penalty for the same; making plates, etc., for forgery; possession of same; and the criminal penalty for that offense; forging or uttering other writing and the criminal penalty for the same; creation of unauthorized demand draft; possession of counterfeit currency with intent to utter; and the criminal penalty for the same; unauthorized currency, and the criminal penalty for the same; passing or receiving unauthorized currency knowingly, and the criminal penalty for the same; and, the unauthorized use, transfer, acquisition, alteration or possession of certain benefits and the criminal penalty for the same; payment cards and falsely making or lading the same, and the criminal penalty therefore; relating to crimes against public justice generally; perjury and subornation of perjury defined; false swearing defined, and the criminal penalties for perjury, subornation of perjury, and false swearing; aiding escape and other offenses relating to adults and juveniles in custody or confinement; and criminal penalties for the same; permitting escape; refusal of custody of prisoner; and criminal penalties for the same; persons in custody of institutions or officers; escapes and aiding in escapes;

and criminal penalties for the same; terms of confinement in addition to previous sentence; escapes from, and other offenses relating to, state benevolent and correctional institution, or private prison or mental health facilities and criminal penalties for the same; escape from custody of the commissioner of corrections and criminal penalties for the same; escape from custody of the director of juvenile services; refusal of officer to make, or delay in making, arrest; and criminal penalties for the same; refusal of person to aid officer and criminal penalties for the same; refusal of officer to execute act or process of legislature or order of governor; and criminal penalty for the same; obstructing officer; fleeing from officer; making false statements to officer; interfering with emergency communications; criminal penalties for the same; definition; officer not liable for act done under statute or executive order afterward declared unconstitutional; compounding offenses and misprision and criminal penalties for the same; exacting excessive fees and criminal penalties for the same; issuing fraudulent fee bills and criminal penalties for the same; alteration, concealment or destruction of public record by officer and criminal penalty for the same; larceny, concealment or destruction of public record by person not officer; and criminal penalty for the same; corrupt summoning of jurors to find biased verdict; and criminal penalty for the same; procuring the summoning of biased juror by party other than officer; and criminal penalty for the same; discrimination against employee summoned for jury duty; and criminal penalty for the same; contempt of court; what constitutes contempt; jury trial; presence of defendant; criminal penalty for the same; fraudulent official proceedings; causing a public employee or official to file a fraudulent legal process and criminal penalty for the same; impersonation of a public official, employee or tribunal; and criminal penalties for the same; impersonation of a public official or tribunal; impersonation of a law-enforcement officer; and criminal penalties for the same; subsequent offense; failure to perform official duties and criminal penalty for the same; the failure to meet an obligation to pay support to a minor and criminal penalties for the same; relating to bribery and corrupt practices, and the criminal penalties for such offenses; relating to crimes against the peace generally; mobs and lynching, and the criminal penalties

for the same; liability of county or city in such instances; disturbance of religious worship and the criminal penalty for the same; disturbance of schools, societies, and other assemblies and the criminal penalty for the same; loitering on school property and the criminal penalty for the same; exceptions; camping upon governmental grounds or lawns and the criminal penalty for the same; public nuisance; false reports concerning bombs or other explosive devices and the criminal penalty for the same; falsely reporting an emergency incident and the criminal penalty for the same. willful disruption of governmental processes; offenses occurring at State Capitol Complex; and the criminal penalties for the same; threats of terrorist acts, conveying false information concerning terrorist acts and committing terrorist hoaxes prohibited, and the criminal penalties for the same; prohibiting violations of an individual's civil rights; and the criminal penalties for the same; wearing masks, hoods or face coverings and the criminal penalty for the same; falsely reporting child abuse and the criminal penalty for the same; classifying criminal penalties for failing to register as a sex offender, failure to provide information change, and providing false information to the sex offender registry; deleting requirement that a person be deemed a rioter if they failed to provide required assistance at a riot; classify the penalty for crime of failure to obey an order given at a riot or unlawful assembly; providing that the crime of disorderly conduct is a petty offense; modifying penalties for carrying a deadly weapon without provisional license or other authorization by persons under twenty-one years of age; enumerating penalty for violation of the confidentiality provisions of a concealed carry license application; providing for a provisional license to carry deadly weapons and how the same is obtained; revocation of concealed carry license; providing exceptions as to prohibitions against carrying concealed handguns for persons at least eighteen years of age and fewer than twenty-one years of age and exemptions for the same from licensing fees; providing for reciprocity and recognition of out-of-state concealed handgun permits; enumerating persons prohibited from possessing firearms; setting forth the right of nonprohibited persons over twenty-one years of age to carry concealed deadly weapons; defining offenses

and penalties; describing a process for reinstatement of rights to possess and offenses and penalties; prohibiting possession of deadly weapons by minors; defining brandishing deadly weapons and thereby threatening or causing breach of the peace, and providing criminal penalties for the same; creating and defining offenses of Possessing deadly weapons on premises of educational facilities and on premises housing courts of law and family law courts.; providing for reports by school principals; providing penalties including suspension of driver's license; defining offense of wanton endangerment using a firearm and providing penalties; right of certain persons to limit possession of firearms on premises; persons prohibited from committing violent crime while wearing body armor and penalties for same; defining offense of use or presentation of a firearm during commission of a felony and penalties for the same; clarifying requirements for chief officer certification to transfer or make certain firearms and providing definitions and for appeal of same; providing rules of construction for the dangerous weapons article; defining the crime of bigamy; providing a misdemeanor penalty for bigamy; defining the crime of prostitution and related offenses; providing the penalty for prostitution; providing that a medical report certifying no sexually transmitted disease reduces penalty for prostitution; providing criminal penalty for solicitation of prostitute; providing enhanced criminal penalty for solicitation of an individual for prostitution who is less than 18 years of age, mentally defective or incapacitated; providing fines for soliciting prostitution be paid to the Crime Victims Compensation Fund in designated circumstances; defining the crime of detaining, recruiting, or inducing another to engage In prostitution, providing that a second offense of the same and recruitment of persons under the age of 18 are felony offenses; establishing that parents consenting to using a minor or mentally defective person for prostitution is guilty of a felony; establishing that causing a person to engage in prostitution because of debt or to receive value is subject to misdemeanor penalty; establishing that a person who forces, intimidates or threatens a spouse to engage in prostitution commits a felony offense; providing respective criminal penalties; establishing the criminal offense of abducting, enticing or harboring a child for

prostitution; providing a criminal penalty; establishing the crime of promoting and advancing prostitution; defining a house of prostitution in context of promoting prostitution; permitting character evidence; providing criminal penalty, including additional fine; establishing the offense of sexual solicitation; providing a criminal penalty including additional fine; providing an affirmative defense to sexual solicitation for victims of trafficking; providing affirmative defenses to prostitution relating to human trafficking, abduction and mental defect or incapacitation; establishing aggravating circumstances, restitution, and eligibility for Compensation Award to Victims of Crimes; providing that law enforcement notify DHHR of child victims; providing that any property used for or derived from prostitution is subject to forfeiture; providing that persons convicted be debarred from state or local contracts; defining indecent exposure; clarifying that criminal indecent exposure cannot occur if victim grants permission; classifying criminal penalties for indecent exposure; classifying criminal penalties for inhaling or drinking certain intoxicating compounds; delineating crime of incest; defining 'step-relative' in context of the crime of incest; establishing that intercourse between two consenting adult step-relatives is not incest; classifying criminal penalty for incest; defining desecration and classifies criminal penalties for unlawful disinterment, desecration, injury to a grave marker or damage to cemetery; prohibiting certain demonstrations at a funeral; classifying criminal penalty for prohibited funeral demonstrations; classifying criminal penalty for obscene, anonymous and threatening phone calls; classifying criminal penalties for cruelty to animals; classifies criminal penalty for animal fighting, attending an animal fighting venture, or wagering at an animal fighting venture; establishing circumstances, sufficiency and application of a search warrant related to animal cruelty; extending search warrant authority for birds or animals kept for fighting to natural resources police; clarifying extent of searches without a warrant for fighting animals or birds; creating and defining the crime of sexual abuse of an animal and prescribing penalties, including providing for forfeiture of animals, payment of associated costs, providing for restrictions on owning animals upon conviction; and requiring psychiatric

evaluation and payment of costs in certain circumstances. classifying criminal penalty for unlawful admission of children to places injurious to health or morals; classifying criminal penalty for under age false identification; classifying criminal penalty for criminal invasion of privacy; classifying criminal penalty for nonconsensual public disclosure of private intimate images; classifying criminal penalty for criminal loitering within certain distances of minor victims of sexually violent offenses or offenses; classifying penalties for disclosing or making photographs of accident or emergent situations public; classifying penalties for therapeutic deception; classifying penalties for therapeutic deception; expanding definition of computer applied to obscene matter and minors; classifying criminal penalties for distribution and display to minor of obscene matter; classifying criminal penalties for use of obscene matter with intent to seduce minor; classifying criminal penalties for use of minor to produce obscene matter or assist in doing sexually explicit conduct; classifying criminal penalties for sexual assault in the first degree; classifying criminal penalties for sexual assault in the second degree; classifying criminal penalties for sexual assault in the third degree; providing definitions of terms related to the criminal offense of sexual extortion; establishing the elements of the crime of sexual extortion; classifying criminal penalties for sexual abuse in the first degree; classifying criminal penalties for sexual abuse in the second degree; classifying criminal penalties for sexual abuse in the third degree; classifying enhanced criminal penalties for subsequent offenses committed by those previously convicted of sexually violent offenses against children;; classifying criminal penalties for imposition of sexual acts on persons incarcerated or under supervision; delineating evidentiary standards for sexual offenses; delineating how courts may terminate certain parental rights when person is convicted for offenses against children; specifying that Ignorance of victim creates incapacity to consent; allowing court to require payment of treatment cost for victim; providing limits on interviews of children eleven years old or less; providing for Forensic Medical Examination Fund for training of sexual assault nurse examiners; providing for payment for costs of forensic medical examination; requiring study of reimbursement of

such costs and associated recordkeeping, disclosure standards, and confidentiality; providing a definitions of ‘coerce’ and ‘visually portray’ in the context of the crime of filming sexually explicit conduct of minors; classifying criminal penalty for producing a visual portrayal of a minor in sexually explicit conduct; providing for enhanced penalty when parent distributes material displaying a child under their care in sexually explicit conduct; classifying penalties when any person distributes or exhibits material displaying a minor in sexually explicit conduct; classifying penalties for production, display or distribution of visual portrayals of partially clothed minors; defining ‘visual portrayal’ in context of prohibited possession, manufacture or distribution of inappropriate sexual portrayals by a minor; clarifying the definition of ‘parent’ in context of child abuse to include step or foster parent; classifying criminal penalties for murder of custodial child for failure or refusal to supply necessities; clarifying definition of ‘recognized method of religious healing’ in context of murder of custodial child for failure or refusal to supply necessities; classifying criminal penalties for death of a child by child abuse; classifying criminal penalties for child abuse causing or creating a risk of injury; classifying the criminal penalty for female genital mutilation; classifying the criminal penalty for child neglect resulting in death; in context of the crime of child neglect resulting in death, clarifying that care through recognized method of religious healing in lieu of medical treatment may not constitute neglect; defining recognized method of religious healing; classifying the criminal penalty for sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; classifying the criminal penalty for procuring, authorizing or inducing another to engage in sexual acts with a child under their care or custody; sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; parent, guardian, custodian, or person in a position of trust procuring, authorizing, inducing a to a child sixteen or older; definition of terms related to nuisances; designated elements for maintaining a nuisance; providing standing to bring an action to abate a nuisance; venue for a nuisance action; evidence and proof related to an action to abate nuisance; provisions and procedures related to an action to enjoin a nuisance;

prima facie evidence of a nuisance; prosecution of a nuisance complaint; provisions for dismissal of a nuisance action; award of costs related to a nuisance action; when existence of nuisance established permanent injunction required; order of abatement for a nuisance; elements of a nuisance abatement order; removal and sale of movable property from a nuisance; liability of officers disposing of property from a nuisance proceeding; criminal offense of contempt related to nuisance proceedings; definition of terms related to gaming and gambling; criminal offense for possessing or dealing in unlicensed gaming devices or permitting an unlicensed gambling device on premises under unauthorized ownership, leasehold, occupation or possession; seizure of unlicensed gaming or gambling devices; criminal offense of acting as a guard or interfering with lawful intervention for gambling premises; criminal offense of unauthorized wagering on outcomes of uncertain events or prohibited games; criminal offense of betting on games of chance; criminal offense for a unauthorized commercial gambling at a hotel or tavern; criminal offense for cheating at gaming; criminal offense of unauthorized dealing in gambling device; defining lottery and raffle; criminal offense for unauthorized operation of an illegal lottery or raffle; criminal offense for unauthorized sale of a voucher or certificate for gambling on outcome of sporting events, games of skill or other sport or contest; declaring premises for unauthorized commercial gambling a nuisance; providing that proceeds of an illegal lottery forfeit to the state; criminal offense of keeping policy or numbers slips; seizure of designated gambling devices and equipment; providing seizure authority for gambling articles or apparatuses; classifying criminal penalties for crime of certain public officials with pecuniary interest in certain public contracts; classifying the criminal offense of unlawful showing of pictures, advertisement or theatrical productions calculated to arouse prejudicial ire or feelings; classifying the criminal offense of lobbying on the floor of the legislature; classifying the crime of employers who fail or refuse to pay contracted employment benefits or contributions; clarifying the elements of the crime of bribery of participants in professional or amateur games and horse racing; classifying the criminal penalty for debt pooling; clarifying the elements of the

crime of debt pooling; classifying the criminal penalty for failure to maintain and affix a cover for a water well; classify the penalty for the crime of conspiracy; classify the penalty for the crime of unlawful contact with a corrections employee or a member of the parole board; classifying the penalty for prohibited sale of certain caffeine products; generally providing for the sentence of felons; providing corruption of blood and forfeiture of estate abolished; providing the commission of a felony shall not stay or merge any civil remedy. classifying the criminal penalties for punishment of principals in the second degree and designated accessories; delineating attempt crimes and the classification and penalties for the same; classifying the criminal penalties for solicitation to commit certain crimes; delineating punishments for second or third offense of felony; explaining the treatment of cumulative sentences; providing for pretrial diversion agreements, conditions of the same, and for drug court programs; providing for deferred adjudication; providing for expungement of certain criminal convictions with approved treatment or recovery and job program; providing for limitation on expungement for certain motor vehicle traffic control offenses; classifying the criminal penalties for crimes related to post mortem examinations; classifying the criminal penalties for failing to secure a cremation permit; clarifying evidentiary admissibility of autopsy reports an investigations; classifying the penalties for organized criminal enterprise offenses; classifying the criminal penalties for the offense of human trafficking; classify the criminal penalties for the offense of forced labor; classifying the criminal penalties for the offense of using adults or minors in debt bondage; classifying the criminal penalties for the offense of coercing or compelling an individual to engage in commercial sexual; classifying the criminal penalties for the offense of patronizing a victim of sexual servitude; establishing that an individual convicted of a human trafficking offense who is sentenced to life without mercy is not eligible for parole; providing immunity for minor victims of sex trafficking; providing for vacation and expungement of criminal conviction for persons sexually trafficked; classifying the criminal penalty for money laundering; classifying the criminal penalty for prohibited use of unmanned aircraft systems; classifying criminal offenses

and respective sentencing dispositions; establishing that felonies are classified into six categories and misdemeanors are classified into three categories; providing that petty offenses are not classified; establishing that criminal classification is derived from the defining criminal section or chapter; establishing that petty offenses are specifically designated to include any crime without specified designation or classification; providing that offenses noted outside Chapter 61 which are not designated as a felony, misdemeanor or petty offense, are punished under the prescribed statutory penalty; unless provided otherwise felony imprisonment sentence is a term of definite years; establishing respective range of felony terms of imprisonment into six classifications; establishing respective range of misdemeanor terms of imprisonment within three classifications; providing discretion to the sentencing court to treat a Class 6 felony as a Class 1 misdemeanor with noted exceptions; providing the trial court impose its sentence within designated range of maximum and minimum terms; requiring the court to consider aggravating and mitigating circumstances as well as the pre-sentence report; providing potential increased sentence for crimes near a school which may exceed maximum sentencing limits; provides that a felony sentence must be a definite term of years served in the state department of corrections; establishing requirements for transfer of custody; providing a range of imprisonment term for all six felony classes; providing that misdemeanor sentences are for a definite term to be served at somewhere other than the state department of corrections; establishing respective limitations of imprisonment for the three classes of misdemeanors; providing discretion to the court, in certain circumstances, to treat a Class 6 felony as a Class 1 misdemeanor; providing for reimbursement of incarceration costs for misdemeanor offenses; providing court with discretion to increase sentence by one year for offenses near a school; establishing that school vicinity sentence enhancement may exceed statutory limit; further providing that if the victim of an offense is a child but is not within the designated range of a school that the court may consider relevant circumstances and increase the sentence two years; establishing fines for felony offenses; establishing fines for misdemeanor offenses; for purposes of

sentencing, defining an 'enterprise' as any entity other than a person; providing graduated penalty of fines imposed upon enterprise for criminal offenses; establishing that a judgment of fine against an enterprise constitutes a lien; establishing relevant factors for the court to consider when sentencing an enterprise for criminal conduct; requiring the court to order a person incarcerated for a criminal offense to pay incarceration costs; establishing factors for the court to consider when assessing payment of incarceration costs; providing that an alleged victim of sexual offense may not be required to submit to a polygraph examination or other truth telling device as a condition of investigating an alleged offense nor may prosecutors or law-enforcement officers decline to proceed if the victim refuses such examination; delineating eligibility for probation; and, providing for a period of extended supervision for certain sexual offenders"; to the Committee on the Judiciary.

By Delegates Espinosa, Steele, Foster, Clark, Maynor and Ellington:

H. B. 4024 - "A Bill to amend §30-27-8a and §30-27-8b of the Code of West Virginia, 1931, as amended, all relating to creating a cosmetology apprenticeship program that allows companies to train an apprentice, in whole or in part, for practical real-world experience; and providing that such apprenticeships shall count towards certification as if the apprentice had completed beauty school and satisfied other necessary requirements"; to the Committee on Workforce Development then Government Organization.

By Delegates Anderson, J. Kelly, Zatezalo, Pethtel, Riley, Boggs, Bridges, Evans, Maynard, Paynter and Burkhammer:

H. B. 4025 - "A Bill to amend and reenact §11-13A-3c of the Code of West Virginia, 1931, as amended, relating to imposition of tax on privilege of severing other natural resources; providing for an exemption from the imposition of the tax for a maximum period of 5 years beginning January 1, 2022, for severing rare earth elements and other critical minerals; and defining rare earth

elements and other critical minerals"; to the Committee on Energy and Manufacturing then Finance.

By Delegates Westfall and Criss:

H. B. 4026 - "A Bill to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to requiring operators of vehicles to drive in rightmost portion or lane of roads or highways and exceptions thereto"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Lovejoy:

H. B. 4027 - "A Bill to amend and reenact §11-13DD-3 of the Code of West Virginia, 1931, as amended, relating to the Farm-To-Food Bank Tax Credit; raising the limit on the tax credit from $2,500 to $5,000; and providing that the credit apply retroactively to January 1, 2022"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Howell, Householder, Storch, Hott, Nestor, Paynter, Maynard, Hamrick, Criss, Rohrbach and Riley:

H. B. 4028 - "A Bill to amend and reenact §11-6-11 of the Code of West Virginia, 1931, as amended, relating to the board of public works assessing a flat fee on land owned by a railroad, telegraph, telephone, or pipeline that are not considered fit for use but are held by a railroad, telegraph, telephone, or pipeline for any reason, including potential future use; providing that the board of public works shall consult with the counties in which land owned by a railroad, telegraph, telephone, or pipeline lie; and providing for an effective date"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Howell, Householder, Storch, Hott, Nestor, Paynter, Maynard, Hamrick, Criss, Rohrbach and Riley:

H. B. 4029 - "A Bill to amend and reenact §11-1C-11 of the Code of West Virginia, 1931, as amended, relating to the creation of an online renewal process for the Managed Timberland Program of the West Virginia Division of Forestry; creating a deadline for the Division of Forestry to maintain an online renewal application form; providing guidelines for initial information on the form; ensuring the submission of the form is of no cost to the individual;

and preserving any costs for the initial application that is used by the West Virginia Division of Forestry"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Jennings, Steele, Foster, D. Jeffries, Phillips, McGeehan, Sypolt, Hanna, Householder, Fast and B. Ward:

H. B. 4030 - "A Bill to amend and reenact §55-19-7 of the Code of West Virginia, 1931, as amended, relating to the removing the protection of the Act from employers that require vaccinations as a condition of employment"; to the Committee on Workforce Development then Health and Human Resources.

By Delegates Conley, Kimble, G. Ward, Horst, Mazzocchi, Phillips, Pritt, Longanacre, Kimes, J. Jeffries and McGeehan:

H. B. 4031 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-22; and to amend said code by adding thereto a new section, designated §16-2-18, all relating to prohibiting mask mandates by the State of West Virginia; and prohibiting local health departments in West Virginia from instituting any type of mandatory mask mandate or face covering requirement"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Smith, Steele, Brown, Lovejoy, McGeehan, Rowan, Ellington, Skaff, Hanshaw (Mr. Speaker), Capito and Garcia:

H. B. 4032 - "A Bill to amend and reenact §61-8D-3 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury and child abuse or neglect creating risk of injury; providing that a prior conviction under this section subjects a person to increased penalties; defines a prior conviction; and establishing that a judicial officer has discretion to impose a misdemeanor sentence"; to the Committee on the Judiciary.

By Delegates Howell, B. Ward, Smith, Criss, Phillips, Horst, Pritt, Pack, Zatezalo, Linville and Haynes:

H. B. 4033 - "A Bill to amend and reenact §8-12-14 of the Code of West Virginia, 1931, as amended, relating to prohibiting counties from charging for a building permit if the value of the improvement is less than that which is required for a contractor's license"; to the Committee on Political Subdivisions then Government Organization.

By Delegate Cooper:

H. B. 4034 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24A-2-2c, relating to limits on administrative fees for towing and storage services and rates for the use of multiple wreckers; and requiring a rule to be proposed for legislative approval"; to the Committee on Government Organization.

By Delegates Rohrbach, D. Jeffries, Keaton, Lovejoy, G. Ward, Rowan and Jennings:

H. B. 4035 - "A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to health care decisions; defining terms; revising forms of a living will, medical power of attorney, and combined medical power of attorney and living will and specific provisions; providing clarifying language regarding the effect of signing a living will on the availability of medically administered food and fluids; requiring oral food and fluids be provided as desired and tolerated; providing that forms executed prior to effective date of this bill remain in full force and effect; and providing for effective date"; to the Committee on the Judiciary.

By Delegates Howell, Summers, Smith, Criss, Phillips, Horst, Pritt, Pack, Zatezalo, Linville and Haynes:

H. B. 4036 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1, §37-16-2, and §37-16-3, all relating to the creation of the West Virginia Title Protection Act; providing for legislative findings; ensuring that rightful property owners retain title to their property free of all encumbrances when fraudulent or wrongful claims are listed against their property, or loans are taken out using fraudulent

means; and providing for a mechanism for county clerks to provide notice to rightful landowners when property is transferred or when titles are filed or modified against property"; to the Committee on the Judiciary.

By Delegate Rowe:

H. B. 4037 - "A Bill to amend and reenact §11-13J-6, §11-13J-8, and §11-13J-12 of the Code of West Virginia, 1931, as amended, all relating to extending the Neighborhood Investment Program Act; increasing the aggregate limit for the tax credit authorized under the program; and extending duration of the program until July 1, 2027"; to the Committee on Finance.

By Delegates Horst, Summers, Steele, Linville, Kimble, Smith, Crouse, B. Ward, Hanna, Booth and Phillips:

H. B. 4038 - "A Bill to amend and reenact §61-7-3, §61-7-6, and §61-7-7 of the Code of West Virginia, 1931, as amended, all relating to allowing those persons 18 to 20 years old to be able to carry a concealed deadly weapon without a permit, as is presently allowed for those persons 21 years and older"; to the Committee on the Judiciary.

By Delegate Hansen:

H. B. 4039 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-11-22b, relating to allowing increased civil administrative penalties to be promulgated by legislative rules of by the Department of Environmental Protection, for individual or general construction stormwater, West Virginia Department of Environmental Protection National Pollutant Discharge Elimination System permits, and General Water Pollution Control Permits for larger acreage permits; providing for doubling penalties for projects of certain sizes; providing for projects at least 500 acres have larger penalties assessed for violations; providing for rulemaking; providing for additional penalties based on the number of violations; and providing for resolution of code conflict in favor of legislative rules promulgated according to this section"; to the Committee on the Judiciary then Finance.

By Delegate Hansen:

H. B. 4040 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2I-1, §24-2I-2, §24-2I-3, §24-2I-4, §24-2I-5, and §24-2I-6, all relating to establishing the West Virginia Energy Efficiency Jobs Creation Act; creating short title; establishing findings and purpose; defining terms; requiring electric utilities to develop and implement energy efficiency programs; establishing duties of the Public Service Commission; establishing certain requirements that the commission is to impose on electric utilities; providing requirements of electric utilities; requiring the commission to make reports to the Legislature; providing a self -direct option for an energy efficiency plan for eligible primary or secondary electric customers; establishing eligibility requirements; establishing duties of the commission; establishing requirements for self-directed energy efficiency plans; requiring electric providers to provide an annual report to the commission that includes certain information on the implementation of self-directed energy optimization plans; and requiring the commission to order certain participating customers that fail to meet the minimum energy efficiency goals of the self-directed plan to repay to the provider certain charges the customer avoided"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Summers:

H. B. 4041 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-10-1301, relating to providing for an expedited hearing for grandparent visitation when one of the parents has died"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Keaton, Pinson, Burkhammer, Barnhart, Crouse and Holstein:

H. B. 4042 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-60, relating to crimes against houses of worship, increasing criminal penalties for crimes against houses of worship, as defined by this section"; to the Committee on the Judiciary.

By Delegate Keaton:

H. B. 4043 - "A Bill to amend and reenact §55-7-29 of the Code of West Virginia, 1931, as amended, relating to punitive damages against nonprofit organizations"; to the Committee on the Judiciary.

By Delegate Keaton:

H. B. 4044 - "A Bill to amend and reenact §59-3-3 of the Code of West Virginia, 1931, as amended, relating to reducing rates for legal advertising"; to the Committee on the Judiciary.

By Delegate Keaton:

H. B. 4045 - "A Bill to amend and reenact §11-6C-2 of the Code of West Virginia, 1931, as amended, relating to modifying the valuation of market value of dealer vehicle inventory"; to the Committee on Finance.

By Delegate Keaton:

H. B. 4046 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to allowing a surviving spouse one additional tax exemption of $20,000 beginning after December 31, 2022, for two taxable years after the death of the spouse; and defining surviving spouse"; to the Committee on Pensions and Retirement then Finance.

By Delegate Criss:

H. B. 4047 - "A Bill to amend and reenact §11-6K-1 and §11-6K-3 of the Code of West Virginia, 1931, as amended, all generally relating to the assessment and valuation of industrial property and natural resource property; for assessments made on or after July 1, 2023, providing that the arithmetic means for annual production and average coal price to value coal properties shall be based upon the full calendar year immediately preceding the July 1 assessment date; providing that the Tax Commissioner shall utilize an average coal density of 1800 tons per acre foot, unless clear and convincing evidence is submitted by a taxpayer establishing a lower density value; providing that density information reported on returns, due on or before May 1 of each year, shall be used to determine values for the immediately following July 1 assessments; providing that the Tax Commissioner shall take into consideration economic

viability and engineering considerations when establishing values for coal properties; providing that coal beds which are of a thickness of less than 35 inches shall not be classified as mineable coal for valuation for property tax purposes unless there is clear and convincing evidence to the contrary; providing that no permitted coal seam may be classified for taxation as active until actual depletion of coal commences under a permit; providing that for any owner, operator, or producer which fails to make a return within the time required, any and all penalties imposed shall be equally and uniformly applied across all forms of industrial property and natural resources property; and specifying an effective date"; to the Committee on Finance.

By Delegates Horst, Householder, Howell, Linville, Fast, B. Ward, Dean and Kimble:

H. B. 4048 - "A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to clarifying that persons may lawfully possess loaded rifles and shotguns in their vehicles unless the totality of the circumstances indicate that those persons are attempting to take wildlife"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Keaton:

H. B. 4049 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, §16-2Q-11, §16-2Q-12, and §16-2Q-13, all relating to enacting the Fetal Heartbeat Act; prohibiting abortions when a fetal heartbeat is detected; providing that the article applies only to intrauterine pregnancies; providing exceptions; making findings; providing for severability; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; establishing criminal penalties; permitting civil actions; defining terms; and providing for rulemaking"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Summers and Hanshaw (Mr. Speaker):

H. B. 4050 - "A Bill to amend and reenact §19-18-1 of the Code of West Virginia, 1931, as amended, relating to defining

terms related to livestock trespassing"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Bates, Householder, Criss, Steele and Foster:

H. B. 4051 - "A Bill to repeal §19-20-2 of the Code of West Virginia, 1931, as amended, relating to the 'Save All Baby Dogs Act of 2022'; repealing collection of head tax on dogs by county assessors"; to the Committee on Finance.

By Delegates Smith, Steele, D. Jeffries, Householder, Horst, Phillips, Howell, Ellington, Rohrbach, Brown and Dean:

H. B. 4052 - "A Bill to amend and reenact §61-6-19 of the Code of West Virginia,1931, as amended; and to amend said code by adding thereto a new section, designated §61-7-18, all relating to carrying a concealed handgun by off duty or retired law-enforcement officers; authorizing off duty or retired law-enforcement officers to conceal carry on and in the State Capitol Complex; and to define terms"; to the Committee on the Judiciary.

By Delegates Mazzocchi, Steele, Householder, Paynter, J. Jeffries, Bridges, Booth, Kessinger, Burkhammer, Horst and Longanacre:

H. B. 4053 - "A Bill to amend and reenact §55-7-22 of the Code of West Virginia, 1931, as amended, relating to use of force, including deadly force, in defense of self, real, and personal property; providing immunity from civil and/or criminal prosecution against persons lawfully using force in defensive actions; when there is no duty to retreat; and providing for the receipt of court costs, fees, and expenses for persons acting to protect self, real, and personal property, another person or in other defined situations"; to the Committee on the Judiciary.

By Delegate Hansen:

H. B. 4054 - "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 2021; 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 Delegate Hansen:

H. B. 4055 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9g; and to amend said code by adding four new sections, designated §22-11-31, §22-11-32, §22-11-33, and §22-11-34, all relating to creating the Clean Drinking Water Act of 2022; directing the Secretary of the Department of Public Health to propose maximum contaminant levels or treatment techniques for certain PFAS pollutants; creating the West Virginia PFAS Action Response Team to act as an advisory body within the Department of Environmental Protection; setting forth the team's responsibilities and powers; requiring facilities using certain PFAS chemicals to report their use; setting forth other duties of those facilities; requiring the Secretary of the Department of Environmental Protection to propose updates to the numeric Public Water Supply human health criteria; and requiring rule-making"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Keaton and Holstein:

H. B. 4056 - "A Bill to amend and reenact §8-12-14 of the Code of West Virginia, 1931, as amended, relating to modifying the amount of personal exemption for personal income tax in West Virginia"; to the Committee on Finance.

By Delegate Keaton:

H. B. 4057 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-20-1, §55-20-2, and §55-20-3, relating to claims arising from manufacturing, limiting the liability of such firms to those acts of gross negligence or willful misconduct"; to the Committee on the Judiciary.

By Delegates Howell, Criss, Smith, Phillips, B. Ward, Horst, Pritt, Pack, Zatezalo, Linville and Haynes:

H. B. 4058 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-9c, relating to installation of individual stalls in the bathrooms of public schools"; to the Committee on Education.

By Delegates Rohrbach, D. Jeffries, Summers, Pack, Ward, Worrell, Rowan, Forsht, Mallow, and Jennings:

H. B. 4059 – "A Bill to amend and reenact §29-6-2 and §29-6-4 of the Code of West Virginia, 1931, as amended, relating to exempting new Department of Health and Human Resources' Deputy Commissioners from civil service"; to the Committee on Health and Human Resources.

By Delegates Rohrbach, Summers, Reed, Tully, Pack, Ward, Bates, Worrell, Rowan, Forsht and Jennings:

H. B. 4060 — A Bill to repeal §16-5Z-1, §16-5Z-2, §16-5Z-3, §16-5Z-4, and §16-5Z-5 of the Code of West Virginia, 1931, as amended; to repeal §16-52-1, §16-52-2, §16-52-3, §16-52-4, and §16-52-5 of said code; and to repeal §16-55-1, §16-55-2, §16-55-3, §16-55-4, §16-55-5, §16-55-6, and §16-55-7 of said code, all relating to repealing outdated sections of code"; to the Committee on Health and Human Resources.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Graves and Phillips.

At 12:34 p.m., on motion of Delegate Summers, the House of Delegates recessed until 5:00 p.m.

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Evening Session

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

Messages from the Executive

The following communication from His Excellency, the Governor, was read by the Clerk:

State of West Virginia
OFFICE OF THE GOVERNOR
Charleston, WV

January 12, 2022

Dear Mr. President, Mr. Speaker, and distinguished members of the West Virginia Legislature:

In times the likes of which we have never seen before, and with this message being conveyed in a manner it has never been before, I am happy to report to you that the State of our State has never been stronger.

With this message, I am also delivering my FY2023 budget, which I am incredibly proud to say is essentially flat for the fourth year in a row, which includes a third historic pay raise for our state employees.

I sincerely apologize for not being able to be with you in person to deliver these remarks. As we prepare to embark on the third year of the coronavirus pandemic, I regret to inform you that last evening I tested positive for COVID-19. While I was surprised that my test results came back positive, I am thankful to the Lord above that I have been vaccinated, I have been boosted, and that I have an incredible support system, especially my loving family. For this to happen just one night before the State of the State-knowing I am not able to be there-saddens me. There are so many great things happening in West Virginia right now that I am excited to share with you.

We have proved that the rocket ship ride I promised the people of West Virginia is real. We have set records with our revenue growth. Our employment numbers are the best they have been in state history. Tourism in West Virginia is exploding - every travel publication says our state is the place to be. And we have accomplished all this while responding to a once-in-a-lifetime pandemic.

People are more excited than ever to be in West Virginia. From April 2010 to July 2019, more than 43,000 people moved out of the state. But things are changing. People are moving here instead of leaving. Businesses are moving here and expanding operations here. From 2020 through 2021, net migration is up in West Virginia for the first time in decades, with over 2,000 people moving into our state, making West Virginia one of the top states in the entire nation that people are moving into on a percentage basis.

We are shedding our image of being uneducated, dusty, poor, and backward. We are shedding our image of being bankrupt and a place business cannot operate because of our legal system. Together, we will continue to shed the dead weight that has been holding us back for years so we can continue to climb higher and higher on our journey to prosperity in West Virginia.

After concluding FY2021 with a $413 million revenue surplus despite the effects of the COVID-19 pandemic on the state's economy, we continue to achieve surplus after surplus. Halfway through FY2022, year-to-date collections of nearly $2.650 billion are $475 million above estimate.

Our unemployment rate has dramatically declined from 7.1 % in January 2021 to 4.0% today, the lowest rate recorded in all of state history. These figures represent over a 60% improvement in West Virginia's unemployment rate, which is now one of the lowest in the nation.

Last year, you honored me with approving my request to create a separate Department of Economic Development and to elevate this position to that of a Cabinet Secretary. The purpose of this was to provide a laser focus on job recruitment and broadband expansion. The new Department of Economic Development is operating efficiently and achieving incredible success.

In 2021, more than $1.1 billion was invested in West Virginia by 39 different companies through Economic Development efforts and activities. This led to the creation of more than 1,330 new jobs, while retaining more than 6,400 additional jobs in the state. In the calendar year of 2021 - the first year of the Department of Economic

Development - total employment in West Virginia has increased by over 36,000 jobs.

I want to express my support for your plan to get more marketable business-ready sites in West Virginia. Our Department of Economic Development needs the tools and flexibility to get potential industrial and business sites ready for companies looking at our state. Then we can pitch more companies to locate here, knowing the groundwork is already in place.

We are continuing to recruit world-class companies to our state as shown in three major announcements today. Nucor Corporation announced today that they selected Mason County as the location for a state-of-the-art sheet steel mill. This record investment will exceed $2. 7 billion, making it the largest in West Virginia history, as well as the largest single investment Nucor has ever made. Nucor is going to be a key part of West Virginia's DNA long into the future.

Also this morning, GreenPower Motor Company announced an agreement with the state to manufacture zero-emission, all-electric school buses in South Charleston, bringing hundreds of new jobs and millions of dollars in economic impact to West Virginia. Their operation will bring up to 200 new jobs to the state when manufacturing begins later this year, with the potential workforce to eventually reach up to 900 new jobs when full production is reached in 24 months. As we continue to diversify our economy, manufacturing these zero-emission school buses in West Virginia will open up a world of opportunities for our state.

Finally, this afternoon we announced that Owens & Minor, a Fortune 500 company that provides medical supplies, is going to expand on a deal they previously had with WVU Medicine and create over 125 jobs at a healthcare products preparedness and supply center in Morgantown. Together with the state, Owens & Minor will invest an estimated $50 million in West Virginia. The COVID-19 pandemic has taught us all that preparedness and resiliency are incredibly important, so this partnership is more than just another business deal, it will have real-world positive benefits for all West Virginians.

These announcements are historic, but incredibly, they are just the beginning. West Virginia is finally competing on the world stage and we are all witnessing the results firsthand.

For the fourth year in a row, I am proposing an essentially flat budget, which includes a third historic pay raise and Inflatocine for our state employees. My budget is only 1.4% higher than last year, far below the 7% inflation rate being seen across our country. We are not dipping into the Rainy Day Fund, which I am proud to report now has over $1 billion in funding! We are blessed as a state with the flexibility to fund projects out of our surplus funds without building the base of our budget into the future.

We are all aware of the effect inflation has had on all West Virginians. Today, it was reported that the consumer price index rose 7% in the month of December, according to the U.S. Labor Department. This is the fastest increase since June 1982, when inflation hit 7.1 %. My proposed Inflatocine will help West Virginians who are hurting when they go to the gas pump or the grocery store. I need your support to pass this one-time pay supplement for our hardworking state employees, teachers, and service personnel.

West Virginia continues to lead the way with our response to the COVID-19 pandemic. As the first state in the U.S. to offer the vaccine to every single one of our seniors in nursing homes, I have championed the vaccines from the very beginning. Despite being COVID-positive myself, I believe that my symptoms would have been much worse if I were not fully vaccinated and boosted. I know in my heart that the more we have vaccinated, the less will die.

At the same time, however, we have struck the right balance to make sure our people do not fragment. I stand rock-solid behind our people being able to make that important medical choice for themselves in consultation with their doctor. I do not believe that anyone should be required to get vaccinated to continue collecting a paycheck and put food on the table for their family. Instead of forcing people to get the vaccine, we created incentives to excite people and get them across the finish line. Our Do

it for Babydog vaccination sweepstakes was one of the most well-known vaccine incentive programs in the entire country.

Today, we are leading the way for the nation yet again. Last week, I sent a letter to President Joe Biden, asking him to direct the FDA and CDC to authorize West Virginia to begin offering a fourth dose of the vaccine to certain at-risk citizens four months after their first booster. West Virginia was the first state in the nation to make this request. We will continue to be the light in the dark, until this pandemic is behind us once and for all.

We continue to feed investment in our food banks. Fighting food insecurity has always been a big priority of mine. But it has been especially important during the pandemic. That is why I am incredibly proud to report that, in 2021 alone, we provided millions of support to food banks across West Virginia! Thanks to your help in the Legislature, we were able to put $1 million into last year's budget for our state's two biggest food banks, and I will be respectfully requesting the same amount in my FY2023 budget.

Using the same responsible and conservative approach that we have utilized in recent years, my flat budget proposal will take care of all of our citizens, while allowing us to continue building upon our momentum right now in West Virginia.

We are going to continue to make education our centerpiece by investing in our greatest treasure - our children. We are going.to continue funding Communities In Schools because it's working, and impacting over 70,000 West Virginia students each year.

We are going to continue to pave the Roads to Prosperity by funding much-needed road repairs and infrastructure projects.

We are going to keep supporting our life-changing Jobs & Hope program that continues to rescue West Virginians from the pits of addiction and allows them to re-enter society with a renewed purpose and outlook, and - as always - we are going to continue to invest in economic development all across our state, letting the outside world

know that West Virginia is the diamond in the rough that everyone has missed.

I hope this provides a picture of all the incredible things we are achieving, and will continue to achieve. But our accomplishments in West Virginia - the rocket ship ride that continues everyday - cannot be captured in a few short pages. That is why I would like to humbly and formally request to you, Mr. President and Mr. Speaker, a joint session of your bodies at a time after I have completed my recovery when I can deliver my full address in person and we can all celebrate the incredible State of our State together.

God bless all of you, and God bless the Great State of West Virginia.

Jim Justice

Governor, State of West Virginia

(Applause, Members rising in ovation)

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Upon motion of Delegate Summers, and by unanimous consent, the House returned to the Eighth Order of Business for the purpose of introducing the Budget Bill in compliance with Subdivision (4), Subsection B, Section 51, Article VI of the Constitution.

The following communication from His Excellency, the Governor, was read by the Clerk:

State of West Virginia
OFFICE OF THE GOVERNOR
Charleston, WV

January 12, 2022

EXECUTIVE MESSAGE NO. 1
SECOND REGULAR SESSION
The Honorable Roger Hanshaw
West Virginia House of Delegates

State Capitol
Charleston, WV 25305

Dear Speaker Hanshaw:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2022.

Sincerely,

Jim Justice
Governor

Bills Introduced

By Delegate Hanshaw, Mr. Speaker, and Delegate Skaff
[By Request of the Executive]:

H. B. 4023 - "A Bill making appropriations of public money out of the Treasury in accordance with Section 51, Article VI of the Constitution."

Accompanying the Budget Bill were estimates of revenue, expenditures, etc., as required by Section 51, Article VI of the Constitution.

The Speaker referred the bill to the Committee on Finance.

Messages from the Senate

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

S. B. 8 - "A Bill to repeal §18-30-6a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3; to amend and reenact §18-30-1, §18-30-2, §18-30-3, §18-30-4, §18-30-5, §18-30-6, §18-30-8, §18-30-10, §18-30-11, and §18-30-13 of said code; to amend said code by adding thereto a new section, designated §18-30-3a; and to amend and reenact §18-30A-2, §18-

30A-3, §18-30A-5, §18-30A-6, §18-30A-8, and §18-30A-9 of said code, all relating generally to the state's savings and investment programs; continuing the Savings and Investment Program Fulfillment Fund and relocating provisions authorizing said fund to a new article of code; clarifying that moneys in the fund may be used for certain savings and investment programs; updating the West Virginia College Prepaid Tuition and Savings Program Act to reflect the termination of the Prepaid Higher Education Program, Plan, and Trust Fund; eliminating obsolete language related to the Prepaid Tuition Program; providing a short title; defining terms; setting forth legislative findings and rules of statutory construction; continuing the West Virginia College Savings Program; continuing the Board of the College Prepaid Tuition and Savings Program and redesignating the board as the Board of Trustees of the West Virginia College and Jumpstart Savings Programs; clarifying that the board is a public instrumentality of the state and the issuer of interests in the Savings Plan Trust; increasing the number of board members; establishing qualifications of certain board members; establishing the duties and powers of the board with regard to the College Savings Program; authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; continuing the College Prepaid Tuition and Savings Program Administrative Account and redesignating said account as the College and Jumpstart Savings Administrative Account; authorizing certain expenditures from the administrative account; providing that the administrative account is a nonappropriated special revenue account; authorizing the board to take action to satisfy outstanding obligations of the Prepaid Tuition Trust Plan arising after the Plan's closure; continuing the Prepaid Tuition Plan escrow fund; continuing the board's authority to maintain a certain amount in the escrow fund for up to 10 years; continuing the board's authorization to expend moneys from the escrow fund in certain circumstances; requiring the board to invest the moneys in the escrow fund; providing for closure of escrow fund; setting forth legislative findings and rules of statutory construction related to the Jumpstart Savings Program; defining terms; eliminating the West Virginia Jumpstart Savings Board; requiring the Board of Trustees of the West Virginia College and Jumpstart Savings Board to administer the Jumpstart Savings

Program; establishing the powers of the Board of Trustees of the West Virginia College and Jumpstart Savings Programs to implement and administer the Jumpstart Savings Program; authorizing the board to enter into agreements with agencies, subdivisions, or other states regarding programs that are substantially similar to the Jumpstart Savings Program; providing that the Jumpstart Savings Program Trust is a public instrumentality of the state and shall issue interests in said trust to eligible members of the public; eliminating the Jumpstart Savings Expense Fund; providing that fees, charges, and penalties collected by the board in administering the Jumpstart Savings Program shall be deposited in the College and Jumpstart Savings Administrative Account; making Jumpstart Savings Program expenses payable from the administrative account; eliminating inapplicable language relating to selecting financial institutions to provide services for the Jumpstart Savings Program based on existing state purchasing exemption; specifying that the board may enter into a contract with financial institutions to provide services to both the College Savings and Jumpstart Savings programs; eliminating requirement that board take custody of Jumpstart Savings accounts prior to transferring accounts to a new program manager; and making numerous technical corrections"; which was referred to the Committee on Government Organization.

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. 2848: Delegate Barach;

H. B. 2849: Delegate Barach;

And,

H. B. 4048: Delegates Barrett, McGeehan and Steele.

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

H. B. 2017: Delegate D. Kelly.

At 5:37 p.m., on motion of Delegate Summers, the House of Delegates adjourned until 11:00 a.m., Thursday, January 13, 2022.

Thursday, January 13, 2022

SECOND DAY

[DELEGATE HOWELL, SPEAKER PRO TEMPORE, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Gary Howell, 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 Wednesday, January 12, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Resolutions Introduced

Delegates Zatezalo, J. Kelly, Reynolds, Howell, Miller, Forsht, Barnhart, Wamsley and Cooper offered the following resolution, which was read by its title and referred to the Committee on Energy and Manufacturing then Rules:

H. R. 5 - "Regarding the urgent need to improve grid stability and benefit national security by ensuring available baseload generation through the deployment of dispatchable low carbon electric generation options."

Whereas, The welfare of the citizens and the economic and geopolitical security of the nation depends on the affordability, reliability and resilience of the electric power using abundant, domestic fuel supplies and supply chains; and

Whereas, Recent winter and summer power outages across the country have made it clear that existing thermal power plants with fuel storage, including coal, nuclear, and duel-fuel capability, are essential to maintain an affordable, reliable, and resilient electric grid; and

Whereas, State and federal policies seeking reductions in greenhouse gas emissions, including carbon dioxide, are driving subsidies, regulations, and other policies that either directly or indirectly result in the premature retirement of thermal dispatchable power plants and the construction of nondispatchable wind and solar projects; and

Whereas, The continued deployment of nondispatchable, intermittent wind and solar power projects without a backup power source will expose the electric grid to less reliability and resilience unless sufficient dispatchable power generation is maintained in the bulk power system; and

Whereas, Economics and scaling issues currently remain a challenge for energy storage technologies to provide sufficient capacity to replace the grid reliability and resilience role played by dispatchable thermal electric generation; and

Whereas, The premature retirement of thermal dispatchable plants have eroded and will continue to erode the affordability, resilience, and reliability of electric grids across the United States until there are sufficient transmission facilities or replacement fuel infrastructure in place; and

Whereas, Additionally, the premature retirement of thermal dispatchable plants is a matter of national security; and

Whereas, China remains the world's largest CO2 emitter; and

Whereas, India also emits more CO2 than the United States; and

Whereas, The United States retiring its thermal dispatchable plants is premature, weakens the power grid, and threatens our national security; and

Whereas, The deployment of Advanced Nuclear Reactors (ANR), Small Modular Nuclear Reactors (SMNR) and Carbon Capture Utilization and Storage (CCUS) at coal and gas power plants in lieu of prematurely retiring such plants provide viable dispatchable low-carbon options that can meet the goals of state

and federal low-carbon policies without further eroding the affordability, reliability and resilience of the electric grid or the geopolitical security of the United States; and

Whereas, Current low-carbon policies are putting at risk grid affordability, reliability and resilience; and

Whereas, Foreign supply chains associated with renewable energy and battery storage technologies make ANR, SMNR and CCUS preferred low carbon options form a geopolitical security standpoint; therefore, be it

Resolved by the House of Delegates:

That the West Virginia House of Delegates urges state and federal legislators, state and federal public utility regulators, Independent System Operators (ISO), and Retail Transmission Organizations (RTOs) to adopt laws, regulations, protocols and policies that provide market incentives to foster the maintenance of adequate and reliable dispatchable sources of power and encourage the deployment of ANRs, SMNRs and CCUS at coal and gas power plants in lieu of prematurely retiring such plants; and, be it

Further Resolved, The West Virginia House of Delegates urges that these reforms and policies should be pursued with a sense of renewed urgency given the multiyear development lead-time for ANR, SMNR and CCUS projects; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of West Virginia's Congressional Delegation.

Delegates Howell, Paynter, Martin, Linville, B. Ward, Maynor, Haynes, Hott, Tully, Hamrick and Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 12 - "Declaring December 14 as 'Frosty the Snowman Day'."

Whereas, "Frosty the Snowman" was written by Walter "Jack" Rollins of Keyser, Mineral County, West Virginia, and Steve Nelson. Walter "Jack" Rollins was born on September 15, 1906, and died on January 1, 1973. He wrote over 500 songs, several with Mr. Nelson. Frosty was released December 14, 1950, and performed by cowboy singer and actor Gene Autry and the Cass County Boys and quickly became a winter classic; and

Whereas, We can imagine this song to be about a jolly happy soul, perhaps a West Virginia mountaineer, "with a corn cob pipe and a button nose and two eyes made out of" West Virginia coal. What better way to celebrate the holiday season than honoring December 14 as "Frosty the Snowman" Day and at the same time remembering and honoring the songs of a native West Virginia mountaineer who wrote the words to Frosty as well as "Here Comes Peter Cottontail", "Smokey the Bear" and the Hank Snow hit, "I Don't Hurt Anymore"; therefore, be it

Resolved by the Legislature of West Virginia:

That December 14 be declared as "Frosty the Snowman Day".

Delegate Fast offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 13 - "Requesting the Division of Highways name a bridge bearing the number 10-060/00-000.32 (10A140), (38.18106, -81.30672) locally known as 'Smithers Creek Bridge,' carrying US Route 60 over Smithers Ck. & CR 21/15 in Fayette County as the 'The Doctor Enrique Aguilar Memorial Bridge'."

Whereas, Dr. Enrique Aguilar was a long time physician in Montgomery, West Virginia, who delivered over 3,000 babies in the Montgomery area; and

Whereas, Dr. Enrique Aguilar was born in Mexico City on October 20, 1919, and he finished his medical training at the University of Mexico Medical School in September 1945, and began working as a doctor for a mining company in remote Baja California, Mexico; and

Whereas, In 1946, Dr. Aguilar married the former Sallie Hunter, who was managing the local office of American Airlines in their hometown of Monterey, Mexico, and they had five children: Enrique, Jr., Sarita, Francisco, Fernando, and Ricardo; and

Whereas, In Montgomery, Dr. Enrique Aguilar became an accomplished general surgeon, emergency room doctor, and family physician who performed a vast variety of medical procedures including orthopedics, OBGYN, FAA pilot physicals, and school physicals; and

Whereas, Dr. Enrique Aguilar opened his own medical practice in Montgomery in 1962, and also operated the Hillside Clinic in Charlton Heights in partnership with Dr. Lewis Elias until 1974; and

Whereas, Dr. Enrique Aguilar was a member of the staff at Montgomery General Hospital and member of Board of Trustees; and

Whereas, Dr. Enrique Aguilar also served as the medical doctor for Montgomery's police department as well as the plant doctor for the Elkem Metals plant (formerly Union Carbide) in Alloy; and

Whereas, Dr. Enrique Aguilar is believed to be the last doctor in the Kanawha Valley to perform house calls to patient's homes; and

Whereas, Dr. Enrique Aguilar was also an accomplished pilot who learned how to fly at Frank Thomas's airport in Fayetteville, West Virginia, and as a pilot, he made nine trips with members of his family to his native Mexico where he flew his personal aircraft, and he was a member of the Flying Physicians Association; and

Whereas, Dr. Enrique Aguilar was instrumental in the transactions that relocated the state's primary correctional facility from Moundsville to the Bull Push area in Cannelton Hollow where the Mount Olive State Correctional Facility is now located; and

Whereas, Dr. Enrique Aguilar was a member of the board at Montgomery National Bank (now United Bank), 1978-1989 and the Upper Kanawha Valley Chamber of Commerce and served on the Board of Directors; and he was a Paul Harris Fellow at the Montgomery Rotary Club; and

Whereas, Dr. Enrique Aguilar was awarded membership to "The 500 Century Club" at the Devereux Foundation for handicapped children; and

Whereas, Dr. Enrique Aguilar received a State of West Virginia "Legislative Citation," for which citation former Circuit Judge Charles L. Garvin stated:

"Dr. Aguilar was believed to hold the first "Pilot of the Year" award and was presented this award for his dedication and help to many pilots. Dr. Aguilar's efforts on behalf of his profession have far surpassed those required. To Judge Garvin's knowledge, there is no one in this state who has given so much of his time and talent to his fellow man as Dr. Aguilar. His compassion and love for his fellow man are unmatched, but he does not seek attention. You know that you have met a man of dedication, dignity, and character, and all of this you'll know before you know his name;" and

Whereas, Dr. Enrique Aguilar received the "Distinguished West Virginian Award" from Governor Gaston Caperton in 1994; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Doctor Enrique Aguilar; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a bridge bearing the number 10-060/00-000.32 (10A140), (38.18106, -81.30672) locally known as "Smithers Creek Bridge," carrying US Route 60 over Smithers Ck. & CR 21/15 in Fayette County as the "The Doctor Enrique Aguilar Memorial Bridge;" and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "The Doctor Enrique Aguilar Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Howell, Linville, B. Ward, Maynor, Haynes, Martin, Hott, Tully, Barrett, Hamrick and Maynard offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 14 - "Requesting the Division of Highways name a stretch of road on WV 46 in Mineral County, east of Keyser between Lime Stone Rd, CR 14 (WV 46, 39.428520472667465, -78.95480521741753) and Fountain Rd (46/11) as the 'Colonel Ronald John "Ron" Chiccehitto Memorial Road'."

Whereas, Col. Ron Chiccehitto was born on January 20, 1941; and

Whereas, Col. Ron Chiccehitto was an Eagle Scout and graduated from Bruce High School in 1959, and after graduation he attended Potomac State College and enlisted in the Army in 1962; and

Whereas, Col. Ron Chiccehitto served as an infantry soldier in the 82nd Airborne Division at Fort Bragg, N.C., where he attained the rank of sergeant; and

Whereas, Col. Ron Chiccehitto was commissioned into the regular Army as a second lieutenant, infantry, upon graduation from West Virginia University in 1968; and

Whereas, In August of 1968, Col. Ron Chiccehitto married Jan, in Cumberland, and they started their lives together; and

Whereas, Col. Ron Chiccehitto enjoyed a long and decorated military career, and his commissioned service assignments include

platoon leader, company executive officer, company commander and battalion operations officer 3D Battalion 6th Infantry, Berlin Brigade, Germany; senior advisor to the 73D Vietnamese Ranger Battalion, Republic of Vietnam; B Company and Headquarters commander and personnel officer, 2nd Battalion 504th Airborne Infantry, 82nd Airborne Division; instructor and commander 1st Ranger Company, Florida Ranger Camp; action officer with the Combined Arms Center, Fort Leavenworth, Kan.; executive officer, 4th Battalion (Mechanized) 20th Infantry, and operations officer, Task Force Bayonet, 193rd Infantry Brigade, Fort Clayton, Panama; commander Headquarters and Special Troops Battalion, XVIII Airborne Corps, Fort Bragg; commander 2nd Battalion 8th Infantry (Mechanized), Fort Carson, Colo.; chief instructor, Tactical Commanders Development Course, Fort Leavenworth; inspector general for the Virginia National Guard, Richmond, Virginia; and

Whereas, Col. Ron Chiccehitto's military decorations included the Bronze Star with V Device with Oak Leaf Cluster, Meritorious Service Medal (3rd Award), Air Medal, Army Commendation Medal (3rd Award), Army Achievement Medal and various other service medals; and

Whereas, Col. Ron Chiccehitto was the recipient of the Combat Infantry Badge, the Expert Infantry Badge, the Pathfinder Badge and the Ranger Tab; and

Whereas, Col. Ron Chiccehitto was also a master parachutist with 123 parachute jumps; and

Whereas, Col. Ron Chiccehitto retired from the Army in September of 1994; and

Whereas, Col. Ron Chiccehitto was a lifetime member of the Military Officers Association of America (MOAA), an Eagle Life Member of the National Rifle Association and a member of the local Moose Lodge, in Keyser; and

Whereas, After his military service, Col. Ron Chiccehitto enjoyed returning to his roots and operated a small hay farm on Knobley Mountain, in Keyser; and

Whereas, Col. Ron Chiccehitto was an avid hunter, poker player and a fixture at daily week-day morning coffee "networking" gatherings; and

Whereas, Every room he walked into was better for it, and he was a quiet, strong and steady presence, but he loved to joke around and keep things light; and

Whereas, Sadly, Colonel Ronald John "Ron" Chiccehitto died Saturday, Sept. 25, 2021, of complications due to COVID-19 at Potomac Valley Hospital, in Keyser, at the age of 80; and

Whereas, Col. Ron Chiccehitto is preceded in death by his mother, Caroline DiUbaldo (1998); father, Louie Chiccehitto (2009); and older brother, Lou Chiccehitto (1979); and

Whereas, Col. Ron Chiccehitto is survived by his wife, Janis E. Shobe, of Cumberland; his son, Louis Chiccehitto, of Cincinnati, Ohio; his daughter and son-in-law, Dina and Todd Nelson, of Greenville, South Carolina; six grandchildren, Gordon, Lucy, Ella, Gabe, Kristen and Kayla (who affectionately called him "Unkey-Dad"); his sister, Nancy Eckard, of Bedford, Pennsylvania; his sister and brother-in-law, Carol and Mitch Durst, of Keyser, West Virginia; his sister and brother-in-law, Susan and Don Hindman, of Woodstock, Virginia; and many nieces, nephews, great-nieces and great-nephews, who all adored him; and

Whereas, Those who knew him particularly appreciated Col. Ron Chiccehitto's loyalty to God, country and family; and

Whereas, For these reasons, it is fitting and proper that the road be named in honor of Col. Ron Chiccehitto; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a stretch of road on WV 46 in Mineral County, east of Keyser between Lime Stone Rd, CR

14 (WV 46, 39.428520472667465, -78.95480521741753) and Fountain Rd (46/11) as the "Colonel Ronald John "Ron" Chiccehitto Memorial Road;" and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the stretch of road containing bold and prominent letters proclaiming the bridge as the "Colonel Ronald John "Ron" Chiccehitto Memorial Road"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

On motions for leave, Joint Resolutions were introduced, read by their titles and severally referred as follows:

By Delegate Horst:

H. J. R. 101 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article VI thereof; amending section two, article XIV thereof; and amending said Constitution by adding a new article, designated article XV, all relating to the legislative powers held by the people of the state and the Legislature; the power of the registered voters and the power of the Legislature to propose amendments to this Constitution; and the reservation by and to the people and registered voters of this state the powers of initiative, referendum, and recall at all levels of government in this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

By Delegates Espinosa, Tully, G. Ward, Maynor, Crouse, Clark, Linville, Barnhart, Barrett, Hanna and Cooper:

H. J. R. 102 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section 2, article XII thereof, relating to education and the supervision of free schools; clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection; numbering and designating such

proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Education then the Judiciary.

By Delegates Summers, Garcia, G. Ward and Mallow:

H. J. R. 103 - "Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof, by adding thereto a new section, designated section thirteen, relating to allowing counties, cities and municipal corporations to approve, by a vote of the people, levies and excess levies by a simple majority of the votes cast for and against the same, notwithstanding any other provision of the Constitution to the contrary; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Linville, Pack, Holstein, Toney, Mallow, Hamrick, Barnhart, Worrell, Kimble, Rowan and Nestor:

H. B. 4001 - "A Bill to amend the Code of the West Virginia, 1931, as amended, by adding thereto a new article, designated §4-16-1, §4-16-2, §4-16-3, §4-16-4, and §4-16-5; to amend said code by adding thereto two new sections, designated §17-2E-3a and §17-2E-5a; to amend and reenact §31G-1A-7 of said code; to amend said code by adding thereto two new sections, designated §31G-1A-8 and §31G-1A-9; to amend said code by adding thereto a new section, designated §31G-3-5; to amend said code by adding thereto a new section, designated §31G-4-2a; to amend said code by adding thereto a new article, designated §31G-7-1, §31G-7-2, §31G-7-3 and §31G-7-4; and to amend said code by adding thereto a new article, designated §31G-8-1, §31G-8-2 and §31G-8-3, all relating to the creation of the Legislative Oversight Commission on Department of Economic Development Accountability; providing findings, purpose and intent; providing definitions; establishing the creation of the commission by defining membership and clarifying compensation; defining meeting times

for the commission; defining powers and duties of the commission; providing for limited subpoena power; providing for legislative reports; creating the Conduit Installation Fund in the State Treasury to be administered by the Department of Transportation; creating the Dig Once Fund to be administered by the Office of Broadband; modifying bidding procedures; creating the Broadband Middle Mile Fund; creating the Pole Replacement and Relocation Fund; creating a process for the mapping of disturbances in rights of way; creating utility pole rights of way and easement mapping initiative; creating existing customer protections for the Office of the Attorney General in coordination with the Office of Broadband and Department of Economic Development; establishing fees; defining modems and other connection devices; defining competitive access infrastructure; defining eligible telecommunications carriers; defining the status of such; and providing for penalties where misrepresentation of eligible telecommunications carrier status occurs"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Riley, Wamsley, Cooper, Queen, Storch, Barrett, Hamrick, Worrell, Kimes, Smith and Espinosa:

H. B. 4002 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18, relating to the Certified Sites and Development Readiness Program; requiring program to develop evaluation criteria and site certification levels; establishing application process for program; establishing eligible applicants; allowing department to select sites for the program; providing for review of sites and reporting to applicants of the site's readiness allowing department to choose sites to provide matching grant funds to develop sites included in the program; establishing requirements for the matching grant funding; allowing the department to choose recipients for micro-grants; providing department the authority to set forth criteria for micro-grants; and creating the Certified Sites and Development Readiness Fund"; to the Committee on Energy and Manufacturing then Finance.

By Delegates Keaton, Barrett, Hanshaw (Mr. Speaker), Summers, Espinosa, Riley, Howell, Burkhammer, Clark, Pack and Maynor:

H. B. 4003 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-2-10, relating generally to establishing and implementing a program to explore and capitalize on the potential for recovering valuable and strategically important rare earth elements and critical materials from acid mine drainage. The research has further demonstrated that treatment of acid mine drainage can be configured to both improve the quality of mine discharges while recovering rare earth elements and critical materials. Previously considered a liability, ownership of acid mine drainage treatment byproducts is poorly defined. This legislation seeks to clarify ownership of these byproducts in order to incentivize acid mine drainage treatment while recovering rare earth elements and critical materials"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Criss:

H. B. 4061 - "A Bill to amend and reenact §17-2A-15 of the Code of West Virginia, 1931, as amended, relating to the Commissioner of the Division of Highways accepting ownership of equipment which has been rented or leased; and setting forth requirements"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Criss:

H. B. 4062 - "A Bill to amend and reenact §17-2A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement for the Commissioner of the Division of Highways"; to the Committee on Government Organization.

By Delegate Criss:

H. B. 4063 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-2-1; relating to setting forth the duties, powers, and responsibilities of the Secretary of the Department of Transportation"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Hanna:

H. B. 4064 - "A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended, relating to the registration of antique vehicles"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Booth, Smith, Phillips, Barnhart, Wamsley, Worrell, Howell, Dean, Bridges, Summers and Paynter:

H. B. 4065 - "A Bill to amend and reenact §18-2-8a of the Code of West Virginia, 1931, as amended, relating to a hunter safety orientation program in public schools; requiring program to be implemented; directing the State Board of Education to promulgate a rule for program requirements and implementation; and providing minimum program requirements"; to the Committee on Education.

By Delegate Westfall:

H. B. 4066 - "A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to distracted driving; increasing the scope of prohibitions on distracted driving by establishing the Distracted Driving Act, prohibiting the use of a stand-alone electronic device or telecommunications devices unless by first responders or utility services as explicitly permitted under the act"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Summers, Steele and Foster:

H. B. 4067 - "A Bill to amend and reenact §5-11B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6C-4 of said code; to repeal §8-13C-13 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of said code; to amend and reenact §16-1-21 of said code; to amend and reenact §16-33-6 of said code; to repeal §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §29-6-7a of said code; to repeal §22A-6-11 of said code; to repeal §22A-6-12 of said code; to repeal §22A-6-13 of said code; to amend and reenact §31-15A-17b of said code; to amend and reenact §31-18-24 of said code, to amend and reenact §31-18-28 of said code; and to repeal §33-25A-35 of said code; all relating to making certain

agency reports electronic rather than in printed hard-copy form; and eliminating the reporting requirement entirely for those agencies whose reports are no longer needed or whose deadlines have passed with reports already submitted"; to the Committee on Government Organization.

By Delegate Criss:

H. B. 4068 - "A Bill to amend and reenact §17-4-20 of the Code of West Virginia, 1931, as amended, relating to removing the cap on a bidder's contract bond; and updating outdated language"; to the Committee on Government Organization.

By Delegates Tully, Paynter, Booth, D. Kelly, Gearheart, Householder, Ferrell, Haynes, Maynor, Sypolt and Mazzocchi:

H. B. 4069 - "A Bill to amend and reenact §17C-11-8 and §17C-1-70 of the Code of West Virginia, 1931, as amended, all relating to modifying e-bike regulations to more closely comport to federal law; creating new definitions of e-bikes in West Virginia; permitting Class 2 e-bikes to use throttles; allowing e-bikes to be operated on public lands to as to increase their usage and accessibility; and stating that users of e-bikes will not be given special privileges not otherwise given to similarly situated riders"; to the Committee on the Judiciary.

By Delegates Keaton, Westfall, Kessinger, Rohrbach and Queen:

H. B. 4070 - "A Bill to amend and reenact §55-7B-2, §55-7B-4 and §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to the prerequisites for filing suit against a health care provider under the Medical Professional Liability Act; updating the definitions of 'injury' and 'medical injury,' clarifying the time limitations for bringing a cause of action for injury as a result of alleged medical professional liability against a health care provider; modifying the time frame for providing a statement of intent to provide a screening certificate of merit; updating the tolling of the statute of limitations applicable to a cause of action against a nursing home, assisted living facility, or their related entities or employees; and, clarifying that a health care provider

who executes a screening certificate of merit may be subject to deposition upon request"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Maynor, Steele, Honaker, Smith, Tully, Kessinger, B. Ward, Foster, Ellington, Keaton and Gearheart:

H. B. 4071 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-8B-1, §18-8B-2, §18-8B-3, §18-8B-4, all relating to creating the Parent and Student Health Rights Act; providing definitions; providing that schools, educational institutions, and elected or appointed local officials may not mandate masks for school students or school employees, and may not mandate COVID-19 tests and quarantine under certain circumstances; and providing injunctive relief"; to the Committee on Education then the Judiciary.

By Delegate Lovejoy:

H. B. 4072 - "A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of Promise Scholarship awards to cover present day tuition costs"; to the Committee on Education then Finance.

By Delegates Lovejoy and Worrell:

H. B. 4073 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-28a, relating to sportsman's license, awarding a lifetime hunting and fishing license to all volunteer firefighters upon 5 years of service"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Clark, Hanna, Householder, Thompson, Espinosa, Keaton, Haynes, Mandt, Hardy, Crouse and Pinson:

H. B. 4074 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40a, relating to providing a program in public schools to provide training and awareness for school personnel and students on self-harm behavior and eating disorder awareness, prevention, and treatment resources for students experiencing self-harm behavior

and eating disorders; and providing for dissemination of information relating to self-harm behavior and eating disorders to students"; to the Committee on Education.

By Delegates Mazzocchi, Paynter, Dean, Kessinger, Maynor, Burkhammer, Horst, Kimes, Longanacre, Linville and G. Ward:

H. B. 4075 - "A Bill to amend and reenact §11-4-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §11-13LL-1; and to amend and reenact §22-3-32 of said code, all relating to exempting unmined rare earth metals and rare earth elements from taxation in West Virginia; and defining terms of unmined rare earth metals and unmined rare earth elements"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Summers, Householder, Linville and Espinosa:

H. B. 4076 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting the full amount of social security benefits received pursuant to Title 42 U.S.C., Chapter 7 from personal income taxation, rather than the first $50,000 for individuals or $100,000 for couples"; to the Committee on Finance.

By Delegates Howell, Maynor, Haynes, Martin, Tully, Hamrick, Maynard, Paynter, Ferrell, Zatezalo and D. Jeffries:

H. B. 4077 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-2-141, relating to exempting certain assets from collections by creditors"; to the Committee on the Judiciary.

By Delegates Howell, Maynor, Haynes, Martin, Tully, Barrett, Hamrick, Maynard, Paynter, Ferrell and Zatezalo:

H. B. 4078 - "A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating to allow foreign market vehicles over 25 years old to be exempted from title requirements and to be registered under this article for an additional

$25 fee"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Howell, Haynes, Linville, Maynor, Martin, Tully, Barrett, Hamrick, Riley, Maynard and Paynter:

H. B. 4079 - "A Bill to amend and reenact §7-1-3 of the Code of West Virginia, 1931, as amended, relating to 911 addresses, requiring the county commissions to name all streets with one or more landowner"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Howell, Linville, Foster, Maynor, Haynes, Ellington, Statler, Martin, Riley, Tully and Maynard:

H. B. 4080 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, §18-34-4, §18-34-5, §18-34-6, §18-34-7, and §18-34-8, all relating to the West Virginia Technical Apprenticeship Program; providing for legislative findings; creating a position of executive director for the West Virginia Technical Apprenticeship Program and establishing duties of the executive director; providing for definitions; creating the West Virginia Technical Apprenticeship Program; providing for students to obtain dual high school and college credit for participation in the program; providing a tax credit for companies who participate in the program, as well as grants and appropriate tax measures for donating new or used equipment to vocational and technical centers; creating an internship opportunity for students who participate in the program; and defining terms of the West Virginia Technical Apprenticeship Program and any associated internships"; to the Committee on Workforce Development then Finance.

By Delegates Howell, Maynor, Haynes, Householder, Martin, Barrett, Hamrick, Maynard, Riley, Tully and Paynter:

H. B. 4081 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, and §11-29-3, all relating to creating a tax incentive plan for sewage treatment facility output; providing legislative findings and establishing a purpose; establishing the creation of tax incentive plans for companies to use output from sewage treatment

facilities for use in their company plans who require water but not necessarily drinking quality water; and providing for an effective date"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Howell, Linville, B. Ward, D. Kelly, Steele, Honaker, Maynor, Haynes, Martin, Hott and Pinson:

H. B. 4082 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-10b, relating to State Police Registration plates; ensuring all vehicles bear an appropriate registration plate; require superintendent issue two registration plates for each vehicle in the fleet; creating temporary registration plates to be sent to each detachment"; to the Committee on Technology and Infrastructure then Government Organization.

Leaves of Absence

In the absence of objection, leaves of absence for the day were granted Delegates Boggs, Graves, Hanshaw (Mr. Speaker), J. Kelly and Phillips.

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. 2882: Delegates Keaton, Martin, Maynor, Wamsley, B. Ward, Westfall and Zatezalo;

And,

H. B. 4076: Delegate Bates.

At 11:13 a.m., the House of Delegates adjourned until 9:00 a.m., Friday, January 14, 2022.

Friday, January 14, 2022

THIRD DAY

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

The House of Delegates met at 9:00 a.m., and 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 13, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Rohrbach, 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. 4004, Relating to limiting an abortion to fifteen week's gestation,

And,

H. B. 4005, Relating to fetal body parts,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, 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. 4004 and H. B. 4005) were each referred to the Committee on the Judiciary.

Delegate Rohrbach, 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. 4059, Exempting new Department of Health and Human Resources' Deputy Commissioners from civil service,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4059 - "A Bill to amend and reenact §29-6-4, of the Code of West Virginia, 1931, as amended, relating to clarifying that all new Department of Health and Human Resources' Deputy Commissioners are policy making positions exempt from civil service,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4060, Repealing outdated sections of code relating to health,

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

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates J. Kelly, Anderson, Zatezalo, Barnhart, Wamsley and Riley:

H. B. 4083 - "A Bill to amend and reenact §22-30-3 and §22-30-5 of the Code of West Virginia, 1931, as amended, relating to modifying an exception to the definition of aboveground storage tank by removing a location requirement for small devices having a capacity of 210 barrels or less, excluding points of isolation; excluding tanks not holding liquids; removing zones of critical concern; redefining release; redefining secondary containment; exempting certain tanks from level one and level two regulations for a period of one year; providing that the secretary may not require any regulated tanks in operation as of August 1, 2016, to be lifted, moved, or otherwise physically altered in connection with a visual leak detection program in the absence of a confirmed release; encouraging and promoting the use of 'remote non-destructive examination technologies' in connection with any required periodic physical inspections of tanks in order to eliminate human confined spaces entries into regulated tanks; providing that emptying the contents from an aboveground storage tank shall cause the tank to become a nonoperation tank, and relieve the owner and operator of the requirements of this article, including closure requirements, until it contains liquid causing the tank to again become a regulated tank; and excepting that such tanks must continue to meet the registration requirements contained in §22-30-4 of this code, the notice requirements contained in §22-30-10 of this code, and the signage requirements contained in §22-30-11 of this code"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Zatezalo, Anderson, J. Kelly, Reynolds, Howell, Miller and Forsht:

H. B. 4084 - "A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended, relating to advanced recycling; adding definitions relating to advanced recycling and advanced recycling facilities; adding depolymerization and gasification as definitions; defining pyrolysis and expanding the definition of recovered feedstock; and facilitating the conversion of plastics and other recovered materials through advanced recycling processes"; to the Committee on Small Business,

Entrepreneurship and Economic Development then Energy and Manufacturing.

By Delegate Hornbuckle:

H. B. 4085 - "A Bill to amend and reenact §16-19-3, §16-19-4, and §16-19-5 of the Code of West Virginia, 1931, as amended, all relating to living anatomical gifts; providing definition; establishing who may make a living anatomical gift and for what purposes; and establishing requirements for obtaining consent of the donor to make the gift"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Horst, McGeehan, Kimes, Hanna, Barrett, Booth, B. Ward, Hardy, Mandt, Conley and Mazzocchi:

H. B. 4086 - "A Bill to amend and reenact §61-7-2 of the Code of West Virginia, 1931, as amended, relating to adding definition of 'ammunition' for purposes of obtaining state license to carry concealed deadly weapon"; to the Committee on the Judiciary.

By Delegates Nestor, Jennings, Horst, Zatezalo, Reynolds, Reed, Booth and Haynes:

H. B. 4087 - "A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to requiring the State Fire Commission to propose rules relating to sprinkler protection, providing that buildings commencing construction after July 1, 2022, housing emergency fire, rescue, or ambulance services shall be protected throughout by approved automatic sprinkler systems; and exempting emergency services buildings that only house equipment and do not have sleeping areas or quarters within them"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Howell, Keaton, Linville, Hamrick, Criss, Householder, Storch, Hott, Riley, Smith and Ferrell:

H. B. 4088 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13LL-1, §11-13LL-2, §11-13LL-3, §11-13LL-4, §11-13LL-5, §11-13LL-6, §11-13LL-7, §11-13LL-8, §11-13LL-9, §11-13LL-10, §11-13LL-11, §11-13LL-12, §11-13LL-13, §11-13LL-14, §11-13LL-15, §11-13LL-16, §11-13LL-17, §11-13LL-18, §11-13LL-

19, and §11-13LL-20; and to amend said code by adding thereto a new section, designated §22-2-10, all relating to the creation of the Rare Earth Element and Critical Mineral Investment Tax Credit Act of 2022; providing for administration and enforcement of act; providing for a short title; making legislative findings relating to the mining and processing of rare earth elements and critical minerals, as well as the manufacturing of products that require rare earth elements and critical minerals; establishing the legislative purpose for the act; defining terms of the act; specifying an amount of credit allowable based on amount of qualified investment and the number of new jobs created as they relate to mining, processing, and manufacturing of products that require rare earth elements and critical minerals; providing limitations and conditions for the qualification and use of the act; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment in rare earth element/critical mineral mining and processing facilities, as well as manufacturing facilities whose products require rare earth elements and critical minerals; providing for a determination and certification of the number of new jobs as they relate to the act; providing for carry over and forfeiture of unused tax credits and redetermination of tax credits under certain circumstances; providing certain limitations for credits being carried over; providing for full recapture and partial recapture of credit under certain circumstances and imposing a recapture tax; allowing transfer of qualified investment property without forfeiture or recapture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and construction of credit; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing for severability; specifying an effective date for the act; and clarifying ownership of rare earth elements and critical minerals in order to incentivize acid mine drainage treatment while recovering rare earth elements and critical

minerals"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Rohrbach, D. Jeffries, Tully, Pack, G. Ward, Bates, Rowan, Mallow and Worrell:

H. B. 4089 - "A Bill to amend and reenact §9-5-20 of the Code of West Virginia, 1931, as amended, relating to Medicaid coverage for hypertension; requiring benefits be provided; and requiring reimbursement for costs"; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Keaton, Holstein and Pinson:

H. B. 4090 - "A Bill to amend and reenact §61-3B-2 of the Code of West Virginia, 1931, as amended, relating to trespassing; increasing the criminal penalty for trespass"; to the Committee on the Judiciary.

By Delegates Keaton, Haynes, Pinson, Clark and Hanna:

H. B. 4091 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6M-1, §11-6M-2, §11-6M-3, §11-6M-4, and §11-6M-5, all relating to creating the Family Supporting Jobs Tax Relief Act; providing for a short title; creating definitions applicable to the Act; providing for a special valuation of tangible industrial personal property after July 1, 2022; providing for an initial determination, process, and appeal; and providing for an effective date"; to the Committee on Finance.

By Delegates Keaton, Barnhart, Haynes, Burkhammer, Holstein, Dean, Wamsley, Clark, Pinson, Reynolds and Linville:

H. B. 4092 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6M-1, §11-6M-2, §11-6M-3, §11-6M-4, and §11-6M-5, all relating to establishing the Rare Earth Property Tax Industrial Development Act; providing for definitions; creating valuation of certain rare earth business personal property; creating an initial determination with a process for protest and appeal; and creating an effective date"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Keaton, Haynes, Clark, Pinson, Maynor and Hanna:

H. B. 4093 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-5A-1, §11-5A-2, and §11-5A-3, all relating to business personal property tax, allowing a tax to be assessed at salvage value for business located in economically distressed areas"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

Miscellaneous Business

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

H. B. 4024: Delegate Young.

At 9:14 a.m., the House of Delegates adjourned until 1:00 p.m., Monday, January 17, 2022.

Monday, January 17, 2022

SIXTH DAY

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

The House of Delegates met at 1:00 p.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Friday, January 14, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 4058, Require all schools to update restrooms for privacy,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4058 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-9c, relating to installation of individual stalls in the bathrooms of public schools,"

With the recommendation that the committee substitute do pass.

Pursuant to House Rule 80, the Speaker referred the bill (Com. Sub. for H. B. 4058) to the Committee on Finance.

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. 9 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1 and §9-11-2, all relating to providing continued eligibility for developmental disability services to dependents of military service members; defining terms; establishing dependents retention of rights for developmental disability services provided conditions are met; providing dependents be placed on waiting list for services; establishing a process to reestablish services for dependent upon return to state; prohibiting payment for services rendered outside state; and providing for rulemaking"; which was referred to the Committee on Veterans' Affairs and Homeland Security then Health and Human Resources.

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. 10 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33c, relating to West Virginia University Rifle Team electronic application donation program; including solicitation for voluntary donation to West Virginia University Rifle Team on electronic application for hunting or fishing license; providing opportunity to designate donation in any amount; creating special account; establishing funding sources; specifying terms for expenditures; authorizing disbursements and administrative fee; and requiring annual reports"; which was referred to the Committee on Agriculture and Natural Resources then Finance.

A message from the Senate, by

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

S. B. 22 - "A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempt property from taxation used exclusively for divine worship and the operation of a pre-K school, primary school, middle school, secondary school, daycare center, or church camp for children, which school, daycare center, or church camp is operated by the church which owns the property or is operated by another not-for-profit organization or entity; and providing that motor vehicles subject to a lease for at least one year by the United States, the state, any county, municipality, political subdivision, college or university of this state and used for public purposes is deemed public property and exempt from ad valorem taxation"; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

S. B. 40 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to prohibiting insurance coverage from requiring prior authorization for physician-prescribed tests to stage cancer"; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

S. B. 77 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-15a, relating to disabled veterans and veterans who received the

Purple Heart may park free at metered parking spaces in any municipality in the state"; which was referred to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

A message from the Senate, by

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

S. B. 91 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate to support adoption; and establishing fees"; which was referred to the Committee on Technology and Infrastructure then Government Organization.

A message from the Senate, by

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

S. B. 98 - "A Bill to amend and reenact §20-2-42i of the Code of West Virginia, 1931, as amended, relating to the Class LL nonresident fishing license; and providing it be valid for three consecutive days"; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

A message from the Senate, by

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

S. B. 99 - "A Bill to amend and reenact §20-2-42 of the Code of West Virginia, 1931, as amended, relating to indexing of license and stamp fees; and continuing the authority to index license and stamp fees"; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

A message from the Senate, by

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

S. B. 121 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-6-22b, relating to barring a person who has been charged with willfully and intentionally causing the death of another by a criminal complaint, indictment, or a child abuse petition from participating in or planning the funeral or burial of the deceased"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 129 - "A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to preventing public water and sewer utilities from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service if certain requirements are met; and specifying requirements and involvement of the Public Service Commission"; which was referred to the Committee on Technology and Infrastructure then Government Organization.

A message from the Senate, by

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

S. B. 135 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-18-30, relating to the acquisition and disposition of certain real property by an urban development authority; establishing methods of acquisition; requiring on-going maintenance of acquired properties; providing limits on acquisitions; providing for right of first refusal of tax-delinquent properties; and setting a sunset date"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 136 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to updating language regarding special license plates for Fairmont State University"; which was referred to the Committee on Technology and Infrastructure then Government Organization.

A message from the Senate, by

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

S. B. 141 - "A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to modifying the requirement that a racetrack must have participated in the West Virginia Thoroughbred Development Fund since January 1, 1999, or before in order for counties to receive two percent of the net terminal income where the video lottery terminals are located"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 170 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to the development of an incentive plan for West Virginia veterans which includes reductions and discounts in fees and charges at state parks"; which was referred to the Committee on Agriculture and Natural Resources then Finance.

A message from the Senate, by

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

S. B. 172 - "A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to increasing the compensation of elected county officials"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 191 - "A Bill to amend and reenact §3-1-30 and §3-1-44 of the Code of West Virginia, 1931, as amended, all relating to authorizing poll clerks to work and be compensated for both full and half days worked during an election"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 228 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-7d, relating to providing tuition and fee waivers for terms of service completed in West Virginia as AmeriCorps volunteer; specifying programs, conditions, required minimum hours of service, and limitation of semesters applicable; defining nominal value; providing that tuition and fee waivers are in addition to others permitted; authorizing governing boards to establish limits; and authorizing legislative rulemaking for certain purposes"; which was referred to the Committee on Education then Finance.

Resolutions Introduced

Delegates Westfall, Pinson, Wamsley and Booth offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 15 - "Requesting the Division of Highways name bridge number 18-331/00-003.99 (18A126), locally known as Cottageville Arch (SCDA), carrying WV 331 over Mill Creek in Jackson county the 'Thomas Brothers Memorial Bridge'."

Whereas, Mr. and Mrs. A.H. Thomas lived in Mt. Alto, West Virginia. The Thomas's had 3 sons: Marion, born on May 24,1927,

James, born on September 27, 1931, and Alvin, born on November 19, 1933.

Whereas, Following the start of the Korean War, each of the three brothers enlisted in the United States armed forces. By 1950, all three brothers were enlisted at ages 23, 19, and 17, respectively. Marion Thomas, who had served 31 months in the Navy during World War II, began serving in the Army at Fort Sill, Oklahoma. Marion was subsequently deployed to Korea and served on the front lines. James served with the Army Air Force and was stationed at Kelly Field in Texas prior to being deployed to Korea. The youngest brother, Alvin, was stationed at Fort Knox, Kentucky; and

Whereas, The three brothers were believed to be the first family in the county in the Korean War to have three brothers in uniform; and

Whereas, The Thomas brothers returned from service after the war; and

Whereas, Marion Thomas died on January 22, 1985, James Thomas died on November 24, 2012, and Alvin died on November 18, 2017; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Thomas Brothers and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 18-331/00-003.99 (18A126), locally known as Cottageville Arch (SCDA), carrying WV 331 over Mill Creek in Jackson county the "Thomas Brothers Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the *"*Thomas Brothers Memorial Bridge*"*; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates G. Ward, Kimble, Mallow and Garcia offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 16 - "Requesting the Division of Highways name bridge number: 25-001/00-010.40 (25A004), (39.53091, -80.34410) locally known as Mannington Arch, carrying CR 1 over Pyles Fork in Marion County, the 'WW II Veterans Toothman Brothers Memorial Bridge'."

Whereas, The Toothman family of Mannington, West Virginia had five brothers who served in the military during World War II; and

Whereas, Osborne Dale Toothman, age 95, died on October 14, 2016, at his home in Charlottesville, Virginia. Born on March 5, 1921, he was one of nine sons born to Charles and Mae Toothman in Mannington, West Virginia. He served in World War II as a Marine from 1938 to 1946; and

Whereas, Rupert Clyde Toothman served in the U. S. Army. He was seriously injured in Germany and discharged in 1945. He died in Page, Arizona in 1986; and

Whereas, Harold Herman Toothman served in the U. S. Army, discharged in 1945. He died in Mesa, Arizona in 1987; and

Whereas, Lawrence Reid Toothman was a U. S. Army Air Force B-24 pilot. He was shot down over Linz, Austria during his eighth mission, parachuted from the plane and captured by the Germans. He was freed from a POW hospital by Russians. He was discharged in 1946. He died in Orlando, Florida in 1984; and

Whereas, Hubert Earl Toothman Served in the U. S. Army, was wounded in France near the Germany border. He was discharged in 1945 and died in Waycross, Georgia in 1972; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Toothman brothers and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number: 25-001/00-010.40 (25A004), (39.53091, -80.34410) locally known as Mannington Arch, carrying CR 1 over Pyles Fork in Marion County, the "WW II Veterans Toothman Brothers Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "WW II Veterans Toothman Brothers Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Westfall offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 17 - "Requesting the Division of Highways name bridge number 18·021/22-000.49 (18A245), locally known as Sycamore Creek Bridge #1, carrying County Route 21/22 over Sycamore Creek in Jackson County, the 'U.S. Army CWO3 Daniel Okey Cunningham Memorial Bridge'."

Whereas, Daniel Okey Cunningham was born on September 22, 1941, to Okey and Mildred Cunningham at their homestead near Ripley, West Virginia; and

Whereas, Daniel Okey Cunningham, known to most people as "Danny," enlisted in the United States Army immediately after high school and was deployed to Korea; and

Whereas, Following his service in Korea, he joined the U.S. Army Reserves and eventually attained the rank of Chief Warrant Officer Three; and

Whereas, Danny Cunningham continued to be active in veterans' affairs long after he concluded his service in the Reserves, becoming a life member of Veterans of Foreign Wars Post 3488, and a member of American Legion Post 107 and the Military Officers Association of America; and

Whereas, On October 4, 1963, following his return from his overseas deployment, Danny Cunningham married Dorothy Easter, whom he had known since he was nine years old. The two of them saved until they were able to purchase property along Sycamore Road where they built their own home by themselves. Through their industry and enterprise, they were able to pay off their mortgage on the property within one and a half years. Danny and Dorothy raised four children and were married for 51 years until his passing; and

Whereas, Danny Cunningham was employed with the Kaiser Aluminum Company at their plant in Ravenswood and worked there diligently until his retirement; and

Whereas, He continued to stay active after his retirement, caring for the cattle, chickens, doves, and sheep at his farm, tending to his bees, and growing vegetables. He also was a skilled woodworker who created many beautiful masterpieces in wood during his lifetime; and

Whereas, Soon after his retirement, Daniel Okey Cunningham developed Chronic Obstructive Pulmonary Disorder as a result of exposure to asbestos while he was employed, yet he continued to stay active and to push himself in activities at his home and in his community. Eventually, he succumbed to the ravages of the disease after saying, "I love my family. I love my family so much" before his passing; and

Whereas, Daniel Okey Cunningham was known as a man who was devoted to his country and who greatly enjoyed sharing his time and knowledge with the people of his community; and

Whereas, It is fitting that an enduring memorial be established to commemorate Chief Warrant Officer Daniel Okey Cunningham and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 18·021/22-000.49 (18A245), locally known as Sycamore Creek Bridge #1, carrying County Route 21/22 over Sycamore Creek in Jackson County, the "U.S. Army CWO3 Daniel Okey Cunningham Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army CWO3 Daniel Okey Cunningham Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegates Toney, Rowan, Paynter, Dean, Ferrell and Cooper:

H. B. 4094 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-37; and to amend said code by adding thereto a new section, designated §18-7A-26x, all relating to providing a cost-of-living provision for certain persons retired under the Public Employees Retirement System and the Teachers Retirement System"; to the Committee on Pensions and Retirement then Finance.

By Delegates Holstein, Burkhammer, Keaton and Sypolt:

H. B. 4095 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to providing legislative findings; requiring a moment of silence at the beginning of each school day; forbidding teachers

from making suggestions as to the nature of the reflection that students may engage in during the moment of silence; and encouraging parents to discuss with their children what they should consider during the moment of silence"; to the Committee on Education then the Judiciary.

By Delegates Holstein, Keaton and Sypolt:

H. B. 4096 - "A Bill to amend and reenact §17-16A-13 of the Code of West Virginia, 1931, as amended, relating to exempting school buses currently in operation from having to pay tolls otherwise charged to vehicles on West Virginia roadways"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Holstein, Steele, Summers, Maynard, Barnhart, Wamsley and Keaton:

H. B. 4097 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1A-9, relating to prohibiting nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission"; to the Committee on the Judiciary.

By Delegates Anderson, J. Kelly, Steele, Boggs, Pethtel, Burkhammer, Riley, Statler, Westfall, Wamsley and Reynolds:

H. B. 4098 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-33-1, §22-33-2, §22-33-3, §22-33-4, §22-33-5, §22-33-6, §22-33-7, §22-33-8, and §22-33-9, all relating to geothermal energy development; defining terms; applying this article to geothermal resources at temperatures above the minimum temperature and the minimum volumetric rate as set forth by the department pursuant to §22-33-5 of this code; defining ownership rights; stating findings and separateness of the resource; delegating and defining powers of the department; providing for cancellation or rejection of permits; providing for civil penalties and injunctions; and delegating judicial review"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Hansen and Doyle:

H. B. 4099 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to increasing transparency in the apportionment process for congressional and legislative districts; defining procedures to enhance public access to and participation in the development of such districts; and establishing a period for public comment on district maps to be voted on by the Legislature prior to their adoption"; to the Committee on Political Subdivisions then Government Organization then the Judiciary.

By Delegates Holstein, Keaton and Sypolt:

H. B. 4100 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-60, relating to establish the crime of damaging property by graffiti; creating misdemeanor and felony criminal penalties for those who place graffiti on or otherwise defaces the public or private property, real or personal; defining terms; imposing liability on parent or legal guardian of a person under eighteen for violations; requiring driver's license restrictions upon conviction; authorizing a court to require restitution; and authorizing property owners to recover damages up to three times the amount of any loss in value to the property or up to three times the cost of restoring the property plus attorney's fees and costs, or both costs and fees"; to the Committee on the Judiciary.

By Delegates Statler, Bridges, Jennings, Kimes, Lovejoy, Paynter, Pethtel, Toney and B. Ward:

H. B. 4101 - "A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended, relating to authorized expenditures of revenues from certain state funds for fire departments; clarifying and expanding categories of allowable expenditures; permitting state grant funds to be deposited into a state account and be transferred from the account for unrestricted use; and setting forth a 60-day time frame for fire departments receiving grant funds to transfer unrestricted funds from a restricted account"; to the Committee on Pensions and Retirement then Finance.

By Delegates Toney, Rowan, Paynter, Dean, Ferrell and Cooper:

H. B. 4102 - "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 termination of full-time employment"; to the Committee on Education then Finance.

By Delegates Toney, Rowan, Paynter, Booth, Dean, Ferrell, B. Ward and Cooper:

H. B. 4103 - "A Bill to amend and reenact §18-7A-28 of the Code of West Virginia, 1931, as amended, relating to the State Teachers Retirement System; options to beneficiaries; and authorizing a change of options because of death of beneficiary with a joint life annuity, within the first five years of retirement"; to the Committee on Pensions and Retirement then Finance.

By Delegates Toney, Rowan, Paynter, Dean, Ferrell and Cooper:

H. B. 4104 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-55, relating to a one-time cost-of-living supplement to retirement benefits under $60,000 a year"; to the Committee on Pensions and Retirement then Finance.

By Delegates Toney, Rowan, Paynter, Booth, Dean, Ferrell, Cooper and Ellington:

H. B. 4105 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-23, relating to candidates for professional employee positions involving supervision of a county transportation department; making any service employee who is certified as a Director or Supervisor of Pupil Transportation by the National Association for Pupil Transportation Certification an eligible candidate and requiring county boards to consider such candidates"; to the Committee on Education.

By Delegates Toney, Rowan, Paynter, Booth, Dean, Ferrell, Statler, Cooper and Ellington:

H. B. 4106 - "A Bill to amend and reenact §17-16A-6 of the Code of West Virginia,1931, as amended, relating to exempting school buses with students on board from paying turnpike tolls"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Toney, Rowan, Paynter, Booth, Dean, Ferrell, Conley and Cooper:

H. B. 4107 - "A Bill to amend and reenact §17-5-1 of the Code of West Virginia,1931, as amended, relating to making all inmates regardless of sex eligible to work on a state convict road force"; to the Committee on Select Committee on Jails and Prisons then the Judiciary.

By Delegates Toney, Rowan, Paynter, Dean, Ferrell, Conley, Cooper and Ellington:

H. B. 4108 - "A Bill to amend and reenact §15A-4-20 of the Code of West Virginia, 1931, relating to allowing inmates to perform the community service of providing upkeep to cemeteries"; to the Committee on Select Committee on Jails and Prisons then the Judiciary.

By Delegates Toney, Paynter, Booth, Dean, Ferrell and Ellington:

H. B. 4109 - "A Bill to amend and reenact §17-16A-6 of the Code of West Virginia,1931, as amended, relating to exempting emergency medical service vehicles from paying turnpike tolls"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Toney, Hanshaw (Mr. Speaker), Paynter, Dean, Ferrell, Statler, Cooper and Ellington:

H. B. 4110 - "A Bill to amend and reenact §18-9A-4 of the Code of West Virginia, 1931, as amended, relating to public school support, foundation allowance for professional educators; and providing that a county board of education serving as the fiscal agent for a multi-county vocational center may not be penalized if the county's failure to meet the applicable minimum ratio is due to the staffing levels at the multi-county vocational center"; to the Committee on Education.

By Delegates Rohrbach, D. Jeffries, Summers, Reed, G. Ward, Bates, Rowan, Forsht, Mallow and Worrell:

H. B. 4111 - "A Bill to amend and reenact §30-3E-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-7-15a of said code, all relating to clarifying prescriptive authority of physicians assistants and registered professional nurses"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rohrbach, D. Jeffries, Tully, Pack, G. Ward, Bates, Worrell, Rowan, Forsht, Mallow and Jennings:

H. B. 4112 - "A Bill to amend and reenact §33-51-3, §33-51-8, §33-51-9, and §33-51-11 of the Code of West Virginia, 1931, as amended, relating to the regulation of pharmacy benefit managers; defining terms; prohibiting a pharmacy benefit manager from unnecessarily limiting a consumer's access to prescription drugs through the designation of specialty drugs; requiring pharmacy benefit managers to disclose any sub-networks for specialty drugs to the Insurance Commissioner; prohibiting a pharmacy benefit manager from limiting network access; and requiring notice of contract changes"; to the Committee on Health and Human Resources.

By Delegates Rohrbach, Summers, D. Jeffries, Tully, G. Ward, Bates, Reed, Worrell, Rowan and Mallow:

H. B. 4113 - "A Bill to repeal §16-1-8, §16-1-13 and §16-1-21 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1-2, §16-1-3 §16-1-4, §16-1-5 §16-1-6, §16-1-7 §16-1-10, §16-1-11 §16-1-12 and §16-1-14 of said code; and to amend and reenact §16-2-2, §16-2-10 §16-2-11, §16-2-12, §16-2-13 §16-2-14 and §16-2-17 of said code; all relating to public health; permitting the secretary to appoint advisory councils; allowing the secretary of the Department of Public Health to propose legislative rules; empowering the commissioner of the Bureau of Public Health to establish a Center for Local Public Health; creating powers for the center; permitting local boards of health to provide immunizations and threat preparedness; and repealing obsolete areas of code"; to the Committee on Health and Human Resources.

Special Calendar

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. 4059, Clarifying that new Department of Health and Human Resources Deputy Commissioners are exempt from civil service,

And,

H. B. 4060, Repealing outdated sections of code relating to health.

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Walker regarding the Reverend Dr. Martin Luther King Jr.

- Prayer and comments by Delegate Honaker

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2041: Delegate Martin;

H. B. 2048: Delegate Zukoff;

H. B. 2973: Delegate Zukoff;

H. B. 3174: Delegate Fleischauer;

H. B. 4073: Delegate Mandt;

H. B. 4076: Delegates Barrett and Mandt;

H. B. 4084: Delegates Keaton and Mandt;

H. B. 4087: Delegate Mandt;

And,

H. B. 4091: Delegate Mandt.

At 1:16 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 18, 2022.

Tuesday, January 18, 2022

SEVENTH DAY

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

The House of Delegates met at 11:00 a.m., and 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 Monday, January 17, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Steele, 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. 8, Relating generally to state's savings and investment programs,

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

Delegate Steele, 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. 4067, To make certain agency reports electronic or eliminating certain agency reports altogether,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4067 - "A Bill to amend and reenact §5-11B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6C-4 of said code; to repeal §8-13C-13 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of said code; to amend and reenact §16-1-21 of said code; to amend and reenact §16-33-6 of said code; to repeal §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §29-6-7a of said code; to repeal §22A-6-11 of said code; to repeal §22A-6-12 of said code; to repeal §22A-6-13 of said code; to amend and reenact §31-15A-17b of said code; to amend and reenact §31-18-24 of said code; and to repeal §33-25A-35 of said code; all relating to making certain agency reports electronic rather than in printed hard-copy form; and eliminating the reporting requirement entirely for those agencies whose reports are no longer needed or whose deadlines have passed with reports already submitted,"

With the recommendation that the committee substitute do pass.

Messages from the Executive

and Other Communications

Legislative Rule-Making Review Committee Report

The following letter from Delegate Foster and Senator Sypolt, cochairs of the Legislative Rule-Making Review Committee, was read by the Clerk:

West Virginia Legislature
Legislative Rule-Making Review Committee
January 10, 2022

The Honorable Bruce Cassis
Clerk, West Virginia Senate
State Capitol
Charleston, WV 25305

The Honorable Steve Harrison
Clerk, West Virginia House of Delegates
State Capitol
Charleston, WV 25305

In accordance with the provisions of W.Va. Code, §29A-3-12, we have attached copies of the proposed legislative rules which have been submitted to and acted upon by the Legislative Rule-Making Review Committee, pursuant to the provisions of W.Va. Code, §29A-3-11, and which have not previously been submitted to the Legislature for authorization.

Also, attached is a report listing the proposed legislative rules considered by the Committee, and setting forth the recommendations of the Committee with respect to the proposed legislative rules. This letter also serves as a statement that a separate bill authorizing the promulgation of each proposed legislative rule has been drafted by the staff of the Legislative Rule-Making Review Committee.

In accordance with W.Va. Code, §29A-3-11, the draft bills are available for any member to introduce to the Legislature. The undersigned, as Co-Chairs of the Legislative Rule-Making Review Committee, are requesting that Senator Sypolt's name be placed on the draft bills as the sponsor in the Senate, and Delegate Foster's name be placed on the draft bills as the sponsor in the House of Delegates.

Thank you for your cooperation.

Sincerely,

Dave Sypolt, Chair
Senate

Geoff Foster, Chair
House of Delegates

The preceding letter was accompanied by the following report:

Report of the Legislative Rule-Making Review Committee

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee
State Capitol
Charleston, West Virginia 25305

January 10, 2022

West Virginia Legislature
State Capitol
Charleston, West Virginia

Ladies and Gentlemen:

In accordance with the provisions of West Virginia Code, §29A-3-12, as chairmen of the Legislative Rule-Making Review Committee we submit this report of its activities. A bill, in the form approved by the Committee, authorizing each of the proposed legislative rules below as submitted, as modified, as modified and amended, or as amended has been drafted by the staff of the Legislative Rule-Making Review Committee pursuant to West Virginia Code §29A-3-11.

The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for promulgation by the respective agencies as submitted:

Agriculture, WV Department of
Fruits and Vegetables Certification of Potatoes for Seedling Purposes, 61-08C [H. B. 4176]

Dangerous Wild Animal Board
Dangerous Wild Animal, 74-01 [H. B. 4193]

DEP
Ambient Air Quality Standards, 45-08 [H. B. 4118]

DEP
Standards of Performance for New Stationary Sources, 45-16 [H. B. 4119]

DEP
Emission Standards for Hazardous Air Pollutants, 45-34 [H. B. 4121]

DEP - Waste Management
Requirements for the Management of Coal Combustion Residuals, 33-01B [H. B. 4122]

DEP - Water and Waste Management
Underground Injection Control, 47-13 [H. B. 4124]

DEP - Water and Waste Management
Administrative Proceedings and Civil Penalty Assessment, 47-30B [H. B. 4125]

Fire Commission, WV State
Specialized Membership, 87-11 [H. B. 4145]

Fire Commission, WV State
Junior Firefighters, 87-12 [H. B. 4146]

Fire Commission, WV State
Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes, 87-14 [H. B. 4148]

Fire Marshal, WV State
Regulation of Fireworks and Related Explosive Material, 103-04 [H. B. 4149]

Health and Human Resources, WV Department of
All Payer Claims Database Program's Privacy and Security Rule, 114A-02 [H. B. 4140]

Health and Human Resources, WV Department of
Expedited Partner Therapy, 64-103 [H. B. 4135]

Health and Human Resources, WV Department of
Medication Assisted Treatment-Opioid Treatment Programs, 69-11 [H. B. 4137]

Health and Human Resources, WV Department of
Syringe Services Program Licensure, 69-17 [H. B. 4138]

Insurance Commission, WV
Term and Universal Life Insurance Reserve Financing, 114-102 [H. B. 4156]

Insurance Commission, WV
Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters, 114-42 [H. B. 4153]

Insurance Commission, WV
Adoption of Valuation Manual, 114-98 [H. B. 4154]

Insurance Commission, WV
Pharmacy Auditing Entities and Pharmacy Benefit Manager, 114-99 [H. B. 4155]

Medicine, WV Board of
Licensing and Disciplinary Procedures; Physicians, Podiatric Physicians and Surgeons, 11-01A [H. B. 4203]

Medicine, WV Board of
Continuing Education for Physicians and Podiatric Physicians, 11-06 [H. B. 4206]

Miners' Health, Safety and Training, WV Office of
Rule Governing First Aid- Training of Shaft and Slope Employees, 56-11 [H. B. 4244]

Natural Resources, WV Division of
Special Motorboating Regulations, 58-27 [H. B. 4247]

Natural Resources, WV Division of
General Hunting, 58-49 [H. B. 4249]

Racing Commission
Pari-Mutuel Wagering, 178-05 [H. B. 4161]

Registered Professional Nurses
Limited Prescriptive Authority for Nurses in Advanced Practice, 19-08 [H. B. 4222]

Secretary of State
Voter Registration at the Division of Motor Vehicles, 153-03 [H. B. 4224]

Secretary of State
Voter Registration List Maintenance by the Secretary of State, 153-05 [H. B. 4225]

Secretary of State
Real Property Electronic Recording Standards and Regulations, 153-48 [H. B. 4230]

Tax
Vendor Absorption or Assumption of Sales and Use Tax, 110-15M [H. B. 4166]

Tax
On-line Bingo and Raffles, 110-16A [H. B. 4167]

Treasurer
Substitute Checks-Exceptional Items Fund, 112-02 [H. B. 4234]

Treasurer
Procedures for Deposit of Moneys with the State Treasurer's Office by State Agencies, 112-04 [H. B. 4235]

Treasurer
Selection of State Depositories for Disbursement Accounts Through Competitive Bidding, 112-06 [H. B. 4236]

Treasurer
Selection of State Depositories for Receipt Accounts, 112-07 [H. B. 4237]

Treasurer
Procedures for Processing Payments from the State Treasury, 112-08 [H. B. 4238]

Treasurer
Reporting Debt, 112-10 [H. B. 4239]

Treasurer
Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment, 112-12 [H. B. 4240]

Treasurer
Procedures for Providing Services to Political Subdivisions, 112-13 [H. B. 4241]

The Committee submits to the Legislature the following proposed rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which were approved by the Committee with the modifications with the recommendation that the proposed rules be authorized for adoption by the respective agencies as modified:

Agriculture, WV Department of
Feeding of Untreated Garbage to Swine, 61-01A [H. B. 4173]

Agriculture, WV Department of
Commercial Feed, 61-05 [H. B. 4174]

Agriculture, WV Department of
Enrichment of Flour and Bread Law Regulations, 61-07 [H. B. 4175]

Agriculture, WV Department of
Fresh Food Act, 61-10 [H. B. 4177]

Agriculture, WV Department of
Auctioneers, 61-11B [H. B. 4178]

Agriculture, WV Department of
Hemp Products, 61-30 [H. B. 4179]

Agriculture, WV Department of
Rural Rehabilitation Program, 61-33 [H. B. 4181]

Agriculture, WV Department of
Farm to Food Bank Tax Credit, 61-36 [H. B. 4182]

Agriculture, WV Department of
Farmers Markets, 61-38 [H. B. 4183]

Agriculture, WV Department of
Seed Certification, 61-39 [H. B. 4184]

Alcohol Beverage Control Commission
Private Club Licensing, 175-02 [H. B. 4151]

Alcohol Beverage Control Commission- Beer
Nonintoxicating Beer Licensing and Operations Procedures, 176-01 [H. B. 4152]

Auditor, Office of the State
Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body, 155-08 [H. B. 4185]

Auditor, Office of the State
Accountability Requirements for State Funds and Grants, 155-09 [H. B. 4186]

Chiropractic Examiners, WV Board of
Chiropractic Telehealth Practice, 4-09 [H. B. 4187]

Contractor Licensing Board, WV
Contractor Licensing Act, 28-02 [H. B. 4188]

Counseling, WV Board of Examiners in
Licensing Rule, 27-01 [H. B. 4189]

Counseling, WV Board of Examiners in
Licensed Professional Counselor Fee Rule, 27-02 [H. B. 4190]

Counseling, WV Board of Examiners in
Marriage and Family Therapist Licensing Rule, 27-08 [H. B. 4191]

Counseling, WV Board of Examiners in
Marriage and Family Therapist Fee Rule, 27-09 [H. B. 4192]

Crime, Delinquency, and Correction
Law Enforcement Training and Certification Standard, 149-02 [H. B. 4141]

Dental Examiners, WV Board of
Rule for the West Virginia Board of Dentistry, 5-01 [H. B. 4194]

Dental Examiners, WV Board of
Formation and Approval of Professional Limited Liability Companies, 5-02 [H. B. 4195]

Dental Examiners, WV Board of
Formation and Approval of Dental Corporation and Dental Practice Ownership, 5-06 [H. B. 4196]

Dental Examiners, WV Board of
Continuing Education Requirements, 5-11 [H. B. 4197]

Dental Examiners, WV Board of
Administration of Anesthesia by Dentists, 5-12 [H. B. 4198]

Dental Examiners, WV Board of
Expanded Duties of Dental Hygienists and Dental Assistants, 5-13 [H. B. 4199]

Dental Examiners, WV Board of
Teledentistry, 5-16 [H. B. 4200]

DEP
Control of Air Pollution from Combustion of Solid Waste, 45-18 [H. B. 4120]

DEP - Water Resources, Office of
Requirements Governing Water Quality Standards, 47-02 [H. B. 4123]

Ethics Commission
Use of Office for Private Gain, Including Nepotism, 158-06 [H. B. 4114]

Fire Commission
Volunteer Fire Department Equipment and Training Grant Funding Disbursement, 87-10 [H. B. 4144]

Fire Commission, WV State
Fire Code, 87-01 [H. B. 4142]

Fire Commission, WV State
Certification of Fire Chiefs, 87-13 [H. B. 4147]

Funeral Service Examiners
Fee Schedule, 6-07 [H. B. 4201]

Health Care Authority
Certificate of Need Rule, 65-32 [H. B. 4136]

Health, WV Bureau for Public
Methods and Standards for Chemical Tests for Intoxication, 64-10 [H. B. 4126]

Health, WV Bureau for Public
Hospital Licensure, 64-12 [H. B. 4127]

Health, WV Bureau for Public
Childhood Lead Screening, 64-42 [H. B. 4128]

Health, WV Bureau for Public
Food Manufacturing Facilities, 64-43 [H. B. 4129]

Health, WV Bureau for Public
Sewage Treatment and Collection System Design Standards, 64-47 [H. B. 4130]

Health, WV Bureau for Public
Emergency Medical Services, 64-48 [H. B. 4131]

Health, WV Bureau for Public
Clinical Laboratory Practitioner Licensure an Certification, 64-57 [H. B. 4132]

Health, WV Bureau for Public
Clandestine Drug Laboratory Remediation, 64-92 [H. B. 4133]

Health, WV Bureau for Public
Maternal Risk Screening, 64-97 [H. B. 4134]

Insurance Commission, WV
Bail Bondsmen in Criminal Cases, 114-103 [H. B. 4157]

Labor, WV Division of
Child Labor Rule, 42-09 [H. B. 4242]

Lottery Commission, WV
West Virginia Lottery State Lottery Rules, 179-01 [H. B. 4158]

Lottery Commission, WV
West Virginia Lottery Limited Video Lottery Rule, 179-05 [H. B. 4159]

Massage Therapy Licensure Board, WV
General Provisions, 194-01 [H. B. 4202]

Medicine, WV Board of
Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants, 11-01B [H. B. 4204]

Medicine, WV Board of
Board of Medicine Rules for Dispensing of Prescription Drugs by Practitioners, 11-05 [H. B. 4205]

Medicine, WV Board of
Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database, 11-10 [H. B. 4207]

Medicine, WV Board of
Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans, 11-11 [H. B. 4208]

Medicine, WV Board of
Registration to Practice During a Declared State of Emergency, 11-14 [H. B. 4209]

Miners' Health, Safety and Training, WV Office of
Rule Governing the Safety of Those Employed in and Around Surface Mines in West Virginia, 56-03 [H. B. 4243]

Miners' Health, Safety and Training, WV Office of
Substance Abuse Screening, Standards and Procedure, 56-19 [H. B. 4245]

Motor Vehicles, WV Division of
Examination and Issuance of Drivers License, 91-04 [H. B. 4169]

Motor Vehicles, WV Division of
Collection of Tax on the Sale of a Vehicle, 91-09 [H. B. 4171]

Natural Resources, WV Division of
Revocation of Hunting and Fishing Licenses, 58-23 [H. B. 4246]

Natural Resources, WV Division of
Public Shooting Ranges, 58-38 [H. B. 4248]

Natural Resources, WV Division of
Lifetime Hunting, Trapping, and Fishing Licenses, 58-67 [H. B. 4251]

Office of Technology
Chief Information Officer Review, 163-02 [H. B. 4116]

Office of Technology
Cyber Reporting, 163-03 [H. B. 4117]

Osteopathic Medicine
Licensing Procedures for Osteopathic Physicians, 24-01 [H. B. 4211]

Osteopathic Medicine, WV Board of
Osteopathic Physician Assistants, 24-02 [H. B. 4212]

Osteopathic Medicine, WV Board of
Practitioner Requirements for Controlled Substance Licensure and Accessing the West Virginia Controlled, 24-07 [H. B. 4213]

Personnel, WV Division of
Administrative Rule of the West Virginia Division of Personnel, 143-01 [H. B. 4115]

Pharmacy, WV Board of
Licensure and Practice of Pharmacists Care, 15-01 [H. B. 4215]

Pharmacy, WV Board of
Controlled Substance Monitoring Act, 15-08 [H. B. 4216]

Pharmacy, WV Board of
Regulations Governing Pharmacists, 15-16 [H. B. 4217]

Public Service Commission
Rules Governing the Occupancy of Customer-Provided Conduit, 150-37 [H. B. 4218]

Racing Commission
Thoroughbred Racing, 178-01 [H. B. 4160]

Real Estate Appraiser Licensing and Certification Board, WV
Requirements for Licensure and Certification, 190-02 [H. B. 4219]

Real Estate Appraiser Licensing and Certification Board, WV
Renewal of Licensure or Certification, 190-03 [H. B. 4220]

Real Estate Appraiser Licensing and Certification Board, WV
Requirements for Registration and Renewal of Appraisal Management Companies, 190-05 [H. B. 4221]

Secretary of State
Combined Voter Registration and Driver Licensing Fund, 153-25 [H. B. 4226]

Secretary of State
Use of Digital Signatures, 153-30 [H. B. 4227]

Secretary of State
Regulation of Political Party Headquarters Finances, 153-43 [H. B. 4228]

Secretary of State
Standards and Guidelines for Electronic Notarization, Remote Online Notarization, and Remote Ink Notarization, 153-45 [H. B. 4229]

Social Work Examiners
Qualifications for the Profession of Social Work, 25-01 [H. B. 4231]

Social Work Examiners
Continuing Education for Social Workers and Providers, 25-05 [H. B. 4232]

Speech Language Pathology and Audiology
Licensure of Speech-Pathology and Audiology, 29-01 [H. B. 4233]

State Police
Career Progression, 81-03 [H. B. 4150]

Tax
West Virginia Tax Credit for Federal Excise Tax Imposed upon Small Arms and Ammunition Manufacturers, 110-13KK [H. B. 4163]

Tax
Sales Tax Holiday, 110-15F [H. B. 4164]

Tax
Exemption for Repair, Remodeling, and Maintenance of Aircraft, 110-15L [H. B. 4165]

Tax
Corporation Net Income Tax, 110-24 [H. B. 4168]

Transportation
Employment Procedures, 217-01 [H. B. 4172]

The Committee submits the following legislative rule which was modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which was approved by the Committee with the modifications and with the recommendation that the rule be authorized for adoption by the agency with amendments:

Agriculture, WV Department of
Livestock Care Standards, 61-31 [H. B. 4180]

Fire Commission, WV State
State Building Code, 87-04 [H. B. 4143]

Health and Human Resources, WV Department of
All Payer Claims Database - Data Submission Requirements, 114A-01 [H. B. 4139]

Medicine, WV Board of
Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physicians, 11-15 [H. B. 4210]

Motor Vehicles, WV Division of
Dealer Licensing, 91-06 [H. B. 4170]

Natural Resources, WV Division of
Commercial Sale of Wildlife, 58-63 [H. B. 4250]

Osteopathic Medicine, WV Board of
Telehealth Practice and Interstate Telehealth Registration for Osteopathic Physicians and Physician, 24-10 [H. B. 4214]

The Committee submits the following legislative rule which was modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which was approved by the Committee with the recommendation that the rule be authorized for adoption by the agency with amendments:

Registered Nursing Board
Telehealth Practice, 19-16 [H. B. 4223]

The Committee submits the following legislative rule which was modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which was not authorized:

Tax Department
Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes, 110-01J [H. B. 4162]

In the absence of objection, the Speaker revised his committee reference for **S. B. 172**, Increasing compensation of elected county officials, which was referred to the Committee on Finance on yesterday. The new reference of the bill was to the Committee on Government Organization then the Committee on Finance.

Resolutions Introduced

Delegates Tully, Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Bridges, Burkhammer, Clark, Conley, Cooper, Criss, Crouse, Dean, Doyle, Ellington, Espinosa, Evans, Fast, Ferrell, Fleischauer, Fluharty, Forsht, Foster, Garcia, Gearheart, Griffith, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Haynes, Holstein, Honaker, Hornbuckle, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Lovejoy, Mallow, Mandt, Martin, Maynard, Maynor, Mazzocchi, McGeehan, Miller, Nestor, Pack, Pethtel, Pinson, Pritt, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Smith, Statler, Steele, Storch, Summers, Sypolt, Thompson, Toney, Walker, Wamsley, B. Ward, G. Ward, Westfall, Worrell, Young, Zatezalo and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Energy and Manufacturing then Rules:

H. R. 6 - "Urging the Army Corps of Engineers (USACE) to support hydroelectric power generation by moving forward in an

expeditious manner with a study to increase clean energy production at City of Summersville's Hydroelectric Project installed on Summersville Dam and urging efforts by others to also encourage hydroelectric power production in West Virginia."

Whereas, The Summersville Hydroelectric Project utilizes the Summersville Dam, which forms Summersville Lake on the Gauley River in West Virginia; and

Whereas, The Summersville Dam is operated by the USACE, which controls the amount, timing, and the rate of water released from the dam; and

Whereas, The Summersville Lake Modification Study, USACE, Huntington District, September 30, 1982, (Study) indicates the head pond winter pool elevation could be raised from an elevation of 1575 feet MSL to an elevation of 1637 feet MSL to create additional pressure to produce hydroelectric power without additional construction or significant downstream issues; and

Whereas, The Study also indicates changes to the management of the release of stored storm water, which is currently bypassing the hydroelectric facility, could be released more slowly and thereby utilized for additional power generation; and

Whereas, On December 21, 2020, Water Resource Reform Development Act (WRDA), HR133, authorized USACE to conduct an evaluation to consider operational changes at non-federally operated hydropower for the purpose of increasing power generation; and

Whereas, Renewable Energy Credits (RECs) could be reestablished and utilized in West Virginia in support of renewable energy including hydroelectric power; and

Whereas, Power Purchase Agreement rates in West Virginia are set and approved by the Public Service Commission at avoided cost rates for utility companies and could be changed to recognize the value and contribution of clean green hydroelectric energy; and

Whereas, Recent winter and summer power outages across the country have made it clear that all avenues of electric power generation are vital to ensuring an affordable, reliable, and resilient electric power grid; and

Whereas, The City of Summersville's hydropower generation at Summersville Dam is capable of providing a more continuous flow of clean baseline energy to support a sustainable, affordable, reliable, and resilient electric power grid; and

Whereas, When economically feasible other reservoirs in West Virginia, including Bluestone Lake, Sutton Lake, and Tygart Lake, could be used to expand West Virginia's hydroelectric power generation in the future; and

Whereas, The West Virginia House of Delegates and its committees may begin to study the foresaid subject matter in support of hydroelectric energy and its value to the West Virginia economy; therefore, be it

Resolved by the House of Delegates:

That the West Virginia House of Delegates urges the Army Corps of Engineers to begin moving without further delay with a review and study to address the foresaid issues and ultimately allow for an increase in hydroelectric energy production, which will provide a more continuous source of baseload energy; and, be it

Further Resolved, That the West Virginia House of Delegates urges the West Virginia Public Service Commission to consider and recognize the true environmental value of increasing hydroelectric energy production for baseload energy to the power grid by considering setting electric purchase power rates above the avoided cost; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Army Corps of Engineers, at both its Huntington District Office and Washington, D.C. headquarters office, to the West Virginia Public Utility Commission, and to the members of West Virginia's Congressional Delegation.

Delegates Steele and Foster offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 18 - "Requesting the Joint Committee on Government and Finance study the conversion of civil service to at will employment with the Division of Personnel."

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the feasibility of conversion of civil service to at will employment with the Division of Personnel; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Regular Session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Reed, Rowan, Mandt, Forsht, Paynter, Mallow, Hardy, Worrell, Hanna, Booth and Dean offered the following resolution, which was read by its title and referred to the Committee on Small Business, Entrepreneurship and Economic Development then Rules:

H. C. R. 19 - "Requesting the Joint Committee on Government and Finance to study the feasibility of a public/private, state of the art, recycle facility."

Whereas, While there are various statutory provisions in the code of West Virginia pertaining to recycling at all levels of local, county and state government levels, it is time to review statewide recycling facilities and determine whether these facilities are sufficient to meet the stated purposes of recycling for public and private requirements.

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the feasibility of a public/private, state of the art, recycle facility; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Regular Session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Cooper and Maynor offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 20 - "Requesting the Division of Highways name bridge number 32-023/03-000.17 (32A097), locally known as Cooks Fort Bridge, carrying CR 23/3 over Indian Creek in Monroe County, the 'U. S. Army CPL Billy F. Mann Memorial Bridge'."

Whereas, Billy F. Mann was born on February 23, 1922, in Greenville, Monroe Country, and was the son of the late Oliver S. Mann and Stella Canterbury Mann; and

Whereas, Billy F. Mann attended Greenville High School, and graduated in 1941; and

Whereas, U. S. Army CPL Billy F. Mann was enlisted in the U.S. Army during World War II and was a Tank Commander in Company B, 14th Tank Battalion, 9th Armored Division under the command of General Hoge; and

Whereas, U. S. Army CPL Billy F. Mann was killed in action from wounds received in the action known as The Battle of the Bulge; he passed away on March 1, 1945, in Germany; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army CPL Billy F. Mann and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 32-023/03-000.17 (32A097), locally known as Cooks Fort Bridge, carrying CR 23/3 over Indian Creek in Monroe county, the "U. S. Army CPL Billy F. Mann Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army CPL Billy F. Mann Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Reed, Clark, Hardy, Mallow, Worrell, Rowan, Hanna, Forsht, B. Ward, Riley and Miller offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 21 - "Requesting the Division of Highways name bridge number 02-009/00-002.54 (02A176), (39.57442,-78.03727), locally known as Johnsontown Bridge, carrying WV 9 over Tilhance Creek in Berkeley County, the 'Paul J. Hofe Memorial Bridge'."

Whereas, Paul J. Hofe was born on April 16, 1936, at Little Orleans in Allegany County Maryland; and

Whereas, Paul J. Hofe served dutifully in the United States Army at the rank of Private; and

Whereas, Following his military service, Paul J. Hofe became a resident of Berkeley County, West Virginia, and began a career with the Internal Revenue Service that lasted 35 years; and

Whereas, In 1969, Paul J. Hofe started his own company, Hofe's Well Drilling, and thus embarked upon a second career through which he would become known to many people throughout the area for the next 50 years; and

Whereas, Access to clean drinking water became a passion for him, and Paul J. Hofe participated in many professional associations and water-related programs including the National Groundwater Association and the South Atlantic Well Driller Jubilee, in which he also served as director and president. He also participated actively in the development of well regulations which were eventually promulgated by the state health department; and

Whereas, Paul J. Hofe often donated his time and resources to drill wells for charitable organizations, including the Poor House Farm Park, Berkeley County Youth Fair, and several churches in the Eastern Panhandle. He was also known to drill wells at his own expense for families without the financial means to pay for the service and, through his company, he sponsored the Hedgesville Little League and the baseball and basketball teams for Hedgesville High School; and

Whereas, Paul J. Hofe's service to his community ended on March 5, 2019, when he passed away after a battle with Alzheimer's Disease; and

Whereas, It is fitting that an enduring memorial be established to commemorate Paul J. Hofe and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 02-009/00-002.54 (02A176), (39.57442,-78.03727), locally known as Johnsontown Bridge, carrying WV 9 over Tilhance Creek in Berkeley County, the "Paul J. Hofe Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Paul J. Hofe Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegate Foster:

H. B. 4114 - "A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Ethics Commission to promulgate a legislative rule relating to Use of Office for Private Gain, Including Nepotism"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4115 - "A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Personnel to promulgate a legislative rule relating to the Administrative Rule of the West Virginia Division of Personnel"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4116 - "A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Technology to promulgate a legislative rule relating to Chief Information Officer Review"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Foster:

H. B. 4117 - "A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Technology to promulgate a legislative rule relating to Cyber Reporting"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Foster:

H. B. 4118 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a

legislative rule relating to Ambient Air Quality Standards"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Foster:

H. B. 4119 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Standards of Performance for New Stationary Sources"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Foster:

H. B. 4120 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Control of Air Pollution from Combustion of Solid Waste"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Foster:

H. B. 4121 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Emission Standards for Hazardous Air Pollutants"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Foster:

H. B. 4122 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Requirements for the Management of Coal Combustion Residuals"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Foster:

H. B. 4123 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Requirements Governing Water Quality

Standards"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Foster:

H. B. 4124 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Underground Injection Control"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Foster:

H. B. 4125 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Administrative Proceedings and Civil Penalty Assessment"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Foster:

H. B. 4126 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Methods and Standards for Chemical Tests for Intoxication"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4127 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Hospital Licensure"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4128 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Childhood Lead Screening"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4129 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Food Manufacturing Facilities"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4130 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Sewage Treatment and Collection System Design Standards"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4131 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Emergency Medical Services"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4132 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Clinical Laboratory Practitioner Licensure and Certification"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4133 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Clandestine Drug Laboratory Remediation"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4134 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Maternal Risk Screening"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4135 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Expedited Partner Therapy"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4136 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to Certificate of Need"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4137 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Medication-Assisted Treatment - Opioid Treatment Programs"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4138 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Syringe Services Program Licensure"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4139 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources and Insurance

Commission to promulgate a legislative rule relating to All Payer Claims Database - Data Submission Requirements"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4140 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources and Insurance Commission to promulgate a legislative rule relating to All-Payer Claims Database Program's Privacy and Security Rule"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4141 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee Crime, Delinquency and Correction to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegate Foster:

H. B. 4142 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to the Fire Code"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegate Foster:

H. B. 4143 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to the State Building Code"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegate Foster:

H. B. 4144 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to Volunteer Fire Department Equipment and Training Grant Funding

Disbursement"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegate Foster:

H. B. 4145 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to Specialized Membership"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegate Foster:

H. B. 4146 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to Junior Firefighters"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegate Foster:

H. B. 4147 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to the Certification of Fire Chiefs"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegate Foster:

H. B. 4148 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegate Foster:

H. B. 4149 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Marshal to promulgate a legislative rule relating to Regulation of Fireworks and Related Explosive Materials"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegate Foster:

H. B. 4150 - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Police to promulgate a legislative rule relating to Career Progression"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegate Foster:

H. B. 4151 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to Private Club Licensing"; to the Committee on the Judiciary then Government Organization.

By Delegate Foster:

H. B. 4152 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to Nonintoxicating Beer Licensing and Operations Procedures"; to the Committee on the Judiciary then Government Organization.

By Delegate Foster:

H. B. 4153 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commission to promulgate a legislative rule relating to Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters"; to the Committee on Banking and Insurance then Government Organization.

By Delegate Foster:

H. B. 4154 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commission to promulgate a legislative rule relating to adoption of Valuation Manual"; to the Committee on Banking and Insurance then Government Organization.

By Delegate Foster:

H. B. 4155 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Insurance Commission to promulgate a legislative rule relating to Pharmacy Auditing Entities and Pharmacy Benefit Managers"; to the Committee on Banking and Insurance then Government Organization.

By Delegate Foster:

H. B. 4156 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commission to promulgate a legislative rule relating to Term and Universal Life Insurance Reserve Financing"; to the Committee on Banking and Insurance then Government Organization.

By Delegate Foster:

H. B. 4157 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commission to promulgate a legislative rule relating to Bail Bondsmen in Criminal Cases"; to the Committee on Banking and Insurance then Government Organization.

By Delegate Foster:

H. B. 4158 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery State Lottery Rules"; to the Committee on Finance then Government Organization.

By Delegate Foster:

H. B. 4159 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to the West Virginia Lottery Limited Video Lottery Rule"; to the Committee on Finance then Government Organization.

By Delegate Foster:

H. B. 4160 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to Thoroughbred Racing"; to the Committee on Finance then Government Organization.

By Delegate Foster:

H. B. 4161 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to Pari-Mutuel Wagering"; to the Committee on Finance then Government Organization.

By Delegate Foster:

H. B. 4162 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes"; to the Committee on Finance then Government Organization.

By Delegate Foster:

H. B. 4163 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to West Virginia Tax Credit for Federal Excise Tax Imposed upon Small Arms and Ammunition Manufacturers"; to the Committee on Finance then Government Organization.

By Delegate Foster:

H. B. 4164 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to the Sales Tax Holiday"; to the Committee on Finance then Government Organization.

By Delegate Foster:

H. B. 4165 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to the Exemption for Repair, Remodeling, and Maintenance of Aircraft"; to the Committee on Finance then Government Organization.

By Delegate Foster:

H. B. 4166 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to Vendor Absorption or Assumption of Sales and Use Tax"; to the Committee on Finance then Government Organization.

By Delegate Foster:

H. B. 4167 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to On-line Bingo and Raffles"; to the Committee on Finance then Government Organization.

By Delegate Foster:

H. B. 4168 - "A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to the Corporation Net Income Tax"; to the Committee on Finance then Government Organization.

By Delegate Foster:

H. B. 4169 - "A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to Examination and Issuance of Driver's License"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Foster:

H. B. 4170 - "A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to Dealer Licensing"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Foster:

H. B. 4171 - "A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating

to Collection of Tax on the Sale of a Vehicle"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Foster:

H. B. 4172 - "A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Transportation to promulgate a legislative rule relating to Employment Procedures"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Foster:

H. B. 4173 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Feeding of Untreated Garbage to Swine"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4174 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Commercial Feed"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4175 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Enrichment of Flour and Bread Law Regulations"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4176 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Fruits and Vegetables Certification of Potatoes for Seedling Purposes"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4177 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to the Fresh Food Act"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4178 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Auctioneers"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4179 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Hemp Products"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4180 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to Livestock Care Standards"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4181 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to the Rural Rehabilitation Program"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4182 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating

to the Farm to Food Bank Tax Credit"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4183 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Farmers Markets"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4184 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Seed Certification"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4185 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Auditor to promulgate a legislative rule relating to Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4186 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Auditor to promulgate a legislative rule relating to Accountability Requirements for State Funds and Grants"; to the Committee on Finance then the Judiciary.

By Delegate Foster:

H. B. 4187 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Chiropractic Examiners to promulgate a legislative rule relating to Chiropractic Telehealth Practice"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4188 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Contractor Licensing Board to promulgate a legislative rule relating to Contractor Licensing Act"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4189 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Counseling to promulgate a legislative rule relating to Licensing Rule"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4190 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Counseling to promulgate a legislative rule relating to Licensed Professional Counselors Fees Rule"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4191 - "A Bill to amend and reenact §64-1-9 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Counseling to promulgate a legislative rule relating to Marriage and Family Therapist Licensing Rule"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4192 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Counseling to promulgate a legislative rule relating to Marriage and Family Therapist Fees Rule"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4193 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Dangerous Wild Animal Board to promulgate a legislative rule relating to Dangerous Wild Animal"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4194 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to the West Virginia Board of Dentistry"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4195 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to Formation and Approval of Professional Limited Liability Companies"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4196 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to Formation and Approval of Dental Corporation and Dental Practice Ownership"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4197 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to Continuing Education Requirements"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4198 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to Administration of Anesthesia by Dentists"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4199 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Board of Dentistry to promulgate a legislative rule relating to Expanded Duties of Dental Hygienists and Dental Assistants"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4200 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to Teledentistry"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4201 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Funeral Service Examiners to promulgate a legislative rule relating to Fee Schedule"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4202 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Massage Therapy Board to promulgate a legislative rule relating to General Provisions"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4203 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to Licensing and Disciplinary Procedures: Physicians, Podiatric Physicians and Surgeons"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4204 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4205 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to Dispensing of Prescription Drugs by Practitioners"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4206 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to Continuing Education for Physicians and Podiatric Physicians"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4207 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4208 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4209 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to Registration to Practice During Declared State of Emergency"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4210 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physician Assistants"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4211 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to Licensing Procedures for Osteopathic Physicians"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4212 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to Osteopathic Physician Assistants"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4213 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to Practitioner Requirements for Controlled Substances Licensure and Accessing the West Virginia Controlled Substances Monitoring Program Database"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4214 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to Telehealth Practice and Interstate Telehealth Registration for Osteopathic Physicians and Physician Assistants"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4215 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Licensure and Practice of Pharmacist Care"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4216 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Controlled Substances Monitoring Program"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4217 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Regulations Governing Pharmacists"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4218 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Public Service Commission to promulgate a legislative rule relating to the Occupancy of Customer-Provided Conduit"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4219 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to Requirements for Licensure and Certification"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4220 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to

promulgate a legislative rule relating to Renewal of Licensure or Certification"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4221 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to Requirements for Registration and Renewal of Appraisal Management Companies"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4222 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to Limited Prescriptive Authority for Nurses in Advanced Practice"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4223 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to Telehealth Practice"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4224 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to Voter Registration at the Division of Motor Vehicles"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4225 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to Voter Registration List Maintenance by the Secretary of State"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4226 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to the Combined Voter Registration and Driver Licensing Fund"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4227 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to Use of Digital Signatures"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4228 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to Regulation of Political Party Headquarters Finances"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4229 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to Standards and Guidelines for Electronic Notarization, Remote Online Notarization, and Remote Ink Notarization"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4230 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to Real Property Electronic Recording Standards and Regulations"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4231 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work Examiners to promulgate a legislative rule

relating to Qualifications for the Profession of Social Work"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4232 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Social Work Examiners to promulgate a legislative rule relating to Continuing Education for Social Workers and Providers"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4233 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to Licensure of Speech-Pathology and Audiology"; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4234 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to the Substitute Checks-Exceptional Items Fund"; to the Committee on Finance then the Judiciary.

By Delegate Foster:

H. B. 4235 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to Procedures for Deposit of Moneys with the State Treasurer's Office by State Agencies"; to the Committee on Finance then the Judiciary.

By Delegate Foster:

H. B. 4236 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to Selection of State Depositories for Disbursement Accounts Through Competitive Bidding"; to the Committee on Finance then the Judiciary.

By Delegate Foster:

H. B. 4237 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to Selection of State Depositories for Receipt Accounts"; to the Committee on Finance then the Judiciary.

By Delegate Foster:

H. B. 4238 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to Procedures for Processing Payments from the State Treasury"; to the Committee on Finance then the Judiciary.

By Delegate Foster:

H. B. 4239 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to Reporting Debt"; to the Committee on Finance then the Judiciary.

By Delegate Foster:

H. B. 4240 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment"; to the Committee on Finance then the Judiciary.

By Delegate Foster:

H. B. 4241 - "A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to Procedures for Providing Services to Political Subdivisions"; to the Committee on Finance then the Judiciary.

By Delegate Foster:

H. B. 4242 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to

Child Labor"; to the Committee on Workforce Development then Government Organization.

By Delegate Foster:

H. B. 4243 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to Governing the Safety of Those Employed in and Around Surface Mines in West Virginia"; to the Committee on Energy and Manufacturing then Government Organization.

By Delegate Foster:

H. B. 4244 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to Governing First-Aid Training of Shaft and Slope Employees"; to the Committee on Energy and Manufacturing then Government Organization.

By Delegate Foster:

H. B. 4245 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to Substance Abuse Screening, Standards and Procedures"; to the Committee on Energy and Manufacturing then Government Organization.

By Delegate Foster:

H. B. 4246 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to Revocation of Hunting and Fishing Licenses"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Foster:

H. B. 4247 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Division of Natural Resources to promulgate a legislative rule relating to Special Motorboating Regulations"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Foster:

H. B. 4248 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to Public Shooting Ranges"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Foster:

H. B. 4249 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to General Hunting"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Foster:

H. B. 4250 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to Commercial Sale of Wildlife"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Foster:

H. B. 4251 - "A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to Lifetime Hunting, Trapping, and Fishing Licenses"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Rohrbach, Summers, Tully, D. Jeffries, G. Ward, Bates, Jennings, Worrell, Rowan, Forsht and Fleischauer:

H. B. 4252 - "A Bill to amend and reenact §33-59-1 of the Code of West Virginia, 1931, as amended, relating to diabetes;

reducing copayments; adding coverage for devices; permitting testing equipment to be purchased without a prescription"; to the Committee on Health and Human Resources.

Special Calendar

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. 4059, Clarifying that new Department of Health and Human Resources' Deputy Commissioners are exempt from civil service,

And,

H. B. 4060, Repealing outdated sections of code relating to health.

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. 2096: Delegate Martin;

H. B. 2292: Delegate Crouse;

H. B. 2602: Delegate Martin;

H. B. 3247: Delegate Statler;

H. B. 3312: Delegate Mallow;

H. B. 4064: Delegates J. Jeffries, Keaton, Maynor, Pinson and Smith;

H. B. 4072: Delegate Mandt;

H. B. 4095: Delegate Mandt;

H. B. 4097: Delegate Mandt;

H. B. 4101: Delegate Booth;

H. B. 4109: Delegate Holstein;

And,

H. B. 4110: Delegate Booth.

At 11:19 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 19, 2022.

Wednesday, January 19, 2022

EIGHTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, January 18, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2631, Provide for WVDNR officers to be able to work "off duty",

And,

H. B. 4048, WV Keep, Bear and Drive with Arms Act,

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. 2631 and H. B. 4048) were each referred to the Committee on the Judiciary.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2775, Relating to the beginning and expiration of hunting and fishing licenses,

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. 2775) was referred to the Committee on the Judiciary.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2759, Relating to tax credit for disabled veterans for lifetime hunting, trapping and fishing license,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2759) was referred to the Committee on Finance.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 4089, Require certain coverage and reimbursement for a person diagnosed with hypertension,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4089) was referred to the Committee on Health and Human Resources.

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. 2184, Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug,

And reports back a committee substitute therefor, with the new title, as follows:

Com. Sub. for H. B. 2184 - "A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to adding new penalties for exposure of governmental representatives, including emergency medical service persons, to fentanyl, or to any other harmful drug or chemical agent, and, for causing harm to such persons by exposing them to said agent,"

And,

H. B. 2972, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2972 - "A Bill to amend the Code of West Virginia,1931, as amended, by adding thereto a new section, designated §60-6-2a, relating to allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption,"

With the recommendation that the committee substitutes each do pass.

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. 3303, Relating to clarifying the process of filling vacancies on ballots,

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

Delegate Rohrbach, 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. 4111, Relating to the prescriptive authority of advance practice registered nurses,

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. 4111) was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Hott, Nestor, Jennings, Honaker, Forsht, Sypolt, Burkhammer, Thompson, Martin, Rowan and D. Kelly offered the following resolution, which was read by its title and referred to the Committee on Agriculture and Natural Resources then Rules:

H. R. 7 - "Urging the United States Congress to increase sustainable forest harvesting on public lands in the State of West Virginia and more specifically, the Monongahela National Forest."

Whereas, West Virginia's forest products industry has demonstrated a tremendous economic benefit of at least $3.4 billion to West Virginia and supports 19,200 jobs; and

Whereas, West Virginia has an unparalleled opportunity to replace lost jobs with new employment supporting the forest products industry; and

Whereas, Increased harvesting in the national forests will bring economic benefits to the state and to the national budget, as well as, a reduction in the potential for devastating wildfires through proper forest management and harvesting practices; and

Whereas, Revenues from national forest sales are by law shared with local schools and roads, thus improving our educational system and infrastructure: and

Whereas, Timber harvesting in the past 10 years has averaged less than 25% of allowable sale quantity thus denying local, state and federal revenues for education and roads: and

Whereas, Through the Good Neighbor Authority, timber harvesting can provide federal revenues to West Virginia agencies to assist in this management: and

Whereas, The public benefits of maintaining and expanding West Virginia's economy, of improving wildlife habitat, and of maintaining a vital forest products industry, provide powerful reasons to restore well managed public lands in this state; therefore, be it

Resolved by the House of Delegates:

That the West Virginia House of Delegates urges state and federal legislators and regulators to adopt laws, regulations, and policies that increase sustainable forest harvesting on national forest lands in the State of West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of West Virginia's Congressional Delegation.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Ellington, Toney and Smith:

H. B. 4253 - "A Bill to repeal §18-9D-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-10 of said code; and to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4, §18-9D-6, §18-9D-7, §18-9D-8, §18-9D-9, §18-9D-13, §18-9D-15, and §18-9D-19 of said code, all relating to removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions relating to defining terms; allowing funding directly to school construction fund instead of through school aid formula; providing duties and powers of school building authority; providing authority to issue revenue bonds; providing authority to offer higher education savings plans; closing certain fund; providing purposes and revenue sources for other funds; providing authority to collect rents; providing for the use of proceeds of bonds; providing for the issuance of revenue refunding bonds, use of proceeds, entry into escrow agreements and redemption of bonds; paying bonds; expending authority funds for projects; requirements for projects; and authorizing construction of comprehensive high schools"; to the Committee on Education.

By Delegates Burkhammer, Foster, Steele and Linville:

H. B. 4254 - "A Bill to repeal §22A-1-1 *et seq*., §22A-1A-*1 et seq*., §22A-2-1 *et seq*., §22A-2A-1 *et seq*., §22A-3-1 *et seq*., §22A-4-1 *et seq*., §22A-5-1 *et seq*., §22A-6-1 *et seq*., §22A-7-1 *et seq*., §22A-8-1 *et seq*., §22A-9-1 *et seq*., §22A-10-1 *et seq*., §22A-11-1 *et seq*., and §22A-12-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating to miners' health, safety and training"; to the Committee on Energy and Manufacturing then Government Organization.

By Delegates Burkhammer, Pinson, Maynor, Worrell, Martin, Linville, Mazzocchi and Hanna:

H. B. 4255 - "A Bill to amend and reenact §16-2M-1, §16-2M-2, §16-2M-3, §16-2M-4, and §16-2M-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-2M-4a, all relating to delimiting the circumstances in which an abortion may be performed or attempted; eliminating the 'pain capable gestational age' threshold; establishing a threshold based upon the detection of

a heartbeat in the unborn child; limiting abortion to circumstances of rape, incest, or threat to life or safety of the mother; requiring abortions to be performed in hospitals by licensed physician; referencing requirements for notification and consent by parent or guardian; and providing for manslaughter charges if the woman is convicted, after the abortion, of making false statements regarding allegations of sexual assault"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Burkhammer, Foster, Hanna, Martin, Booth, Riley, Jennings and Hardy:

H. B. 4256 - "A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, as amended, relating to reporting requirements for public improvement projects; specifying alternative forms of records to document persons employed on the project"; to the Committee on Workforce Development then Government Organization.

By Delegates D. Jeffries, Summers, Rohrbach, Tully, G. Ward, Bates, Jennings, Worrell, Rowan, Forsht and Mallow:

H. B. 4257 - "A Bill to amend and reenact §16-39-8 of the Code of West Virginia, 1931, as amended, relating to requiring visitation immediately following a procedure in a health care facility"; to the Committee on Health and Human Resources.

By Delegates Gearheart, Smith, Zatezalo, Hamrick and Ferrell:

H. B. 4258 - "A Bill to amend and reenact §20-2-15 of the Code of West Virginia, 1931, as amended, relating to permit land owners or lessees of land whose land is damaged by deer or other wildlife to hire a third party to kill the deer or other wildlife by bow and arrow"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Hanshaw (Mr. Speaker) and Skaff:

H. B. 4259 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5, §31-15D-6, §31-15D-7, §31-15D-8, §31-15D-9, §31-15D-10, §31-15D-11,

§31-15D-12, §31-15D-13, §31-15D-14, §31-15D-15, §31-15D-16, §31-15D-17, §31-15D-18, §31-15D-19, §31-15D-20, and §31-15D-21, all relating to promoting investment and future growth in small businesses in West Virginia; creating the Small Business Jumpstart Act; defining terms; establishing the transferability of tax credits; establishing the application requirements for small business growth funds; establishing process for approval of the application; providing grounds for the denial of an application; allowing submission of additional information to complete an application following denial; establishing process for Development Office to notify applicant of approval; creating duties of the fund following approval of application; establishing how an approval may lapse; providing for a tax credit against an entity's state insurance premium tax liability; limiting amount of tax credit; providing for the carryforward of tax credits; prohibiting assignments of tax credit; establishing that entity participating in program not required to pay retaliatory tax; establishing when revocation of tax credit occurs; requiring reporting by small business growth funds; requiring small business growth fund pay fee to Development Office; establishing process for exiting the program; clarifying that the Development Office cannot revoke tax credit following the fund's exit; and allowing for the Development Office to provide opinions to small business growth fund regarding investment of a small business concern"; to the Committee on Finance.

By Delegates Steele and Foster:

H. B. 4260 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-15-1, §6-15-2, and §6-15-3; and to amend and reenact §59-3-2 of said code, all relating to legal advertisements; creating the State Central Legal Advertising website; establishing the State Auditor as the administrator and creator of the website; permitting alternate publication timelines if also publishing on the State Central Legal Advertisement website; providing for rulemaking authority; and setting an effective date"; to the Committee on Government Organization then the Judiciary.

By Delegates Summers, Rohrbach, D. Jeffries, G. Ward, Jennings, Steele, Bates, Pushkin, Foster, Linville and Skaff:

H. B. 4261 - "A Bill to amend and reenact §30-8-3, §30-8-6 and §30-8-9 of the Code of West Virginia, 1931, as amended, all relating to the practice of optometry; establishing the Accreditation Council on Optometric Education as an accrediting body; defining ophthalmic surgery; removing obsolete areas of the code; and requiring certain procedures to be approved by an accredited body"; to the Committee on Health and Human Resources then Government Organization.

By Delegates Steele and Foster:

H. B. 4262 - "A Bill to amend and reenact §21-5-5a, §21-5-5b, §21-5-5c, and §21-5-5d of the Code of West Virginia, 1931, as amended, all relating to licensure for polygraph examiners, establishing definitions for national associations of polygraph examiners, clearly defining employer limitations for use of detection of deception equipment; removing state licensure requirements for polygraph examiners and requiring other conditions be met; and updating code citations"; to the Committee on Government Organization.

By Delegates Rohrbach, Reed, Tully, Pack, G. Ward, Bates, D. Jeffries, Rowan, Forsht and Mallow:

H. B. 4263 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-61-1, all relating to prohibiting certain actions"; to the Committee on Health and Human Resources.

By Delegates Boggs, Queen, Westfall and Hanshaw (Mr. Speaker):

H. B. 4264 - "A Bill to amend and reenact §18B-2A-6 of the Code of West Virginia, 1931, as amended, relating to designating Glenville State College a university, having met eligibility requirements"; to the Committee on Education.

By Delegates Steele, Foster and Wamsley:

H. B. 4265 - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to providing an exemption from the consumer sales tax upon sales of

administrative services of performing employee administration tasks, including, but not limited to, employee payroll and benefits administration, on behalf of an employer"; to the Committee on Finance.

By Delegates Reed, B. Ward, Forsht, Barrett, Mandt, Hanna, Mallow, Hardy, Worrell, Booth and Clark:

H. B. 4266 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31B-1-115, relating to requiring persons or other entities, that charge fees for services to limited liability companies to file annual reports, include a notice that contains the West Virginia Secretary of State website address and that the filing and actual $25 costs of the filing may be made online at that website"; to the Committee on Government Organization.

By Delegates Reed, Foster, Rohrbach, Steele, Booth, Worrell, Mandt, Dean, Paynter, B. Ward and Riley:

H. B. 4267 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-5A-1, §30-5A-2, §30-5A-3, and §30-5A-4, all relating to creating the Productivity Quota Prohibitions Act; providing for legislative findings; establishing the act and terms of the act; providing for enforcement actions; and laying out terms for severability"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Reed, Clark, Forsht, Mandt, Westfall, Wamsley, Queen, Mallow, Booth and Jennings:

H. B. 4268 - "A Bill to amend and reenact §62-1D-3 of the Code of West Virginia, 1931, as amended, relating to modifying the criminal code relating to consent for recording devices; clarifying that recording anyone in a bathroom for any reason without the consent of both individuals is expressly forbidden; and providing for a penalty"; to the Committee on the Judiciary.

By Delegates Rowe, Garcia, Young, Barach, Evans and Fleischauer:

H. B. 4269 - "A Bill to amend and reenact §24-1-1 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; and requiring annual reports on ratepayer utility costs

to the Joint Committee on Government and Finance, adjusted for inflation"; to the Committee on Government Organization.

By Delegates Reed, Wamsley, Pack, Ferrell, Mandt, Mallow, Worrell, Dean, Paynter, B. Ward and Sypolt:

H. B. 4270 - "A Bill to amend and reenact §5-1-25 of the Code of West Virginia, 1931, as amended, relating to eliminating the use of daylight savings time in West Virginia; and establishing an effective date"; to the Committee on Government Organization.

By Delegates Criss and Maynard:

H. B. 4271 - "A Bill to amend and reenact §12-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §12-1B-1, §12-1B-2, §12-1B-3, §12-1B-4, §12-1B-5, §12-1B-6, §12-1B-7, §12-1B-8, §12-1B-9, §12-1B-10, §12-1B-11, §12-1B-12, §12-1B-13, and §12-1B-14; all relating generally to the West Virginia Security for Public Deposits Act; authorizing the State Treasurer to promulgate certain legislative rules related to securing public deposits; providing a short title; providing legislative findings; specifying the Act's applicability; defining terms; establishing the West Virginia Security for Public Deposits Program and requiring the program to be operable by a certain date; establishing the Treasurer's Collateral Administration Fund and requirements for said fund; establishing powers and duties of the State Treasurer with regard to the program; requiring the State Treasurer to promulgate certain legislative rules related to the program; authorizing designated state depositories to secure public deposits pursuant to the Act; clarifying that designated state depositories securing public deposits under the Act are not required to secure deposits by other methods; establishing the duties of designated state depositories securing deposits pursuant to the Act; allowing designated state depositories to secure public deposits through a pooled method; subrogating the State Treasurer to certain claims of a depositor and requiring distribution of assets; mandating that deposit of public funds pursuant to the Act be made in designated state depositories and authorizing said depositories to make public deposits; limiting liability of public depositors in certain circumstances; setting forth reporting requirements for designated

state depositories; and clarifying that the Act controls over inconsistent provisions of state or local law"; to the Committee on Banking and Insurance then Finance.

By Delegates Reed, B. Ward, Forsht, Hardy, Mallow, Worrell, Rowan, Mandt, Hanna, Dean and Paynter:

H. B. 4272 - "A Bill to amend and reenact §17C-16-4 of the Code of West Virginia, 1931, as amended, relating to require the Superintendent of the West Virginia State Police to accept a certificate of inspection and approval issued in another state having an inspection law similar to West Virginia requirements; and providing that upon expiration of the certificate of inspection of the vehicle, it shall be inspected in this state"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Reed, Smith, Jennings, Sypolt, B. Ward, Booth, Mallow, Worrell, Mandt, Paynter and Foster:

H. B. 4273 - "A Bill to amend §61-3B-3 of the Code of West Virginia, 1931, as amended, relating to modifying the penalties for trespassing; and establishing a West Virginia database for sheriff's departments to have a record of who is barred from trespassing on a landowner's private property"; to the Committee on the Judiciary.

By Delegates Hott, D. Jeffries, D. Kelly, Tully, Jennings, Dean, Mallow, Longanacre, Worrell, Kimble and Rowan:

H. B. 4274 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4b, relating to the prohibition of discrimination based upon the vaccine status of an individual"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Westfall:

H. B. 4275 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-5D-1, §15-5D-2, §15-5D-3, §15-5D-4, §15-5D-5, §15-5D-6, §15-5D-7, and §15-5D-8, all relating to creating a County Emergency Fund and County Emergency Board; making legislative findings and declaring the legislative purpose of the act; defining terms; establishing the West Virginia County Emergency Fund; establishing the West Virginia County Emergency Board and

specifying its powers; providing for meetings and procedures for meetings; outlining an application process and limits to the scope of applications; requiring matching funding from local government entities; establishing restrictions on allowable expenditures from fund distributions and handling of distributions to local governments; and authorizing the proposal of legislative rules and the promulgation of procedural and interpretive rules"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Rohrbach, Reed, Summers, Tully, D. Jeffries, Pack, G. Ward, Bates, Jennings, Worrell and Rowan:

H. B. 4276 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5DD-1, all relating to the collection of data relating to Parkinson's Disease; providing for definitions; providing a notice requirement; allowing for West Virginia University to enter into agreements regarding this data collection; and allowing for the maintaining of certain records"; to the Committee on Health and Human Resources.

By Delegates Steele and Foster:

H. B. 4277 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5Q-5, relating to sunset of the James 'Tiger' Morton Catastrophic Illness Commission"; to the Committee on Government Organization.

By Delegates Steele, Foster and Wamsley:

H. B. 4278 - "A Bill to amend and reenact §29-21-16 of the Code of West Virginia, 1931, as amended, relating to repayment of legal services when payment is made by the state for public defender services"; to the Committee on the Judiciary.

By Delegates Statler, Bridges, Jennings, Kimes, Lovejoy, Paynter, Pethtel, Toney and B. Ward:

H. B. 4279 - "A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-3-14d and §33-3-33 of said code, all relating generally to the distribution of certain taxes and surcharges to benefit

volunteer and part-volunteer fire departments; defining terms; providing the method of allocation and distribution for proceeds of the fireworks safety fee deposited in the Fire Protection Fund; eliminating obsolete language; requiring the State Fire Marshal to provide certain information to the State Treasurer; and clarifying the requirements for distribution of funds in the Fire Protection Fund"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Barnhart, Keaton, Pack, Maynor and G. Ward:

H. B. 4280 - "A Bill to amend and reenact §52-1-17 of the Code of West Virginia, 1931, as amended, relating to increasing the reimbursement for persons serving on petit jurors"; to the Committee on the Judiciary then Finance.

By Delegates Pinson, B. Ward, D. Kelly, Keaton, Fast, D. Jeffries and Honaker:

H. B. 4281 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17C-24-1, relating to the operation of vehicles on a roadway covered by water, creating a criminal and civil penalty upon conviction of such act"; to the Committee on the Judiciary.

By Delegates Steele and Wamsley:

H. B. 4282 - "A Bill to amend and reenact §24-6-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-6-15, all relating to establishing next generation 911 services in this state; providing for expanded definitions; establishing a commission to study next generation 911 services; establishing commission membership and travel rates for meetings; prescribing the duties of the commission; requiring a preliminary report be provided to the Joint Committee on Government and Finance and to the Governor; and establishing an effective date and termination date of the commission"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Steele, Foster and Wamsley:

H. B. 4283 - "A Bill to amend and reenact §61-10-31 of the Code of West Virginia, 1931, as amended, relating to defining

criminal penalties for conspiracy to commit murder in the first degree, conspiracy to commit murder in the second degree, and conspiracy to commit voluntary manslaughter; and making other technical corrections"; to the Committee on the Judiciary.

By Delegate Steele:

H. B. 4284 - "A Bill to amend and reenact §50-1-8, §50-1-9, §50-1-9a, and §50-1-9b of the Code of West Virginia, 1931, as amended, all relating to magistrate employee appointments; permitting the circuit court to appoint additional magistrate clerks as necessary based on workload; permitting the magistrate to appoint additional magistrate assistants; permitting the magistrate to request additional magistrate deputy clerks when workload requires it; eliminating any restrictions on the number of magistrate deputy clerks that may be employed in the state; increasing compensation of magistrate employees; and other technical corrections"; to the Committee on the Judiciary.

By Delegates Steele and Foster:

H. B. 4285 - "A Bill to amend and reenact §30-38-10, and §30-38-11 of the Code of West Virginia, 1931, as amended, all relating to real estate appraiser licensing board requirements; prohibiting persons serving as expert witnesses from participating in any decision regarding disciplinary action; requiring the board provide applicants a written statement when the applicant's request for a license is denied; requiring the board send a written statement in 15 calendar days of its decision to deny an applicant's license or renewal request; setting forth content and mailing requirements for the board's written statement; requiring the board offer guidance on certain issues relating to nonconformity of Uniform Standards of Professional Appraisal Practice when submitted to the board; providing for 60 days for an applicant to cure any nonconformity to the standards; and other technical modifications"; to the Committee on Government Organization then the Judiciary.

By Delegates Steele and Foster:

H. B. 4286 - "A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to exempting persons employed as attorneys from the civil service system"; to the Committee on Government Organization.

By Delegates Reed, Hardy, Rowan, Mandt, Booth, Hanna, Mallow, Worrell, Barrett, Clark and Dean:

H. B. 4287 - "A Bill to amend and reenact §21A-2-6 of the Code of West Virginia, 1931, as amended, relating to unemployment compensation; and requiring the Commissioner of Workforce West Virginia to implement an online system that allows employers to interact online with claims for unemployment"; to the Committee on Finance.

By Delegates Steele, Foster, Rohrbach, D. Jeffries and Wamsley:

H. B. 4288 - "A Bill to amend and reenact §30-36-10 of the Code of West Virginia, 1931, as amended, relating to expanding the practice of auricular acudetox to professions approved by the board; and making other technical modifications"; to the Committee on Health and Human Resources then Government Organization.

By Delegates Ellington, Statler, Toney, Smith, Clark, Horst, Jennings, Maynor, Kessinger, Bridges and Tully:

H. B. 4289 - "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"; to the Committee on Education then Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 4059, Clarifying that new Department of Health and Human Resources' Deputy Commissioners are exempt from civil service; 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. 21)**, and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Barach, Fleischauer, Hansen, Rowe and Walker.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4059) passed.

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

On this question, the yeas and nays were taken **(Roll No. 22)**, and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Barach, Fleischauer, Hansen, Rowe and Walker.

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. 4059) 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. 4060, Repealing outdated sections of code relating to health; 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. 23)**, and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4060) passed.

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

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. 8, Relating generally to state's savings and investment programs,

And,

Com. Sub. for H. B. 4067, To make certain agency reports electronic or eliminating certain agency reports altogether.

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. 2111: Delegate Holstein;

H. B. 2230: Delegate Hansen;

H. B. 3204: Delegates Graves and Smith;

H. B. 4026: Delegate D. Jeffries;

H. B. 4055: Delegate Doyle;

H. B. 4061: Delegate Booth;

H. B. 4062: Delegate Booth;

H. B. 4063: Delegate Booth;

H. B. 4068: Delegate Booth;

H. B. 4073: Delegate Hansen;

And,

H. B. 4254: Delegate Mandt.

At 11:32 a.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 20, 2022.

Thursday, January 20, 2022

NINTH DAY

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

The House of Delegates met at 11:00 a.m., and 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 19, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Education has had under consideration:

H. J. R. 102, Clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection,

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

In accordance with the former direction of the Speaker, the resolution (H. J. R. 102) 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. 4065, Allowing the Division of Natural Resources to teach hunter's safety courses in school,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4065 - "A Bill to amend and reenact §18-2-8a of the Code of West Virginia, 1931, as amended, relating to a hunter safety orientation program in public schools; requiring program to be implemented; directing the State Board of Education to promulgate a rule for program requirements and implementation; and providing minimum program requirements,"

And,

H. B. 4074, Require schools provide eating disorder and self-harm training for teacher and students,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4074 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40a, all relating to providing education on and prevention of self-harm behavior and eating disorders in public schools; naming the section "Meghan's Law"; requiring the state board to propose a legislative rule to establish training requirements for all public school employees on students' self-harm behaviors and eating disorders; setting forth criteria for said rule; requiring for yearly education of middle school and high school students regarding self-harm behavior and eating disorders signs, prevention and treatment; providing for consultation with the Bureau for Behavioral Health and Health Facilities, and allowing for the promulgation of state board rules therefore,"

With the recommendation that the committee substitutes each do pass.

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. 4071, Mask and Quarantine Option For Parents and Faculty,

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. 4071) was referred to the Committee on the Judiciary.

Delegate Zatezalo, 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. 4024, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience,

And reports the same back with the recommendation that it do pass, 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. 4024) was referred to the Committee on Government Organization.

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. 2091, Creating a process by which voters may recall a county ordinance in a special election,

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. 2091) was referred to the Committee on the Judiciary.

Delegate Steele, 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. 2325, Removing the requirement of continuing education for barbers and cosmetologists,

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

Delegate Steele, 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. 2177, Permitting the issuance of a state issued identification card without a photo on the card under certain conditions,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2177 - "A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to state issued identification cards; and permitting the issuance of a state issued identification card without a photo on the card, based upon signing a written affidavit or other form that taking a photograph would violate religion tenet or religious belief,"

H. B. 3220, Restrictions on Taxpayer funded lobbying,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3220 - "A Bill to amend and reenact §6B-3-10 of the Code of West Virginia, 1931, as amended, relating to required disclosure of information from state agencies, municipalities, counties, or school districts that have contracted

with a state agency for consulting services related to lobbying; and establishing an effective date,"

And,

H. B. 4062, Removing the residency requirement for the Commissioner of the Division of Highways,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4062 - "A Bill to amend and reenact §17-2A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement for the Commissioner of the Division of Highways,"

With the recommendation that the committee substitutes each do pass.

Delegate Steele, 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. 3312, Establishing a memorial to child labor and child workers who died in the course of employment in this state,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3312 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §10-3A-1, §10-3A-2, §10-3A-3, §10-3A-4, §10-3A-5, §10-3A-6, and §10-3A-7, all relating to the establishment of a monument to child labor; providing for legislative findings; establishing a short title; creating a commission to oversee the siting, design, construction, and dedication of the monument; establishing membership of the commission; outlining the goals of the commission regarding location of the monument; providing for a funding mechanism from existing revenue sources for construction and maintenance of the monument; creating an inscription or plaque to be used in the dedication of the monument;

disbanding the commission upon meeting certain conditions; granting the City of Fairmont the ownership of the monument; providing funds for the City of Fairmont to maintain the monument; and establishing a mechanism for maintenance and ownership of the monument under certain conditions,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4112, Provide consumers a choice for pharmacy services,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4112, - "A Bill to amend and reenact §33-51-3, §33-51-8, §33-51-9, and §33-51-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-51-12, all relating to the regulation of pharmacy benefit managers; defining terms; prohibiting a pharmacy benefit manager from limiting a consumer's access to prescription drugs through the designation of specialty drugs; requiring pharmacy benefit managers to disclose any sub-networks for specialty drugs to the Insurance Commissioner; prohibiting a pharmacy benefit manager from limiting network access; requiring notice of contract changes; and providing an effective date."

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4113, Public Health definitions and powers of secretary and commissioner,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4113 - "A Bill to repeal §16-1-8, §16-1-13 and §16-1-21 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1-2, §16-1-3 §16-1-4, §16-1-5 §16-1-6, §16-1-7 §16-1-10, §16-1-11 §16-1-12 and §16-1-14 of said code; and to amend and reenact §16-2-2, §16-2-10 §16-2-11, §16-2-12, §16-2-13 and §16-2-14 of said code; all relating to public health; permitting the secretary to appoint advisory councils; allowing the secretary of the Department of Public Health to propose legislative rules; requiring the commissioner of the Bureau of Public Health to establish a Center for Local Public Health; creating powers for the center; permitting local boards of health to provide immunizations and threat preparedness; and repealing obsolete areas of code,"

With the recommendation that the committee substitute do pass.

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. 3231, Public Utilities not required to pay interest on security deposits,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3231 - "A Bill to amend and reenact §24-3-8 of the Code of West Virginia, 1931, as amended, relating to public utility security deposits and interest thereon; prohibiting the charging of interest on security deposits held for up to eighteen months; and updating reference to prior law,"

With the recommendation that the committee substitute do pass.

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:

S. B. 191, Allowing poll workers to work full and half days,

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

Resolutions Introduced

Delegates Hanna, Keaton, Burkhammer, Haynes, Holstein, Phillips, Sypolt, Longanacre, Mallow, Crouse and Martin offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. C. R. 22 - "Designating January 22 as the Day of Tears in West Virginia."

Whereas, On January 22, 1973, the majority of the members of the Supreme Court ruled that abortion was a right secured by the Constitution; and

Whereas, Since that fateful day, over 62 million unborn children have perished; now, therefore, be it

Resolved by the Legislature of West Virginia:

That January 22 hereby be recognized as the Day of Tears in West Virginia and that the citizens of West Virginia be encouraged to lower their flags to half-staff to mourn the innocents who have lost their lives to abortion.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegates Reed, Wamsley, Smith, Worrell, Gearheart, Honaker, Mallow, Mandt, Clark, Crouse and Rowan:

H. B. 4290 - "A Bill to amend and reenact §17C-16-4 of the Code of West Virginia, 1931, as amended, relating to inspection of motor vehicles required by the Superintendent of the West Virginia State Police; and providing that motor vehicles three years old or less be inspected every three years"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Ellington:

H. B. 4291 - "A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia,1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding the Research Trust Fund Program and Annual Reauthorization of Degree-Granting Institutions; and authorizing legislative rules for the Council for Community and Technical College Education regarding Business, Occupational, and Trade Schools, Annual Reauthorization of Degree-Granting Institutions, and West Virginia Invests Grant Program"; to the Committee on Education.

By Delegates Hott, D. Kelly, B. Ward, Honaker, Conley, Rowan, Nestor, Pinson, Westfall, Graves and Maynard:

H. B. 4292 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to the West Virginia State Police; and providing additional salary and sign-on incentive benefits to members of the State Police"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Maynard, Howell, Holstein, Linville, Householder, Steele, Anderson, Hott, Keaton, Dean and Bridges:

H. B. 4293 - "A Bill to amend and reenact §3-3-5 of the Code of West Virginia, 1931, as amended, relating to providing applications for absentee ballots; requiring applications for absentee ballots to be available at the office of the county clerk and online at the Secretary of State's official website; prohibiting any person from providing unsolicited applications for absentee voting

to any voter; and creating a felony penalty upon conviction for such prohibited activity"; to the Committee on the Judiciary.

By Delegates Maynard, Howell, Holstein, Linville, Householder, Queen, Anderson, Statler, Hott, Sypolt and Jennings:

H. B. 4294 - "A Bill to amend and reenact §11-13JJ-1, §11-13JJ-2, §11-13JJ-3, §11-13JJ-4, §11-13JJ-6, and §11-13JJ-7 of the Code of West Virginia, 1931, as amended, all relating to providing a credit against personal income tax to volunteer firefighters and first responders; extending eligibility for the tax credit to first responders; defining 'first responder'; specifying the application of the tax credit for taxpayers filing a joint return; and specifying dates for applicability of the credit and for reports to be filed by the State Fire Commission"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegate Westfall:

H. B. 4295 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-20b; to amend and reenact §33-2-23 of said code; and to amend and reenact §33-3-14 and §33-3-14a of said code, all relating to the State Office of the National Flood Insurance Program; transferring the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management; authorizing the director of the Division of Emergency Management to employ staff for the State Office of the National Flood Insurance Program; providing that state-owned property in any nonparticipating community shall be governed by appropriate rules promulgated by the Division of Emergency Management; requiring the State Office of the National Flood Insurance Program and floodplain managers to develop a strategic plan to meet goals and objectives, which plan shall be reviewed and approved by the State Resiliency Officer and State Resiliency Board; requiring the State Office of the National Flood Insurance Program to establish floodplain management guidelines in special hazard areas which are in conformity with federal regulations; providing the State Office of the National Flood Insurance Program shall cooperate with the State Resiliency Office to the fullest extent

practicable to assist that office in fulfilling its duties; transferring the assets of the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management; and requiring the state treasurer to distribute funds from the flood insurance tax fund to finance the operations and responsibilities of the State Office of the National Flood Insurance Program"; to the Committee on Banking and Insurance then Veterans' Affairs and Homeland Security then Government Organization.

By Delegate Westfall:

H. B. 4296 - "A Bill to repeal §23-1-1c, §23-1-1d, §23-1-1e, §23-1-1g, §23-1-3, §23-1-4a, §23-1-6, §23-1-7, and §23-1-20 of the Code of West Virginia, 1931, as amended; to repeal §23-2-1b, §23-2-4, §23-2-5c, §23-2-5d, §23-2-14, §23-2-15, and §23-2-16 of said code; to repeal §23-2B-1, §23-2B-2, and §23-2B-3 of said code; to repeal §23-2C-3a, §23-2C-4, §23-2C-11, §23-2C-13, §23-2C-14, §23-2C-23, and §23-2C-24 of said code; to repeal §23-2D-1, §23-2D-2, §23-2D-3, §23-2D-4, §23-2D-5, §23-2D-5a, §23-2D-6, §23-2D-7, §23-2D-8, §23-2D-9, and §23-2D-10 of said code; to repeal §23-3-1, §23-3-1a, §23-3-2, §23-3-3, §23-3-4, §23-3-5, and §23-3-6 of said code; to repeal §23-4A-2, §23-4A-3, §23-4A-4, §23-4A-5, §23-4A-6, §23-4A-8, and §23-4A-9 of said code; to repeal §23-4B-6, §23-4B-8, §23-4B-8a, and §23-4B-8b of said code; to repeal §23-4C-1, §23-4C-2, §23-4C-3, §23-4C-4, §23-4C-5, and §23-4C-6 of said code; to amend and reenact §23-1-1, §23-1-1b, §23-1-1f, §23-1-2, §23-1-4, §23-1-5, §23-1-8, §23-1-9, §23-1-10, §23-1-11, §23-1-12, §23-1-13, §23-1-14, §23-1-15, §23-1-18, and §23-1-19 of said code; to amend said code by adding thereto a new section, designated §23-1-21; to amend and reenact §23-2-1, §23-2-1c, §23-2-1d, §23-2-2, §23-2-3, §23-2-5, §23-2-5a, §23-2-6, §23-2-7, §23-2-8, §23-2-9, §23-2-11, §23-2-13, and §23-2-17 of said code; to amend and reenact §23-2A-1 of said code; to amend and reenact §23-2C-1, §23-2C-2, §23-2C-3, §23-2C-6, §23-2C-7, §23-2C-8, §23-2C-12, §23-2C-15, §23-2C-16, §23-2C-18, §23-2C-19, §23-2C-20, and §23-2C-21 of said code; to amend and reenact §23-4A-1 of said code; and to amend and reenact §23-4B-2, §23-4B-4, §23-4B-5, §23-4B-7, and §23-4B-9 of said code, all relating to modernizing and updating workers' compensation

statutes; removing or revising provisions made obsolete by legislation and regulatory revisions in 2005 and 2006; standardizing references to public offices or agencies; updating statutory citations; and making spelling and grammatical changes throughout"; to the Committee on the Judiciary.

By Delegate Westfall:

H. B. 4297 - "A Bill to amend and reenact §9-6-8 of the Code of West Virginia, 1931, as amended, relating to the coordination of efforts and sharing of information between the Department of Health and Human Resources and the State Auditor's Office for the purpose of conducting investigations of financial exploitation of a vulnerable adult"; to the Committee on Government Organization then the Judiciary.

By Delegates Conley, Kimble, Mandt, Mazzocchi, G. Ward, McGeehan, Phillips, J. Jeffries and Pritt:

H. B. 4298 - "A Bill to amend and reenact §16-3-4b of the Code of West Virginia, 1931, as amended, relating to COVID-19 vaccine mandates"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Holstein, Horst, Sypolt, Hanna, Linville, Wamsley, Keaton, Kimble, Pack, Summers and Tully:

H. B. 4299 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-9-21, relating to prohibiting certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election; and creating a misdemeanor crime of certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election and establishing penalties thereto"; to the Committee on the Judiciary.

By Delegate Holstein:

H. B. 4300 - "A Bill to amend and reenact §22-5-6 of the Code of West Virginia, 1931, as amended, relating to increasing the daily civil penalty for refuse burning and clarifying that the civil penalty is recoverable for a first minor violation"; to the Committee on the Judiciary.

By Delegate Rohrbach:

H. B. 4301 - "A Bill to amend and reenact section 2, chapter twenty-six, Acts of the Legislature, regular session, 1924 (municipal charters), as last amended by chapter one hundred, Acts of the Legislature, regular session 2003, relating to reforming membership requirements of the Greater Huntington Park and Recreation District"; to the Committee on Government Organization.

By Delegates Reed, Queen, Rowan, Riley, Worrell, Mallow, Horst, Keaton, Longanacre, Booth and Miller:

H. B. 4302 - "A Bill to amend and reenact §19-21A-1 of the Code of West Virginia, 1931, as amended; to repeal §19-21A-2 of said code; and to amend and reenact §19-21A-3, §19-21A-4, §19-21A-6, and §19-21A-8 of said code, all relating to conservation districts; providing for a title of the article to be known as the 'Conservation Districts Law of West Virginia;' providing for legislative determinations; providing for revised definitions; modifying the process for elections and for the filling of vacancies; and providing an updated process for public meetings"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Rohrbach, Summers, D. Jeffries, Tully, G. Ward, Bates, Reed, Worrell, Rowan and Mallow:

H. B. 4303 - "A Bill to repeal §16-1-8, §16-1-13 and §16-1-21 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1-2, §16-1-3 §16-1-4, §16-1-5, §16-1-6, §16-1-7, §16-1-10, §16-1-11, §16-1-12, and §16-1-14 of said code; and to amend and reenact §16-2-2, §16-2-10, §16-2-11, §16-2-12, §16-2-13, §16-2-14, and §16-2-17 of said code, all relating to public health; repealing certain provisions; amending definitions; clarifying duties of the Secretary; amending rulemaking authority and the required experience of state health officer; modifying duties of commissioner; clarifying commissioner's service on advisory boards; omitting requirement for annual report on health facility licensing account; modifying provisions on disposition of fees received by commissioner, disbursement of federal aid, and training of employees; clarifying meeting requirements and duties

of local board of health; modifying provision concerning appointment of local health officer; amending powers of local health officer and financial provisions for local boards of health; and omitting Secretary's review of certain legislative rules"; to the Committee on Health and Human Resources.

By Delegates Hanna, Mazzocchi, Kimble, Keaton, Haynes, Holstein, Phillips, McGeehan, Ferrell, Sypolt and Pack:

H. B. 4304 - "A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to providing for excused absences from compulsory school attendance for exclusion, expulsion, or suspension when no other reasonable alternative placement for learning has been provided"; to the Committee on Education.

By Delegates Hansen, Steele and Young:

H. B. 4305 - "A Bill to repeal §16-27A-1 and §16-27A-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §24-2-1r; and to amend and reenact §24-2-4f of said code, all relating to power generating plant sites; repealing the ban on construction of nuclear power plants; revising consumer rate relief bonds; and enabling the use of securitization to refinance the unamortized investment in prematurely retired coal-fired generating plants"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Burkhammer, Pinson, Keaton, Haynes, Graves, Maynor, Worrell, Martin, Linville, Mazzocchi and Hanna:

H. B. 4306 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; removing certain deductions for modification of social security income in adjusted gross income"; to the Committee on Finance.

By Delegate Capito:

H. B. 4307 - "A Bill to amend and reenact §14-2A-3 of the Code of West Virginia, 1931, as amended, relating to increasing and expanding certain benefits payable from the Crime Victims' Compensation Fund; increasing the limit on allowable benefits for

travel and relocation; increasing the limit on the allowable benefit for mental health counseling for secondary victims; and expanding the definition of 'work loss' to compensate victims and responsible adults for work lost to attend court proceedings"; to the Committee on the Judiciary then Finance.

By Delegate Capito:

H. B. 4308 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §14-2A-11a; to amend and reenact §14-2A-14 of said code; and to amend and reenact §49-5-101 of said code, all relating to facilitating investigation and award of benefits under the West Virginia Crime Victims' Compensation Fund when a child is the subject of a civil abuse and neglect petition or injurious conduct is alleged to have been committed by or against a child; expanding the class of persons who may apply on behalf of a child; specifying that official records relating to a child or juvenile may be disclosed for evaluation of a Crime Victims' Compensation Fund application, and providing for confidentiality of records and proceedings"; to the Committee on the Judiciary.

By Delegates G. Ward, McGeehan, Mazzocchi, Kimble, Fast, Longanacre, Booth, Sypolt, Jennings, Barnhart and Phillips:

H. B. 4309 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §30-3-16a; and §30-5-10a, all relating to authorizing physicians and pharmacists to fill and dispense prescriptions for the anti-malarial drugs hydroxychloroquine or chloroquine, or the drug ivermectin for off-label use as a therapeutic drug to provide a prophylaxis for an outpatient (at-home) or an inpatient (hospital) with COVID-19; providing fines for pharmacists who refuse to fill these prescriptions; providing fine for refusal to fill prescription; and providing that pharmacists are not liable for adverse reactions from the prescription"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Steele and Foster:

H. B. 4310 - "A Bill to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended, relating to specifying

when a public employee's spouse may be covered by Public Employee Insurance Act; providing for the premium cost and premium coverage associated with such coverage; and establishing an effective date"; to the Committee on Finance.

Special Calendar

Second Reading

S. B. 8, Relating generally to state's savings and investment programs; on second reading, coming up in regular order, was read a second time.

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

"**CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

ARTICLE 9. SAVINGS AND INVESTMENT PROGRAM FULFILLMENT FUND.

§12-9-1. Special revenue account continued.

There is continued in the State Treasury the special revenue account, designated the West Virginia Savings and Investment Program Fulfillment Fund, previously authorized by §18-30-6a of this code. The fund shall be administered by the State Treasurer for the purposes described in this article.

§12-9-2. Receipts and expenditures.

(a) The West Virginia Savings and Investment Program Fulfillment Fund shall consist of all moneys in the fund on the effective date of this section, any moneys that may be appropriated to the fund by the Legislature, all interest or other return earned or received from investment of the fund; any moneys which the fund is authorized to receive under any provision of this code for the purposes of this article, and all gifts, grants, bequests, or transfers made to the fund from any source.

(b) The State Treasurer may expend moneys in the West Virginia Savings and Investment Program Fulfillment Fund for costs to implement or administer any savings or investment program with an initial date of operation occurring on or after July 1, 2021, including, but not limited to, the Hope Scholarship Program, established in §18-31-1 *et seq.* of this code, and Jumpstart Savings Program, established in §18-30A-1 *et seq.* of this code. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund to be expended as authorized by this article.

§12-9-3. Investment of fund.

The State Treasurer is authorized to invest and reinvest moneys in the fund, and all interest and earnings of the fund shall accrue to the fund and be available for expenditure in accordance with this article.

CHAPTER 18. EDUCATION.

ARTICLE 30. WEST VIRGINIA COLLEGE ~~PREPAID TUITION AND~~ SAVINGS PROGRAM ACT.

§18-30-1. Title.

This article is known and cited as the 'West Virginia College ~~Prepaid Tuition and~~ Savings Program Act'.

§18-30-2. Legislative findings and purpose.

The Legislature finds and determines that enhancing the accessibility and affordability of education for all citizens of West Virginia will promote a well-educated and financially secure population to the ultimate benefit of all citizens of West Virginia, and that assisting individuals and families in planning for future educational expenses by making the tax incentives in 26 U.S.C. § 529 available to West Virginians is one of the proper governmental functions and purposes of the state.

~~The Legislature also finds that continuation of the prepaid tuition plan and creation of a savings plan will further those governmental functions and purposes. It is, therefore, the legislative intent of this article to continue the prepaid tuition plan and to enhance the plan by authorizing the creation of a savings plan so that more students may attend eligible educational institutions~~

§18-30-3. Definitions.

For the purposes of this article, the following terms have the meanings ascribed to them, unless the context clearly indicates otherwise or as otherwise provided in 26 U.S.C. §529:

'Account' means ~~a prepaid tuition account or~~ a savings plan account established in accordance with this article.

'Account owner' means the individual, corporation, association, partnership, trust, or other legal entity ~~who enters into a prepaid tuition contract and is obligated to make payments in accordance with the prepaid tuition contract or~~ who enters into a savings plan contract and invests money in a savings plan account.

'Beneficiary' means the individual designated as a beneficiary at the time an account is established, the individual designated as the beneficiary when beneficiaries are changed, the individual entitled to receive distributions from an account, and any individual designated by the account owner, his or her agent, or his or her estate in the event the beneficiary is unable or unwilling to receive distributions under the terms of the contract.

'Board' means the Board of Trustees of the West Virginia College ~~Prepaid Tuition~~ and Jumpstart Savings ~~Program~~ Programs as provided in §18-30-4 of this code.

'Distribution' means any disbursement from an account in accordance with 26 U.S.C. §529.

'Eligible educational institution' means an institution of higher education or a private or religious primary, middle, or secondary

school that qualifies under 26 U.S.C. §529 as an eligible educational institution.

'Outstanding obligations of the Prepaid Tuition Plan' means the outstanding contract obligations of the board to persons owning Prepaid Tuition Plan accounts. The term also includes any fees, charges, expenses, penalties, or any other obligation or liability of the Prepaid Tuition Trust Fund or plan.

~~'Prepaid tuition account' means an account established by an account owner pursuant to this article, in order for the beneficiary to apply distributions in accordance with the Prepaid Tuition Plan.~~

~~'Prepaid tuition contract' means a contract entered into by the board and an account owner establishing a prepaid tuition account.~~

~~'Prepaid Tuition Plan' means the plan that contractually guarantees payment of tuition at an eligible educational institution~~

'Prepaid Tuition Program' means the Prepaid Higher Education Program and Plan, which was previously established and authorized by this article as reflected in Chapter 80, Acts of the Legislature, Regular Session, 1997, and which was closed in 2021.

'Program' means the West Virginia College ~~Prepaid Tuition and~~ Savings Program established pursuant to this article and as defined in §18-30-4(a) of this code.

'Qualified education expenses' means expenses treated as 'qualified higher education expenses' under 26 U.S.C. §529.

'Savings plan' means the plan that allows account distributions for qualified higher educational expenses and tuition at private or religious primary, middle, and secondary schools.

'Savings plan account' means an account established by an account owner pursuant to this article, in order for the beneficiary to apply distributions toward qualified higher education expenses and tuition expenses at eligible educational institutions.

'Savings plan contract' means a contract entered into by the board or its agent, if any, and an account owner establishing a savings plan account.

'Treasurer' means the West Virginia State Treasurer.

'Tuition' means the quarter, semester, or term charges imposed by an eligible educational institution and all mandatory fees required as a condition of enrollment by all students for full-time attendance.

§18-30-3a. 2022 Legislative findings; statutory construction.

(a) The Legislature makes the following findings regarding the amendments to this article adopted during the 2022 Regular Session of the Legislature:

(1) Whereas the Prepaid Tuition Program and Plan, administered by the board from 1998 until 2021, was statutorily closed to new accounts in 2001;

(2) Whereas the board initiated a statutorily authorized buyout of all remaining accounts in 2021 and terminated the Prepaid Tuition Program, Plan, and Trust Fund;

(3) Whereas the Jumpstart Savings Act, adopted during the 2021 Regular Session of the Legislature, created a new savings and investment program to become operational on July 1, 2022;

(4) Whereas the Jumpstart Savings Program is structurally similar to the College Savings Program, both programs share the objective of assisting West Virginians to obtain the education and skills that they need for productive and successful livelihoods, and the Jumpstart Savings Act allows state tax rollovers from a SMART529 account into a Jumpstart Savings Account;

(5) Whereas authorizing a single board to administer both the College Savings Program and Jumpstart Savings Program, rather than requiring each program to have a separate board, will significantly reduce management and administrative costs to the state;

(6) Therefore, the Board of Trustees of the College Prepaid Tuition and Savings Program should be continued and re-designated as 'the Board of Trustees of the West Virginia College and Jumpstart Savings Programs' and said board should be tasked with administering the College Savings Program, established by this article, and the Jumpstart Savings Program, established by §18-30A-1 *et seq.* of this code.

(b) The Legislature further finds that, whenever possible, this article should be read *in pari materia* and construed in harmony with the Jumpstart Savings Act, located in §18-30A-1 *et seq.* of this code.

(c) The Legislature further finds that interests in the College Savings Program Trust are intended:

(1) To qualify for relevant federal securities law exemptions for public instrumentalities of a State; and

(2) To be exempt from registration under Chapter 32 of the West Virginia Code, the 'Uniform Securities Act'.

§18-30-4. The Board of Trustees of the West Virginia College and Jumpstart Savings Programs; ~~Creation of program; board;~~ members; terms; compensation; proceedings generally.

(a) The West Virginia College ~~Prepaid Tuition and~~ Savings Program is continued. The program consists of ~~a savings plan and the outstanding obligations of the Prepaid Tuition Plan.~~ the savings plan administered according to this article and the requirements of 26 U.S.C. §529.

(b) The Board of Trustees of the College Prepaid Tuition and Savings Program is continued as a public instrumentality of the State of West Virginia: *Provided,* That the Board shall hereafter be known as the Board of Trustees of the West Virginia College and Jumpstart Savings Programs. ~~and all powers, rights, and responsibilities of the Board of Trustees of the Prepaid Tuition Trust Fund are vested in the Board of the College Prepaid Tuition and Savings Program~~

(c) The board consists of ~~nine~~ 11 members and includes the following:

(1) The State Treasurer, or his or her designee;

(2) The State Superintendent of Schools, or his or her designee;

(3) A representative of the Higher Education Policy Commission, who may or may not be a member of the Higher Education Policy Commission, appointed by the commission who serves as a voting member of the board;

(4) A representative of the Council for Community and Technical College Education, who may or may not be a member of the Council for Community and Technical College Education, appointed by the council who serves as a voting member of the board; and

(5) ~~Five~~ Seven other members, appointed by the Governor, with the advice and consent of the Senate, as follows:

(A) Three private citizens with knowledge, skill, and experience in a financial field, who are not employed by, or an officer of, the state or any political subdivision of the state: *Provided,* That reasonable efforts shall be made to appoint one such citizen to the board who holds a designation of Chartered Financial Analyst, offered by the CFA Institute; ~~and~~

(B) Two private citizens, appointed by the Governor, with knowledge, skill, and experience in trade occupations or businesses, to be appointed as follows:

(i) A member representing a labor organization that represents tradespersons in this state; and

(ii) A member representing a business or entity offering trade or skilled labor apprenticeships in this state; and

~~(B)~~ (C) Two members representing the interests of private institutions of higher education located in this state appointed from

one or more nominees of the West Virginia Independent Colleges and Universities.

(d) Only state residents are eligible for appointment to the board.

(e) Members appointed by the Governor serve a term of five years and are eligible for reappointment at the expiration of their terms. If there is a vacancy among appointed members, the Governor shall appoint a person representing the same interests to fill the unexpired term.

(f) Members of the board serve until the later of the expiration of the term for which the member was appointed or the appointment of a successor. Members of the board serve without compensation. The Treasurer may pay all expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Expense payments are made from the College ~~Prepaid Tuition~~ and Jumpstart Savings ~~Program~~ Administrative Account and are made at the same rate paid to state employees.

(g) The Treasurer may provide support staff and office space for the board.

(h) The Treasurer is the chairperson and presiding officer of the board and may appoint the employees the board considers advisable or necessary. A majority of the members of the board constitutes a quorum for the transaction of the business of the board.

§18-30-5. Powers of the board to administer the College Savings Program.

~~In addition to the powers granted by any other provision of this article, the board has the powers necessary or appropriate to carry out the provisions and objectives of this article, other methods of financing post secondary education as relate to the program, and the powers delegated by any other law of the state or any executive order of the state. The board may also:~~

~~(a) Adopt and amend bylaws;~~

~~(b) Sue and be sued;~~

~~(c) Execute contracts and other instruments for necessary goods and services, employ necessary personnel and engage the services of private consultants, actuaries, Auditors, counsel, managers, trustees, and any other contractor or professional needed. Selection of these services is not subject to the provisions of article three, chapter five-a of this code;~~

~~(d) Operate a prepaid tuition plan in accordance with this article and 26 U.S.C. §529;~~

~~(e) Operate a savings plan in accordance with this article and 26 U.S.C. §529;~~

~~(f) Develop and impose any requirements, policies, procedures, and guidelines to implement and manage the program;~~

~~(g) Impose reasonable requirements for residency for beneficiaries at the time of purchase of a prepaid tuition contract. However, nothing in this subdivision establishes residency requirements for matriculation at state eligible educational institutions;~~

~~(h) Assess, collect and expend administrative fees, charges, and penalties;~~

~~(i) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the trust funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, or other professional managing or investing the trust funds and accounts;~~

~~(j) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board or other professional investing the funds and accounts. Investments made under this article shall be made in accordance with the provisions of article six-c, chapter forty-four of this code, the West~~

~~Virginia uniform prudent investor act. No board member, nor any person, financial institution, investment manager, fund manager or the West Virginia Investment Management Board to whom the board delegates any of its investment authority who acts within the standard of care set forth in this section is personally liable for losses suffered by the program on investments made pursuant to this article;~~

~~(k) Solicit and accept gifts, including bequests or other testamentary gifts made by will, trust or other disposition, grants, loans, aid, and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state or local governmental programs in carrying out the purposes of this article. The board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within ninety days of receipt;~~

~~(l) Propose legislative rules for promulgation in accordance with the provisions of article three-a, chapter twenty-nine-a of this code;~~

~~(m) Make all necessary and appropriate arrangements with eligible educational institutions in order to fulfill its obligations under the prepaid tuition contracts and the savings plan contracts; and~~

~~(n) Establish a direct support organization which is a West Virginia corporation, not for profit, organized and operated to receive, hold, invest and administer property and make expenditures to or for the benefit of the purposes of this article, if the board determines a need for the organization exists. The board may authorize the direct support organization to use program facilities and property, except money. The board may invest funds of the direct support organization.~~

(a) The board shall administer the College Savings Program in accordance with this article and 26 U.S.C. §529.

(b) The board shall offer and issue interests in the Savings Plan Trust to eligible members of the public.

(c) The board is authorized to take any lawful action necessary to effectuate the provisions of this article and successfully administer the program, subject to applicable state and federal law, including, but not limited to, the following:

(1) Adopt and amend bylaws;

(2) Execute contracts and other instruments for necessary goods and services, employ necessary personnel, and engage the services of private consultants, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice: *Provided*, That selection of these services is not subject to the provisions of §5A-3-1 *et seq.* of this code: *Provided, however,* That all expenditures and monetary and financial transactions may be subject to periodic audits by the Legislative Auditor;

(3) Implement the program through use of financial organizations as account depositories and managers, as provided in §18-30-6 of this code;

(4) Develop and impose requirements, policies, procedures, and guidelines to implement and manage the program;

(5) Establish the method by which funds shall be allocated to pay for administrative costs and assess, collect, and expend administrative fees, charges, and penalties;

(6) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the trust funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, the Board of Treasury Investments, or other professional managing or investing the trust funds and accounts;

(7) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or other professional investing the funds and accounts: *Provided,* That investments made under

this article shall be made in accordance with the provisions of §44-6C-1 *et seq.* of this code;

(8) Solicit and accept gifts, including bequests or other testamentary gifts made by will, trust, or other disposition; grants; loans; aid; and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this article: *Provided*, That the board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within 90 days of receipt;

(9) Make all necessary and appropriate arrangements with eligible educational institutions in order to fulfill its obligations under the savings plan contracts; and

(10) Propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code, including emergency rules when necessary.

(d) The power and duties of the board provided in this article are in addition to the powers and duties of the board provided in §18-30A-1 *et seq.* of this code.

§18-30-6. ~~West Virginia prepaid tuition trust escrow fund.~~ Use of financial organizations as program depositories and managers.

~~(a) The Prepaid Tuition Trust Fund is continued within the accounts held by the State Treasurer for administration by the board until such time as the moneys in the fund are depleted and the board elects to close the fund.~~

~~(b) Upon the closure of the Prepaid Tuition Trust Fund, the board is authorized to expend moneys from the Prepaid Tuition Trust Escrow Fund for the purpose of satisfying outstanding obligations of the Prepaid Tuition Trust Plan, according to the requirements of subsection (h) of this section.~~

~~(c) The corpus, assets, and earnings of the Prepaid Tuition Trust Fund and the Prepaid Tuition Trust Escrow Fund do not~~

~~constitute public funds of the state and are available solely for carrying out the purposes of this article. Any contract entered into by or any obligation of the board on behalf of and for the benefit of the Prepaid Tuition Plan does not constitute a debt of the state but is solely an obligation of the Prepaid Tuition Trust Fund. The state has no obligation to any designated beneficiary or any other person as a result of the Prepaid Tuition Plan. All amounts payable from the Prepaid Tuition Trust Fund are limited to amounts available in the Prepaid Tuition Trust Fund.~~

~~(d) Nothing in this article or in any prepaid tuition contract is a promise or guarantee of admission to, continued enrollment in, or graduation from an eligible educational institution.~~

~~(e) Effective March 8, 2003, the Prepaid Tuition Plan is closed to new contracts. Closing the plan to new contracts does not affect any Prepaid Tuition Plan contracts in effect on March 8, 2003. All contract owners shall continue to pay any amounts due, including without limitation monthly installments, penalties, and fees. Earnings derived from the investment of moneys in the Prepaid Tuition Trust Fund shall continue to accrue to the fund until the fund is closed in accordance with this section. Upon a determination of the board that all outstanding contract obligations to persons owning Prepaid Tuition Plan accounts have been satisfied as provided in subsection (h) of this section, the plan shall be closed.~~

~~(f) The board shall continue to have the actuarial soundness of the Prepaid Tuition Trust Fund evaluated annually until the fund's closure.~~

~~(g) On or before December 1, 2003, and each year until the Prepaid Tuition Trust Fund's closure, the chairperson of the board shall submit to the Governor, the President of the Senate, the Speaker of the House of Delegates, the Joint Committee on Government and Finance, and the unclaimed property administrator a report certified by an actuary of the actuarial status of the Prepaid Tuition Trust Fund at the end of the fiscal year immediately preceding the date of the report.~~

~~(h) *Escrow fund; expenditures*.—~~

~~(1) The Prepaid Tuition Trust Escrow Fund is continued in the State Treasury to guarantee payment of outstanding obligations of the Prepaid Tuition Plan. The board shall invest the Prepaid Tuition Trust Escrow Fund in accordance with the provisions of this article in fixed income securities, and all earnings of the escrow fund shall accrue to the escrow fund and be available for expenditure in accordance with this section.~~

~~(2) In the event the money in the Prepaid Tuition Trust Fund is insufficient to cover the amount of money needed to meet the outstanding obligations of the Prepaid Tuition Trust Plan, the board may withdraw from the Prepaid Tuition Trust Escrow Fund the amount of money needed to meet outstanding obligations of the Prepaid Tuition Trust Plan.~~

~~(3) To the extent possible, the board shall satisfy outstanding contract obligations to persons owning Prepaid Tuition Plan accounts, on a pro rata basis as their interests may appear. Any account owner assets presumed abandoned shall be reported and remitted to the unclaimed property administrator in accordance with the Uniform Unclaimed Property Act in §36-8-1 *et seq.* of this code: *Provided,* That notwithstanding the requirements of said article, account owner assets are presumed abandoned 60 days after final payment checks for their remaining plan units are issued and said checks have not been presented for payment.~~

~~(i) After all outstanding obligations of the Prepaid Tuition Trust Plan have been satisfied in accordance with this section, any moneys remaining in the Prepaid Tuition Trust Fund and the Prepaid Tuition Trust Escrow Fund shall be allocated as follows:~~

~~(1) Five million dollars shall be transferred to the West Virginia Savings and Investment Program Fulfillment Fund, as set forth in §18-30-6a of this code.~~

~~(2) Up to $1,000,000 may be maintained in the Prepaid Tuition Trust Escrow Fund, at the election of the board, for a period not to exceed 10 years following the closure of the Fund for the purpose~~

~~of satisfying any claims against the Prepaid Tuition Trust Plan arising after the plan's closure: *Provided,* That upon the expiration of 10 years following the date of closure of the Prepaid Tuition Trust Fund or when the balance of the Prepaid Tuition Trust Escrow Fund is zero, whichever occurs first, the account shall be closed and any moneys remaining in the Prepaid Tuition Trust Escrow Fund upon said fund's closure shall revert to the state's General Revenue Fund.~~

~~(3) All moneys remaining, after the allocations provided in subdivisions (1) and (2) of this subsection, shall revert to the General Revenue Fund.~~

~~(j) To fulfill the charitable and public purpose of this article, neither the earnings nor the corpus of the Prepaid Tuition Trust Fund or the Prepaid Tuition Trust Escrow Fund is subject to taxation by the state or any of its political subdivisions.~~

~~(k) Notwithstanding any provision of this code to the contrary, money in the Prepaid Tuition Trust Fund and the Prepaid Tuition Trust Escrow Fund is exempt from creditor process and not subject to attachment, garnishment, or other process; is not available as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge; and is not subject to seizure, taking, appropriation, or application by any legal or equitable process or operation of law to pay any debt or liability of any account owner, beneficiary, or successor in interest.~~

~~The provisions of this section may not be construed to interfere with the operation of the savings plan authorized under this article.~~

(a) The board may implement the program through use of financial organizations as account depositories and managers. The board may solicit proposals from financial organizations to act as depositories and managers of the program. Financial organizations submitting proposals shall describe the investment instruments which will be held in accounts. The board may select more than one financial organization and investment instrument for the program. The board shall select financial organizations to act as

program depositories and managers, based on the following criteria:

(1) The financial stability and integrity of the financial organization;

(2) The safety of the investment instrument being offered;

(3) The ability of the financial organization to satisfy recordkeeping and reporting requirements;

(4) The financial organization's plan for promoting the program and the investment the organization is willing to make to promote the program;

(5) The fees, if any, proposed to be charged to the account owners;

(6) The minimum initial deposit and minimum contributions that the financial organization will require;

(7) The ability of the financial organization to accept electronic deposits and withdrawals, including payroll deduction plans; and

(8) Other benefits to the state or its residents included in the proposal, including fees payable to the state to cover expenses of operation of the program.

(b) The board may enter into any contracts with a financial organization necessary to effectuate the provisions of this article. Any management contract shall include, at a minimum, terms requiring the financial organization to:

(1) Take any action required to keep the program in compliance with requirements of this article and any other applicable state or federal law;

(2) Keep adequate records of each account, keep each account segregated from each other account, and provide the board with the information necessary to prepare the statements required by this article and other applicable state and federal laws;

(3) Compile, summarize, and total information contained in statements required to be prepared under this article and applicable state and federal laws and provide such compilations to the board;

(4) Provide the board with access to the books and records of the program manager and with any other information needed to determine compliance with the contract, this article, and any other applicable state or federal law;

(5) Hold all accounts for the benefit of the account owner or owners;

(6) Be audited at least annually by a firm of certified public accountants selected by the program manager and provide the results of such audit to the board;

(7) Provide the board with copies of all regulatory filings and reports made by the financial organization during the term of the management contract or while the financial organization is holding any accounts, other than confidential filings or reports that will not become part of the program. The program manager shall make available for review by the board and the Treasurer the results of any periodic examination of such manager by any state or federal banking, insurance, or securities commission, except to the extent that such report or reports may not be disclosed under law; and

(8) Ensure that any description of the program, whether in writing or through the use of any medium, is consistent with the marketing plan developed pursuant to the provisions of this article.

(c) The board may:

(1) Enter into contracts it deems necessary for the implementation of the program, including but not limited to a contract with a financial institution, manager, consultant or other professional to provide services to both the College Savings Program and the Jumpstart Savings Program, established in §18-30A-1 *et seq.* of this code;

(2) Require that an audit be conducted of the operations and financial position of the program depository and manager at any

time if the board has any reason to be concerned about the financial position, the record keeping practices, or the status of accounts of such program depository and manager; and

(3) Terminate or decline to renew a management agreement: *Provided,* That if the board terminates or does not renew a management agreement, the board shall seek to promptly transfer such accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.

§18-30-6a. Special revenue account created for fulfillment of savings and investment programs.

[Repealed].

§18-30-8. The College ~~prepaid tuition~~ and Jumpstart Savings ~~program~~ Administrative Account.

(a) There is hereby ~~created~~ continued a separate special revenue account within the State ~~Treasurer's office~~ Treasury titled the 'college prepaid tuition and savings program administrating account', which shall hereafter be known as 'the College and Jumpstart Savings Administrative Account.' The board shall administer and make expenditures from the account for the purposes of implementing, operating, and maintaining the trust funds, ~~and~~ the program created by this article, and the program created by §18-30A-1 *et seq* of this code.

(b) The administrative account shall receive all fees, charges, and penalties collected by the board. Expenditures from the fund are authorized from collections ~~subject to appropriations made by the Legislature~~. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund to be expended as authorized by this section.

§18-30-10. Reports and account; annual audit.

(a) In addition to any other requirements of this article, the board shall:

(1) Provide ~~annually summary information on the financial condition of the prepaid tuition trust fund and~~ annual statements on the savings plan accounts to the respective account owners; and

(2) Prepare, or have prepared, a quarterly report on the status of the program, including the trust funds and the administrative account, and provide a copy of the report to the Joint Committee on Government and Finance and the Legislative Oversight commission on education accountability. ~~and~~

~~(3) Prepare, or have prepared, an annual actuarial report of the prepaid tuition trust fund and transmit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Delegates and the Legislative Oversight commission on education accountability.~~

(b) All accounts of the board, including the trust funds, are subject to an annual external audit by an accounting firm, selected by the board, of which all members or partners assigned to head the audit are members of the American institute of certified public accountants. The audit shall comply with the requirements of §5A-2-33 of this code.

§18-30-11. Financial aid eligibility.

The calculations of a beneficiary's eligibility for state student financial aid for higher education may not include or consider ~~the value of distributions available in a prepaid tuition account or~~ the value of distributions available in a savings plan account.

§18-30-13. ~~Board of Trustees; authorization of rules.~~ Remaining obligations of the Prepaid Tuition Program and Escrow Fund.

~~The legislative rules filed in the state register on September 30, 1997, modified by the board of trustees of the West Virginia prepaid tuition trust fund to meet the objections of the Legislative Oversight commission on education accountability and refiled in the state register on January 30, 1998, relating to the West Virginia prepaid tuition trust fund (rules for the West Virginia prepaid tuition trust fund), are authorized.~~

(a) The Prepaid Tuition Trust Escrow Fund, which was previously authorized by §18-30-6 of this code, is continued in the State Treasury to guarantee payment of outstanding obligations of the Prepaid Tuition Plan arising after the Plan's closure. The board is authorized to take any action necessary to satisfy obligations of the Prepaid Tuition Plan arising after the Plan's closure.

(b) The Prepaid Tuition Trust Escrow Fund shall consist of any moneys in the fund on the effective date of this section. Up to $1,000,000 may be maintained in the Prepaid Tuition Trust Escrow Fund for a period not to exceed 10 years following the closure of the Prepaid Tuition Fund for the purpose of satisfying any claims against the Prepaid Tuition Trust Plan arising after the plan's closure: *Provided,* That upon the expiration of 10 years following the date of closure of the Prepaid Tuition Trust Fund or when the balance of the Prepaid Tuition Trust Escrow Fund is zero, whichever occurs first, the account shall be closed and any moneys remaining in the Prepaid Tuition Trust Escrow Fund upon said fund's closure shall revert to the state's General Revenue Fund.

(c) The board shall invest the Prepaid Tuition Trust Escrow Fund, in accordance with the provisions of this article, in fixed income securities, and all earnings of the fund shall accrue to the fund and be available for expenditure in accordance with this section.

ARTICLE 30A. WEST VIRGINIA JUMPSTART SAVINGS ACT.

§18-30A-2. Findings.

(a) The Legislature recognizes the importance of cultivating an environment in West Virginia where our tradespersons and entrepreneurs can be successful in their careers and remain in their home state. The Legislature finds that a savings and investment program to assist our citizens who wish to embark on a new trade or establish a new business within this state, is an investment in the future of West Virginia and its hardworking citizens.

(b) The Legislature further finds that, whenever possible, this article should be read in *pari materia* and construed in harmony with the West Virginia College Savings Program Act, §18-30-1 *et seq.* of this code.

(c) The Legislature further finds that interests in the Jumpstart Savings Program Trust are intended:

(1) To qualify for relevant federal securities law exemptions for public instrumentalities of a state; and

(2) To be exempt from registration under Chapter 32 of the West Virginia Code, titled the 'Uniform Securities Act.'

§18-30A-3. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

(1) 'Account owner' means the person who opens and invests money into a Jumpstart Savings Account, as provided in this article.

(2) 'Beneficiary' means the person designated as a beneficiary at the time an account is established, or the individual designated as the beneficiary when the beneficiary is changed.

(3) The 'board' means the Board of Trustees of the West Virginia College and Jumpstart Savings ~~Board~~ Programs created in ~~§18-30A-5~~ §18-30-4 of this code.

(4) 'Contribution' means any amount of money deposited into a Jumpstart Savings Account according to the procedures established and required by the board or the Treasurer.

(5) 'Deduction' as used in this article has the same meaning as when used in a comparable context in the laws of the United States relating to income taxes, unless a different meaning is clearly required. Deduction means and refers to a deduction allowable under the federal income tax code for the purpose of determining

federal taxable income or federal adjusted gross income, unless text clearly indicates otherwise.

(6) 'Distributee' has the same meaning provided in §11-21-12m of this code.

(7) 'Distribution' means any disbursement from an account.

(8) The term 'family member', as used to describe a person's relationship to a designated beneficiary, includes any of the following:

(A) The spouse of the beneficiary;

(B) A child of the beneficiary or a descendant of the beneficiary's child;

(C) A brother, sister, stepbrother, or stepsister of the beneficiary;

(D) The father or mother of the beneficiary, or an ancestor of either;

(E) A first cousin of the beneficiary;

(F) A stepfather or stepmother of the beneficiary;

(G) A son or daughter of a brother or sister of the beneficiary;

(H) A brother or sister of the father or mother of the beneficiary;

(I) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the beneficiary; or

(J) The spouse of any person described in paragraphs ~~(A)~~ (B) through (I) of this subdivision.

(K) Any term set forth in this subdivision means and includes such term as established through a lawful adoption, including, but not limited to, adoptions of a child or children, or other natural

person, by a natural person or natural persons who are not the father, mother, or stepparent of the child or person.

(9) 'Labor organization' means any organization, agency, association, union, or employee representation committee of any kind that exists, in whole or in part, to assist employees in negotiating with employers concerning grievances, labor disputes, wages, rates of pay, or other terms or conditions of employment.

(10) The 'program' refers to the Jumpstart Savings Program established by this article.

(11) The 'Treasurer' refers to the West Virginia State Treasurer or his or her designee.

§18-30A-5. The Board of Trustees of the West Virginia College and Jumpstart Savings Programs ~~Board; members; terms; compensation, proceedings generally~~.

~~(a)~~ The West Virginia Jumpstart Savings Program shall be administered by the Board of Trustees of the West Virginia College and Jumpstart Savings ~~Board~~ Programs. The board is created in §18-30-4 of this code and is a public instrumentality of the State of West Virginia.

~~(b) The board consists of seven members and includes the following:~~

~~(1) The State Treasurer;~~

~~(2) The State Superintendent of Schools, or his or her designee;~~

~~(3) The Chancellor of the West Virginia Community and Technical College System, or his or her designee;~~

~~(4) Four members, appointed by the Governor, with knowledge, skill, and experience in trade occupations or businesses, to be appointed as follows:~~

~~(A) A member representing a labor organization that represents tradespersons in this state;~~

~~(B) A member representing a business or entity offering apprenticeships in this state; and~~

~~(C) Two private citizens not employed by, or an officer of, the state or any political subdivision of the state.~~

~~(c) The members designated in this section to be appointed by the Governor are so appointed with the advice and consent of the Senate.~~

~~(d) Only state residents are eligible for appointment to the board.~~

~~(e) Members appointed by the Governor serve a term of five years and are eligible for reappointment at the expiration of their terms. If there is a vacancy among appointed members, the Governor shall appoint a person meeting the requirements of this section to fill the unexpired term. Members of the board serve until the later of the expiration of the term for which the member was appointed or the appointment of a successor.~~

~~(f) Members of the board serve without compensation. The Treasurer may pay all reasonable expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Expense payments are made from the Jumpstart Savings Expense Account and are made at the same rates and in the same manner as travel reimbursements are paid to state employees.~~

~~(g) The Treasurer is the chairman and presiding officer of the board and shall appoint the employees the board considers advisable or necessary.~~

~~(h) The board shall adopt bylaws and rules of procedure at its first official meeting. A majority of the members of the board constitutes a quorum for the transaction of the business of the board.~~

§18-30A-6. Powers of the board <u>to implement and administer the Jumpstart Savings Program.</u>

(a) The board shall implement and administer the Jumpstart Savings Program in accordance with this article and all applicable laws and regulations.

(b) The board is authorized to take any lawful action necessary to effectuate the provisions of this article and successfully administer the program, subject to applicable state and federal law, including, but not limited to, the following:

(1) Adopt and amend bylaws;

(2) Execute contracts and other instruments for necessary goods and services, employ necessary personnel, and engage the services of private consultants, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice: *Provided*, That selection of these services is not subject to the provisions of §5A-3-1 *et seq.* of this code: *Provided, however,* That all expenditures and monetary and financial transactions ~~shall~~ may be subject to periodic audits by ~~the Office of Chief Inspector, or~~ the Legislative Auditor~~, or both~~;

(3) Implement the program through use of financial organizations as account depositories and managers, as provided in §18-30A-9 of this code;

(4) Develop and impose requirements, policies, procedures, and guidelines to implement and manage the program;

(5) Establish the method by which funds shall be allocated to pay for administrative costs and assess, collect, and expend administrative fees, charges, and penalties;

(6) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the trust funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, the Board of Treasury Investments, or other professional managing or investing the trust funds and accounts;

(7) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or other professional investing the funds and accounts: *Provided,* That investments made under this article shall be made in accordance with the provisions of §44-6C-1 *et seq.* of this code;

(8) Solicit and accept gifts, including bequests or other testamentary gifts made by will, trust, or other disposition; grants; loans; aid; and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this article: *Provided*, That the board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within 90 days of receipt; and

(9) Propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code, including emergency rules when necessary.

(c) The board may enter into agreements with other states or agencies of, subdivisions of, or residents of those states related to the program or a program that is substantially similar to the Jumpstart Savings Program established by another state.

(d) The power and duties of the board provided in this article are in addition to the powers and duties of the board provided in §18-30-1 *et seq.* of this code.

§18-30A-8. West Virginia Jumpstart Savings Program Trust and Trust Fund~~; and Expense Fund~~ created; administrative account.

(a) ~~The board shall establish~~ There is hereby established the Jumpstart Savings Program Trust, a public instrumentality of the State of West Virginia. The Jumpstart Savings Program Trust shall offer and issue interests in the trust to eligible members of the public.

(b) There is hereby also established a Jumpstart Savings Program Trust Fund Account, titled the Jumpstart Savings Trust Fund, within the accounts held by the Treasurer or with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or any other person for the purpose of managing and investing the trust fund. Assets of the Jumpstart Savings Program Trust are held in trust for account owners and beneficiaries.

~~(b)~~ (c) The Jumpstart Savings Trust Fund shall receive all moneys from account owners on behalf of beneficiaries or from any other source, public or private. Earnings derived from the investment of the moneys in the Jumpstart Savings Trust Fund shall remain in the fund, held in trust in the same manner as contributions, except as refunded, applied for purposes of the beneficiaries, and applied for purposes of maintaining and administering the program.

~~(c)~~ (d) The corpus, assets, and earnings of the Jumpstart Savings Trust Fund do not constitute public funds of the state and are available solely for carrying out the purposes of this article. Any contract entered into by, or any obligation of the board on behalf of and for the benefit of the program, does not constitute a debt or obligation of the state but is solely an obligation of the Jumpstart Savings Trust Fund.

~~(d)~~ (e) All interest derived from the deposit and investment of moneys in the Jumpstart Savings Trust Fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the trust fund may not be credited or transferred to the State General Fund or to any other fund.

~~(e)~~ (f) In order to fulfill the charitable and public purposes of this article, neither the earnings nor the corpus of the Jumpstart Savings Trust Fund is subject to taxation by the state or any of its political subdivisions.

~~(f)~~ (g) Notwithstanding any provision of this code to the contrary, money in the Jumpstart Savings Trust Fund is exempt from creditor process and not subject to attachment, garnishment,

or other process; is not available as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge; and is not subject to seizure, taking, appropriation, or application by any legal or equitable process or operation of law to pay any debt or liability of any account owner, beneficiary, or successor in interest.

~~(g) (1) The Jumpstart Savings Program Expense Fund is hereby established in the State Treasury.~~

~~(2) The Jumpstart Savings Expense Fund shall receive all fees, charges, and penalties collected by the board. Expenditures from the fund are authorized from collections subject to appropriations made by the Legislature.~~

~~(3) All expenses incurred by the board or the Treasurer in developing and administering the program shall be payable from the Jumpstart Savings Expense Fund.~~

(h) The College and Jumpstart Savings Administrative Account, established in §18-30-8 of this Code, shall receive all fees, charges, and penalties collected by the board. All expenses incurred by the board or the Treasurer in developing and administering the program shall be payable from the College and Jumpstart Savings Administrative Account.

§18-30A-9. Use of financial organizations as program depositories and managers.

(a) The board may implement the program through use of financial organizations as account depositories and managers. The board may solicit proposals from financial organizations to act as depositories and managers of the program. Financial organizations submitting proposals shall describe the investment instruments which will be held in accounts. The board may select more than one financial organization and investment instrument for the program. The board shall select financial organizations to act as program depositories and managers ~~from among the bidding financial organizations that demonstrate the most advantageous~~

~~combination, both to potential program participants and this state,~~ based on the following criteria:

(1) The financial stability and integrity of the financial organization;

(2) The safety of the investment instrument being offered;

(3) The ability of the financial organization to satisfy recordkeeping and reporting requirements;

(4) The financial organization's plan for promoting the program and the investment the organization is willing to make to promote the program;

(5) The fees, if any, proposed to be charged to the account owners;

(6) The minimum initial deposit and minimum contributions that the financial organization will require;

(7) The ability of the financial organization to accept electronic deposits and withdrawals, including payroll deduction plans; and

(8) Other benefits to the state or its residents included in the proposal, including fees payable to the state to cover expenses of operation of the program.

(b) The board may enter into any contracts with a financial organization necessary to effectuate the provisions of this article. Any management contract shall include, at a minimum, terms requiring the financial organization to:

(1) Take any action required to keep the program in compliance with requirements of this article and any other applicable state or federal law;

(2) Keep adequate records of each account, keep each account segregated from each other account, and provide the board with the information necessary to prepare the statements required by this article and other applicable state and federal laws;

(3) Compile, summarize, and total information contained in statements required to be prepared under this article and applicable state and federal laws and provide such compilations to the board;

(4) Provide the board with access to the books and records of the program manager and with any other information needed to determine compliance with the contract, this article, and any other applicable state or federal law;

(5) Hold all accounts for the benefit of the account owner or owners;

(6) Be audited at least annually by a firm of certified public accountants selected by the program manager and provide the results of such audit to the board;

(7) Provide the board with copies of all regulatory filings and reports made by the financial organization during the term of the management contract or while the financial organization is holding any accounts, other than confidential filings or reports that will not become part of the program. The program manager shall make available for review by the board and the Treasurer the results of any periodic examination of such manager by any state or federal banking, insurance, or securities commission, except to the extent that such report or reports may not be disclosed under law; and

(8) Ensure that any description of the program, whether in writing or through the use of any medium, is consistent with the marketing plan developed pursuant to the provisions of this article.

(c) The board may:

(1) Enter into contracts it deems necessary for the implementation of the program, including, but not limited to, a contract with a financial institution, manager, consultant or other professional to provide services to both the Jumpstart Savings Program, and the College Savings Program, established in §18-30-1 *et seq.* of this code;

(2) Require that an audit be conducted of the operations and financial position of the program depository and manager at any

time if the board has any reason to be concerned about the financial position, the record keeping practices, or the status of accounts of such program depository and manager; and

(3) Terminate or decline to renew a management agreement. If the board terminates or does not renew a management agreement, the board ~~shall take custody of accounts held by such program manager and~~ shall seek to promptly transfer such accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible."

On motion of Delegate Steele, the amendment was amended on page three, section three, line twenty, after the word "institution", by inserting the following:

"'Jumpstart Savings Expense Fund', for the purposes of this article, means the College and Jumpstart Savings Administrative Account, established in §18-30-8 of this Code."

The Committee on Government Organization amendment, as amended, was subsequently adopted.

There being no further amendments, the bill was ordered to third reading.

Com. Sub. for H. B. 4067, To make certain agency reports electronic or eliminating certain agency reports altogether; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third 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. 2184, Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug,

Com. Sub. for H. B. 2972, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption,

And,

H. B. 3303, Relating to clarifying the process of filling vacancies on ballots.

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. 2092: Delegates Booth, Hanna, Mazzocchi, Tully and G. Ward;

H. B. 2184: Delegate Pinson;

H. B. 2908: Delegate Maynor;

H. B. 3225: Delegate Zukoff;

H. B. 4073: Delegate Zukoff;

H. B. 4073: Delegate Horst;

H. B. 4280: Delegate Mandt;

H. B. 4288; Delegate Pushkin;

And,

H. J. R. 15: Delegate Forsht.

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. 4254: Delegate Mandt.

At 11:24 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 21, 2022.

Friday, January 21, 2022

TENTH DAY

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

The House of Delegates met at 11:00 a.m., and 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 20, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 4002, Creating the Certified Sites and Development Readiness Program,

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. 4002) was referred to the Committee on Finance.

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. 2882, Relating to repealing a ban on construction of nuclear power plants,

And reports the same back with the recommendation that it do pass, 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. 2882) was referred to the Committee on Government Organization.

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. R. 5, Regarding power grid stability,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. R. 5) was referred to the Committee on Rules.

Delegate Rohrbach, 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. 4276, Permit WVU to create a Parkinson's disease registry,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4276 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5DD-1, all relating to the collection of data relating to Parkinson's Disease; providing for definitions; providing a notice requirement; allowing for West Virginia University to enter into agreements regarding this data collection; and allowing for the maintaining of certain records,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4252, To reduce copay cap on insulin and devices,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4252 - "A Bill to amend and reenact §33-59-1 of the Code of West Virginia, 1931, as amended, relating to diabetes; reducing copayments; adding coverage for devices; permitting testing equipment to be purchased without a prescription,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4288, Relating to expanding the practice of auricular acudetox to professions approved by the acupuncturist board,

And reports the same back with the recommendation that it do pass, 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. 4288) was referred to the Committee on Government Organization.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 2111, Including emergency response vehicles in the single fee program for EZ Pass transponders,

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. 2111) was referred to the Committee on Finance.

Delegate Rowan, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

H. B. 2798, Relating to requiring the Health Department to mandate mucopolysaccharidosis type 1 (MPS1) test for newborn babies, to be known as Embie's Law,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2798) was referred to the Committee on Health and Human Resources.

Delegate Rowan, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

H. B. 2524, Modifying the definition of child abuse or neglect to exclude accidental injury,

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. 2524) was referred to the Committee on the Judiciary.

Messages from the Senate

A message from the Senate, by

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

S. B. 244 - "A Bill to amend and reenact §51-11-6 of the Code of West Virginia, 1931, as amended, relating to the intermediate court of appeals, correcting a typographical error regarding the process for appointing the initial Judges of the Intermediate Court of Appeals; and making this change retrospective to December 27, 2021"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

S. C. R. 1 - "Requesting the Division of Highways name bridge number 10-061/00-027.81 (10A161), locally known as Armstrong Creek Bridge, carrying West Virginia Route 61 over Armstrong Creek in Fayette County, the 'U.S. Army PFC Billy Keith Ford Memorial Bridge'."

Whereas, Billy Keith Ford was born on September 28, 1945, in Boomer, West Virginia, to Henry and Juanita Kilburn Ford, into a family of four boys and five girls; and

Whereas, As a boy, Billy Keith Ford spent his time helping in local gardens near the family home and when they were not in the gardens, the family enjoyed camping in West Virginia state parks; and

Whereas, Billy Keith Ford entered the United States Army in 1967 and was deployed to Vietnam on December 23, 1967, at the rank of Private First Class; and

Whereas, PFC Billy Keith Ford was originally assigned to the Fifth Battalion, Seventh Calvary, as a new battalion of the First Air Cavalry in 1966. As part of this battalion, he was stationed in Thua Thien Province, an area of exceptionally heavy fighting during that time, with more U.S. casualties than in any other province of Vietnam; and

Whereas, PFC Billy Keith Ford and his unit participated in a massive offensive, Operation Pegasus, in April 1968. They liberated ground troops who had been under siege for 78 days and seized tons of enemy supplies and equipment; and

Whereas, PFC Billy Keith Ford and the "5/7 Cav" later interdicted enemy movements to the south and held a dominant position in the A Shau Valley, hindering the enemy's efforts at retreat and reinforcement; and

Whereas, PFC Billy Keith Ford's company came under fire on April 28, 1968, and he was killed in the engagement; and

Whereas, During his time in service, PFC Billy Keith Ford received the Army Combat Infantryman Badge, Marksmanship

Badge, National Defense Service Medal, Vietnam Service Medal, the Army Presidential Unit Citation, the Vietnam Gallantry Cross, and the Purple Heart Medal; and

Whereas, PFC Billy Keith Ford's funeral service was held in the Mount Carbon Community Church on Sunday, May 12, 1968, and he was laid to rest in Montgomery Memorial Park in London, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Billy Keith Ford and his contributions and sacrifice to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 10-061/00-027.81 (10A161), locally known as Armstrong Creek Bridge, carrying West Virginia Route 61 over Armstrong Creek in Fayette County, the "U.S. Army PFC Billy Keith Ford Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army PFC Billy Keith Ford Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways"; which was referred to the Committee on Technology and Infrastructure then Rules.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

S. C. R. 3 - "Requesting the Division of Highways name bridge number 23-017/09-000.06 (23A054), (37.94149, -81.82224), locally known as Clothier Box Beam, carrying CR 17/9 over

Spruce Fork in Logan County, the 'U.S. M.C. CAPT Dempsey Stowers Memorial Bridge'."

Whereas, Dempsey Stowers, a native of Bulger, West Virginia, was born September 7, 1941, and died February 23, 2020; and

Whereas, Dempsey Stowers proudly joined the U.S. Marine Corps in 1960. He served as a signal intelligence/electronic warfare officer; and

Whereas, Dempsey Stowers retired from the U.S. Marine Corps after 23 years, earning the rank of captain; and

Whereas, CAPT Dempsey Stowers obtained numerous medals for his exceptional service, including the National Defense Medal, Armed Forces Expeditionary, Republic of Vietnam Campaign, Navy Union Citation, Navy Achievement Medal, Vietnam Service Medal with three stars, Meritorious Unit Commendation, Sea Service Deployment Ribbon, Navy Commendation Medal, Meritorious Service Medal, Republic of Vietnam Meritorious Unit Citation, and three letters of Commendation; and

Whereas, Upon retirement from service, CAPT Dempsey Stowers returned home to West Virginia, where he and his wife, Judy Stowers, raised their family; and

Whereas, CAPT Dempsey Stowers was active in his community and church, where he was widely known as a leader and an exemplification of service; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. M.C. CAPT Dempsey Stowers and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-017/09-000.06 (23A054), (37.94149, -81.82224), locally known as Clothier Box Beam, carrying CR 17/9 over Spruce Fork in Logan County, the "U.S. M.C. CAPT Dempsey Stowers Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. M.C. CAPT Dempsey Stowers Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways"; which was referred to the Committee on Technology and Infrastructure then Rules.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

Com. Sub. for S. C. R. 5 - "Requesting the Division of Highways name bridge number 54-068/00-009.73 (54A259), (39.19674, -81.65356) locally known as Race Track Bridge, carrying WV Route 68 over the North Fork of Lee Creek in Wood County, the 'U.S. Marine Corps CPL James 'Bud' Cox Memorial Bridge'."

Whereas, James "Bud" Cox was born on May 25, 1946, in Parkersburg, West Virginia, the son of James Blake Cox and Betty Jane Cox; and

Whereas, James "Bud" Cox and his lifelong friend, Joseph A. Memel, grew up playing under the bridge located at WV Route 68 South across from the local racetrack, which is now being replaced with the bridge being requested herein to be named in honor of James; and

Whereas, James "Bud" Cox graduated from Parkersburg High School with the Class of 1965. While in high school, he was a member of the woodworking club and a student in home room #120; and

Whereas, James "Bud" Cox and his friend, Joseph A. Memel, enlisted together in the U.S. Marine Corps on December 14, 1965.

James "Bud" Cox took his boot camp training at Parris Island and infantry training at Camp Lejuene. He was stationed in Cuba before being issued orders for Vietnam; and

Whereas, When CPL James "Bud" Cox arrived in Vietnam on May 14, 1967, he was assigned to Weapons with 3rd Platoon, Echo Company, 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division; and

Whereas, CPL James "Bud" Cox received shrapnel wounds to his leg from a mortar round on May 24, 1967, in the vicinity of Gio Linh District. He was medevacked to and recovered aboard the USS Princeton, and he returned to the field June 10, 1967; and

Whereas, On December 28, 1967, CPL James "Bud" Cox was serving as a machine gun squad leader with the E Company Weapons Platoon, 2nd Battalion 3rd Marines. Echo Company was conducting a sweep of Quang Nam Province when they made heavy contact with a large force with the North Vietnamese Army and he was fatally wounded by a mine/booby trap during combat at LZ Hawk, Bao An Dong, Go Noi Island, during Operation Auburn; and

Whereas, At the time of his death, CPL James "Bud" Cox was 21 years old and had served in Vietnam for seven months and 14 days; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Marine Corps CPL James "Bud" Cox and his sacrifice for our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 54-068/00-009.73 (54A259), (39.19674, -81.65356) locally known as Race Track Bridge, carrying WV Route 68 over the North Fork of Lee Creek in Wood County, the "U.S. Marine Corps CPL James 'Bud' Cox Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Marine Corps CPL James 'Bud' Cox Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

S. C. R. 6 - "Requesting the Division of Highways name bridge number 23-018/00-000.74 (23A084), currently known as the Holden Box Beam, carrying County Route 18 over Copperas Mine Fork in Holden, Logan County, the 'Holden 22 Coal Miners Memorial Bridge'."

Whereas, The production of coal has brought a livelihood to many people in the state of West Virginia, but at times it has also come at a great cost to the miners and their families. A single disaster in a mine may impact an entire community with grief to be felt in many families for generations; and

Whereas, The community of Holden, West Virginia, was hit by such a tragedy on March 8, 1960, when a fire ignited during the day shift in the tunnels of the Island Creek Coal Company Number 22 Mine, commonly known as the Holden 22 Mine; and

Whereas, Shortly after 8:00 a.m., a large fire broke out near the 3 Left Overcast deep within the mine. Mine crews immediately positioned fire-fighting equipment – including a water car, an 80-gallon chemical truck, and high-pressure rock dusting equipment – at the site, but they could make very little headway against the large, hot fire. There was a massive rockfall as several of the

wooden timbers collapsed, blocking off 200 feet of passageway, and, soon after, the power was cut off inside the mine; and

Whereas, Twenty men were trapped behind the fire and rockfall, but they also attempted to extinguish the fire and they tried to determine the best way to exit the mine via other slopes or entries. After discussion with the section foreman and the safety engineer, two men, Kyle Blair and Willis Carter, then attempted to reach the 3 Left Entries to the mine through a small opening, with a plan to open large airlock doors to "short circuit" the air and smoke away from the fire. It took these two men hours to make their way as they had to crawl through other areas of fallen rock, dense smoke, and noxious air, but they did manage to reach the entrance. They would be the only two of the trapped miners to make it out alive; and

Whereas, Teams of state and federal inspectors, company officials, rescue crews, and first responders arrived at the mine that afternoon and quickly assessed the situation. Rescue work began immediately as these crews explored access into the mine by way of alternate entrances and they continued efforts to fight the fire at its source. These efforts persisted through the night and into the next day; and

Whereas, Families of the miners and first responders gathered outside the main entrance of the mine while crews inside ran water lines and air hoses into the mine, constructed stoppings, checks, and line curtains to control the flow of air away from the fire. Rockfalls and the need to carefully manage the flow of air, left almost no open, travelable openings to the fire, all of which impeded the rescue effort; and

Whereas, Over the next seven days the crews made heroic efforts, at considerable risk to themselves, to reach the trapped miners. They were hindered by the intense heat of the fire, collapsed ceilings, and, as one rescuer stated, "smoke so thick you could poke a hole in it with your finger"; and

Whereas, Rescue crews first reached trapped miners on March 15, 1960, discovering a group of 14 men, all of whom appeared to

have been overcome by carbon monoxide from the fire. The next day, two more deceased miners were found and, the day after that, two more were discovered, with the body of the last victim brought to the surface at 4:45 p.m., on March 17, 1960; and

Whereas, Fifty-three mineworkers entered the mine on day shift the morning of March 8, 1960, but the following eighteen men did not make it out alive and were never to see their families and friends again:

Charles Adams	Berti Horvath
Frank Ardis	Flint Lock Jarrells
Ernest Bevins	Albert Marcum, Jr.
Okey Bryant	Melvin Newsome
James Carter	Isom Ooten
Josh Chafin, Jr.	James Lundell
Roy Lee Dempsey	Orville Sargent
William Donaldson	Clyde White
Garfield Hensley	Louis Workman; and

Whereas, It is fitting that an enduring memorial to be established commemorate the 18 miners who perished in this disaster and the selfless dedication of the many miners, rescue teams, and first responders in their efforts; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-018/00-000.74 (23A084), currently known as the Holden Box Beam, carrying County Route 18 over Copperas Mine Fork in Holden, Logan County, the "Holden 22 Coal Miners Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Holden 22 Coal Miners Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways"; which was referred to the Committee on Technology and Infrastructure then Rules.

Resolutions Introduced

Delegates Pinson, Kessinger, Maynor, Burkhammer and Pack offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 23 - "Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families."

Whereas, More than 10,000 men and women from West Virginia have died during 20th and 21st century military actions, either in combat or during the official period of conflict and prior to discharge from the military. The ultimate sacrifices made by these men and women for their country and West Virginia represent the highest levels of honor and courage and should not go unnoticed; and

Whereas, Gold Star Families are those families who have family members who died or were killed serving in the armed forces. They are the families of fallen military heroes, whether they gave their lives in Iraq, Afghanistan, Vietnam, Korea, World War II, or another conflict; and

Whereas, Rather than attempt to acknowledge individually each of these fallen warriors and patriots by finding a bridge or stretch of road or highway to be named for the individual veterans, it would be a more worthy form of recognition, homage and honor to these heroes and heroines and the Gold Star Families if signage were erected at the highways that enter West Virginia; and

Whereas, Since 2014 at least 10 signs have been placed along West Virginia highways honoring these heroes and heroines and the Gold Star Families; and

Whereas, It would be appropriate to further honor these heroes and heroines and the Gold Star Families by placing at least 10 additional signs at visible and highly traveled highways entering West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to create and erect signs upon an additional heavily traveled highways entering the State of West Virginia on which a "Welcome to West Virginia" sign is posted near a border crossing. To the extent permissible by signage rules and regulations, each sign should read "West Virginia is proud to honor its fallen Veterans and Gold Star Families" and have affixed to it a gold star symbol similar to the design of the lapel pin approved under 10 U.S.C. §1126; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Nestor, Wamsley, Ferrell, Hott, Kimes, Longanacre and Reynolds offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 24 - "Requesting the Joint Committee on Government and Finance study the cause and possible solutions to the high incidence of motor vehicle accidents at the intersection of U.S. Route 33 and Kesling Mill Road in Upshur County."

Whereas, During the last several years, based on information and belief of some of the local citizens who live near or frequently

travel through this intersection, there has been a high incidence of motor vehicle accidents at or near the intersection of U.S. Route 33 and Kesling Mill Road in Upshur County, several of which have resulted in fatalities; and

Whereas, There appears to have been no remedial action taken by way of any significant or effective infrastructure improvements or changes to the intersection in recent years to improve the safety of the intersection and reduce or mitigate the frequency of motor vehicle accidents; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the cause and possible solutions to the high incidence of motor vehicle accidents at the intersection of U.S. Route 33 and Kesling Mill Road in Upshur County; and, be it

Further Resolved, That this study include requesting the Division of Highways to investigate and provide the committee with its findings and possible solutions to improve the safety of the intersection to reduce or eliminate the likelihood of accidents occurring at the intersection, including, but not limited to, a redesign and upgrade of the intersection and the two roadways leading into the intersection, installation of modern traffic control devices and other measures to improve the safety of the intersection; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2022, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

Delegates Foster, Steele, J. Jeffries, G. Ward, Clark, Wamsley, Haynes, Booth, Kimble, Mazzocchi and Keaton:

H. J. R. 104 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article VII thereof, relating to preventing any individual from serving in the office of Secretary of State, Auditor, State Treasurer, Commissioner of Agriculture, or Attorney General for more than three consecutive terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Holstein, Bridges, Pritt, Kimble, Pack, Summers, Tully, Conley, G. Ward, Barnhart and Keaton:

H. B. 4311 - "A Bill to amend and reenact §3-9-17 of the Code of West Virginia, 1931, as amended, prohibiting voting more than once in any election, whether held in West Virginia or between West Virginia and another state, and making such violations a felony offense; making it a felony offense to vote when not legally entitled to do so; and making it a felony offense to reject valid votes, alter ballots, or deceive voters"; to the Committee on the Judiciary.

By Delegates Holstein, Hanna, Bridges, Tully, Barnhart, Maynor, Honaker, Crouse and B. Ward:

H. B. 4312 - "A Bill to amend and reenact §3-3-1 and §3-3-5 of the Code of West Virginia, 1931, as amended, relating to permitting first responders to vote by electronic absentee ballot in certain emergency circumstances"; to the Committee on the Judiciary.

By Delegates Nestor, D. Kelly, Hott, B. Ward, Wamsley, Cooper, Zatezalo, Tully, Summers and Pack:

H. B. 4313 - "A Bill to 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 Select Committee on Jails and Prisons then Finance.

By Delegates J. Kelly, Conley, Anderson, Westfall, D. Jeffries, Hott, Criss and Mandt:

H. B. 4314 - "A Bill to amend and reenact §32-4-401 of the Code of West Virginia, 1931, as amended, relating to the Uniform Securities Act; general provisions; and excluding a solicitor from the definition of 'investor adviser'"; to the Committee on the Judiciary.

By Delegates Burkhammer, Pinson, Keaton, Mazzocchi, Foster, Mandt and Maynor:

H. B. 4315 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-17-1, relating to gender and correctional facility housing"; to the Committee on Select Committee on Jails and Prisons then the Judiciary.

By Delegates Foster, Sypolt, Graves, Summers, McGeehan, J. Jeffries, Phillips, Storch, Steele, Rowan and Brown:

H. B. 4316 - "A Bill amend and reenact §48-1-239 and §48-1-241a of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-102, §48-9-203, and §48-9-205 of said code, all relating to 'Best Interests of the Child Protection Act of 2022'; establishing the presumption that co-equal shared legal and physical custody of children in cases of divorce to be in the best interests of the children and families; requiring that temporary parenting plans and permanent parenting plans consider the presumption of co-equal shared legal and physical custody is in the best interests of a child; all relating generally to the public policy recognition and preservation of the fundamental constitutional rights of all parents to raise their own children and that it is presumptively in the best interest of children to be raised by both of their parents equally"; to the Committee on the Judiciary.

By Delegates Burkhammer, Pinson, Mazzocchi, Tully, Pack, D. Jeffries, Keaton, Hanna, Ellington and Graves:

H. B. 4317 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1,

§11-29-2, §11-29-3, §11-29-4, and §11-29-5; to amend said code by adding thereto a new section, designated §21-5-19; to amend said code by adding thereto a new section, designated §33-13-49; and to amend said code by adding thereto a new section, designated §33-15-15, all related to fostering organ donation by providing benefits and protections for persons who donate or agree to donate bodily organs: creating a tax credit for living and decreased organ donors; establishing purpose of credit; establishing the amount of tax credit and eligible taxpayers; providing for the applicability of the tax credit; prohibiting the termination of an employee who takes time away from employment to donate an organ or organs; prohibiting denial of coverage, increase in premiums, or cancellation of life insurance for living organ donors; and prohibiting denial of coverage, increase in premiums, or cancellation of sickness, disability, or long-term care insurance for living organ donors"; to the Committee on Health and Human Resources then Finance.

By Delegates Householder and Criss:

H. B. 4318 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-5a; and to amend and reenact §5A-8-7 of said code, all relating to creating a special revenue account for the statewide records management program; and authorizing the State Records Administrator to collect fees for services provided"; to the Committee on Finance.

By Delegates Haynes, Dean, Wamsley, Riley, Mallow, Zatezalo, Hardy, Toney, Holstein, Booth and Kessinger:

H. B. 4319 - "A Bill amending the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-7-6f; and to amend said code by adding thereto a new section, designated §15-5-31, all relating to requiring county assessors to identify defective and dilapidated properties for subsequent enforcement proceedings; declaring responsibilities of county assessors and staff; requiring training of assessment personnel in county assessor offices; and specifying that appropriate training is to be provided by or through the Division of Emergency Management"; to the Committee on Political Subdivisions then Government Organization.

By Delegates Crouse, Keaton, Maynor, Horst, Pinson, Longanacre, Hanna, Worrell, Pritt, Mazzocchi and Honaker:

H. B. 4320 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-14, relating to ensuring that all persons who have obtained natural immunity or antibodies from an infectious or communicable disease are considered to be vaccinated; and ensuring that those persons are given equal or preferred treatment as opposed to those who have vaccine induced immunity"; to the Committee on Health and Human Resources.

By Delegates Crouse, Haynes, Longanacre, Clark, Worrell, Pritt, Mazzocchi and Honaker:

H. B. 4321 - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §18-2-44, relating to the removal of standardized testing in public and private schools; and providing for an effective date"; to the Committee on Education.

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

H. B. 4322 - "A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates"; to the Committee on Finance.

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

H. B. 4323 - "A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates"; to the Committee on Finance.

By Delegate Rohrbach:

H. B. 4324 - "A Bill to amend and reenact §30-5-4 and §30-5-19 of the Code of West Virginia, 1931, as amended, all relating to collaborative pharmacy practice; defining terms; setting forth

requirements for different practice settings; and updating the terms of collaborative practice agreements"; to the Committee on Health and Human Resources.

By Delegates Clark, Steele, Linville, Pinson, Fast, Keaton, Hanna and Riley:

H. B. 4325 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1, §46A-9-2, §46A-9-3, §46A-9-4, and §46A-9-5, all relating to online privacy protection for children; defining terms; establishing actions prohibited; creating rulemaking authority; providing safe harbor for operators; and providing for enforcement by the attorney general"; to the Committee on the Judiciary.

By Delegate Westfall:

H. B. 4326 - "A Bill to amend and reenact §33-16-1a and §33-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-16-2a, all relating to modify group accident and sickness insurance requirements"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Pinson, Keaton, B. Ward, Hott, Burkhammer, Hanna and Pack:

H. B. 4327 - "A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended, relating to ensuring that if a person establishes a payment plan, but does not make at least one payment within 6 months from the date of setting up the payment plan, that person's driver's license will be suspended"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Pinson, Burkhammer, Keaton and Kessinger:

H. B. 4328 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to abortion, requiring all abortions to be performed by a physician board-certified eligible in obstetrics and gynecology"; to the Committee on Health and Human Resources.

By Delegate Criss:

H. B. 4329 - "A Bill to amend and reenact §44-1A-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Small Estate Act; updating definitions; and adding a definition of the term 'interested person' for purposes of identifying those who have a property right in or a claim against the estate of a decedent or property"; to the Committee on the Judiciary.

By Delegates Pinson, D. Jeffries, Burkhammer, Keaton, Ellington, Hanna, Kessinger and Pack:

H. B. 4330 - "A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the secondary schools activities commission and participation in commission activities by private and parochial school students whose schools are not members of the commission"; to the Committee on Education.

By Delegates Criss, Rohrbach, Pack, Riley, Queen, Storch and Capito:

H. B. 4331 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-27-4a, relating to the federal Urban Mass Transportation Act of 1964; and ensuring the definition of 'deduction' is changed to preserve federal funding"; to the Committee on the Judiciary.

By Delegates Evans, Griffith, B. Ward, Fleischauer, Hansen, Phillips and Pethtel:

H. B. 4332 - "A Bill to repeal §19-1-10 and §19-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-13DD-3 of said code; to amend and reenact §19-1-4a and §19-1-11 of said code; to amend said code by adding thereto two new sections, designated §19-1-13 and §19-1-14; to amend and reenact §19-2C-1, §19-2C-6a, and §19-2C-10 of said code; to amend and reenact §19-9-7a of said code; to amend and reenact §19-12E-4 and §19-12E-5 of said code; to amend said code by adding thereto a new article, designated §19-14A-1, §19-14A-2, §19-14A-3, §19-14A-4, §19-14A-5, §19-14A-6, §19-14A-7, §19-14A-8, §19-14A-9, §19-14A-10, §19-14A-11, §19-14A-12, §19-14A-13, §19-14A-14, and §19-14A-15 of said code; to amend and reenact §19-15A-

4 of said code; to amend and reenact §19-16-6 of said code; to amend and reenact §19-16A-21 of said code; to amend and reenact §19-20C-3 of said code; and to amend and reenact §19-36-2 and §19-36-5 of said code, all relating generally to the 2022 Farm Bill; raising the West Virginia Farm to Food bank tax credit from $2,500 to $5,000; allowing for retroactive application of the tax credit; allowing the Commissioner of Agriculture to accept funds from various federal agencies; repealing requirement for Social Security numbers to be included on applications; removing reporting requirement to Joint Committee; requiring commissioner to report to the Legislature; authorizing commissioner to add interest to debts owed the department; authorizing department to file liens against persons who owe debts; modifying definitions; revising requirements for membership on the board of review; providing compensation for board members; clarifying advertising requirements; changing the National Animal Identification System to the Animal Disease Traceability Program; requiring license from state to produce industrial hemp; allowing commissioner to recognize hemp license issued by the USDA; creating the West Virginia Animal Remedy law; defining terms; establishing powers and duties of commissioner; providing exemptions; requiring registration of animal remedy products; providing commissioner authority to refuse, suspend, or revoke the registration of animal remedies; providing the right to hearing or appeal of decisions to suspend, refuse, or revoke applications; establishing labeling requirements; establishing when an animal remedy is adulterated; establishing when an item is misbranded; allowing commissioner to issue and enforce embargo orders, confiscate product, condemn, and seek injunction against violators; requiring commissioner keep trade secrets confidential; establishing prohibited acts; establishing criminal and civil penalties for violations; providing penalty for deviation in product; repealing publication requirement for West Virginia fertilizer law; removing requirement that commissioner published a report on the West Virginia seed law; allowing commissioner to deny, suspend, or modify license if applicant has violated, convicted, or assessed penalty under the federal insecticide, fungicide, and rodenticide act; Removing outdated reporting requirement provision; defining agritourism; and establishing that agritourism does not affect the zoning law"; to the

Committee on Agriculture and Natural Resources then the Judiciary then Finance.

By Delegates Steele and Foster:

H. B. 4333 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-26-21, relating to sunset the Board of Hearing-Aid Dealers and Fitters"; to the Committee on Government Organization.

By Delegate Linville:

H. B. 4334 - "A Bill to amend and reenact §17A-6B-2 of the Code of West Virginia, 1931, as amended, relating to the bond required of license services by increasing the bond amount to $100,000"; to the Committee on Technology and Infrastructure then Finance.

By Delegate Linville:

H. B. 4335 - "A Bill to amend and reenact §17C-5C-1a of the Code of West Virginia, 1931, as amended, relating to the transfer of jurisdiction for Office of Administrative Hearings by establishing that the Division of Motor Vehicles has jurisdiction to hear certain driver's license suspension cases and appeals that are made in accordance with the Administrative Procedures Act"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Graves, Foster, Steele, Burkhammer, Clark, Bridges, Criss, Anderson, J. Kelly and Barrett:

H. B. 4336 - "A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-1C-10a, all generally relating to valuation and assessment regarding personal property taxation; providing for a revised methodology to value property producing oil, natural gas, and natural gas liquids by the Tax Commissioner for property tax assessments; providing for methods, calculation requirements, and definitions, all of which are used to determine fair market value, net proceeds, weighted average prices from regional markets, actual receipts, actual annual operating costs, a statewide capitalization rate, average industry production decline rates, a yield capitalization model for each

property, and a discounted net cash flow series income; and providing for reporting by the Tax Commissioner to the Joint Committee on Government and Finance by the Tax Commissioner of certain data, explanations, and methodologies"; to the Committee on Finance.

By Delegates Kessinger, Pinson, Mazzocchi, Burkhammer, Pack, Maynard, D. Jeffries, Kimble, Tully, Bridges and Keaton:

H. B. 4337 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, §16-2Q-11, §16-2Q-12, §16-2Q-13, and §16-2Q-14, all relating to creating the Unborn Child with Down Syndrome Protection and Education Act; providing for a short title, legislative finding, and purpose; providing for definitions; creating dissemination of information on fetal disabilities; providing for informational publications by department; providing that abortion may not be performed for down syndrome and other disabilities except in the case of a medical emergency; providing reporting forms and establishing criminal penalties; providing professional sanctions and civil penalties; providing for additional enforcement; providing for construction of the act; creating severability; providing for the right of intervention; and providing for an effective date"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Gearheart, Smith, Zatezalo, Hamrick and Foster:

H. B. 4338 - "A Bill to amend and reenact §29-22B-1103 of the Code of West Virginia, 1931, as amended, relating to reducing the annual permit fee for each video lottery terminal owned or leased by a limited video lottery licensee"; to the Committee on Finance.

By Delegates Gearheart, Smith, Hamrick, Ferrell and Foster:

H. B. 4339 - "A Bill to amend and reenact §29-22A-10 and §29-22A-10d of the Code of West Virginia, 1931, as amended, all relating to replacing the racetrack modernization fund provisions

with racetrack rebate fund provisions generally; requiring that the amount deducted annually from the gross terminal income of each racetrack for the Lottery Commission's actual costs and expenses incurred in administering racetrack video lottery at the licensed racetrack shall include $1,500,000, or the entire four percent of the gross terminal income of that racetrack if the amount is less than $1,500,000, that the commission shall deposit into the Licensed Racetrack Rebate Fund; creating the Licensed Racetrack Rebate Fund; closing the Licensed Racetrack Modernization Fund and providing for the distribution of any amounts remaining in the fund; and requiring the Lottery Commission to pay an equal share of the full amount deposited into the Licensed Racetrack Rebate Fund for each fiscal year to each racetrack facility from which gross terminal income was derived during the fiscal year"; to the Committee on Finance.

By Delegates Rohrbach, D. Jeffries, Summers, Reed, Tully, Pack, G. Ward, Bates, Worrell, Rowan and Jennings:

H. B. 4340 - "A Bill to amend and reenact §16-19-9, §16-19-14 and §16-19-22 of the Code of West Virginia, 1931, as amend; and to amend and reenact §61-12-3 of said code, all relating to anatomical gifts; authorizing the Department of Health and Human Resources as guardian to make an anatomical gift without a court order; clarifying the duties of procurement organization with regard to state medical examiner; requiring the state medical examiner to cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts; authorizing procurement organizations to conduct a test or examination which is reasonably necessary to evaluate the medical suitability of the body or part for its intended purpose; requiring a prosecuting attorney who denies the release of a body or part that is the subject of an anatomical gift to consult with the procurement organization about the proposed recovery; and authorizing the state's chief medical examiner to enter into contracts and agreements with a procurement organization when necessary to facilitate the efficient and economical recovery of anatomical gifts"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Brown, Lovejoy, Garcia and Dean:

H. B. 4341 - "A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to deputy sheriff retirement benefits"; to the Committee on Pensions and Retirement then Finance.

By Delegates Longanacre, Mandt, Kimble, Gearheart, Crouse, Evans, Barrett, Horst, Kimes, Fast and Honaker:

H. B. 4342 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-14-9, relating to a 10 cent per gallon refund of tax paid gasoline, diesel, or gasohol gallonage, paid at the pump, by residents of West Virginia; and proof of payment and residency"; to the Committee on Technology and Infrastructure then Finance.

Special Calendar

Third Reading

S. B. 8, Relating generally to state's savings and investment programs; 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. 24)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Ellington, Martin, Rohrbach and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 8) passed.

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

S. B. 8 - "A Bill to repeal §18-30-6a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3; to amend and reenact §18-30-1, §18-30-2, §18-30-3, §18-30-4, §18-30-5,

§18-30-6, §18-30-8, §18-30-10, §18-30-11, and §18-30-13 of said code; to amend said code by adding thereto a new section, designated §18-30-3a; and to amend and reenact §18-30A-2, §18-30A-3, §18-30A-5, §18-30A-6, §18-30A-8, and §18-30A-9 of said code, all relating generally to the state's savings and investment programs; continuing the Savings and Investment Program Fulfillment Fund and relocating provisions authorizing said fund to a new article of code; clarifying that moneys in the fund may be used for certain savings and investment programs; updating the West Virginia College Prepaid Tuition and Savings Program Act to reflect the termination of the Prepaid Higher Education Program, Plan, and Trust Fund; eliminating obsolete language related to the Prepaid Tuition Program; providing a short title; defining terms; setting forth legislative findings and rules of statutory construction; continuing the West Virginia College Savings Program; continuing the Board of the College Prepaid Tuition and Savings Program and redesignating the board as the Board of Trustees of the West Virginia College and Jumpstart Savings Programs; clarifying that the board is a public instrumentality of the state and the issuer of interests in the Savings Plan Trust; increasing the number of board members; establishing qualifications of certain board members; establishing the duties and powers of the board with regard to the College Savings Program; authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; continuing the College Prepaid Tuition and Savings Program Administrative Account and redesignating said account as the College and Jumpstart Savings Administrative Account; authorizing certain expenditures from the administrative account; providing that the administrative account is a nonappropriated special revenue account; authorizing the board to take action to satisfy outstanding obligations of the Prepaid Tuition Trust Plan arising after the Plan's closure; continuing the Prepaid Tuition Plan escrow fund; continuing the board's authority to maintain a certain amount in the escrow fund for up to 10 years; continuing the board's authorization to expend moneys from the escrow fund in certain circumstances; requiring the board to invest the moneys in the escrow fund; providing for closure of escrow fund; setting forth legislative findings and rules of statutory construction related to the Jumpstart Savings Program; defining

terms; eliminating the West Virginia Jumpstart Savings Board; requiring the Board of Trustees of the West Virginia College and Jumpstart Savings Program to administer the Jumpstart Savings Program; establishing the powers of the Board of Trustees of the West Virginia College and Jumpstart Savings Programs to implement and administer the Jumpstart Savings Program; authorizing the board to enter into agreements with agencies, subdivisions, or other states regarding programs that are substantially similar to the Jumpstart Savings Program; providing that the Jumpstart Savings Program Trust is a public instrumentality of the state and shall issue interests in said trust to eligible members of the public; eliminating the Jumpstart Savings Expense Fund; providing that fees, charges, and penalties collected by the board in administering the Jumpstart Savings Program shall be deposited in the College and Jumpstart Savings Administrative Account; making Jumpstart Savings Program expenses payable from the administrative account; eliminating inapplicable language relating to selecting financial institutions to provide services for the Jumpstart Savings Program based on existing state purchasing exemption; specifying that the board may enter into a contract with financial institutions to provide services to both the College Savings and Jumpstart Savings programs; eliminating requirement that board take custody of Jumpstart Savings accounts prior to transferring accounts to a new program manager; and making numerous technical corrections."

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

On this question, the yeas and nays were taken **(Roll No. 25)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Ellington, Martin, Rohrbach and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 8) 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.

Com. Sub. for H. B. 4067, To make certain agency reports electronic or eliminating certain agency reports altogether; 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. 26)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Ellington, Martin, Rohrbach and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4067) passed.

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

Com. Sub. for H. B. 4067 - "A Bill to repeal §8-13C-13 of the Code of West Virginia, 1931, as amended; to repeal §16-1-21 of said code; to repeal §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §22A-6-11, §22A-6-12, and §22A-6-13 of said code; to repeal §29-6-7a of said code; to repeal §33-25A-35 of said code; to amend and reenact §5-11B-7; to amend and reenact §5A-6C-4 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of said code; to amend and reenact §16-33-6 of said code; to amend and reenact §31-15A-17b of said code; and to amend and reenact §31-18-24 of said code; all relating to making certain agency reports electronic rather than in printed hard-copy form; and eliminating the reporting requirement entirely for those agencies whose reports are no longer needed or whose deadlines have passed with reports already submitted."

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

On this question, the yeas and nays were taken **(Roll No. 27)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Ellington, Martin, Rohrbach and Young.

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. 4067) 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. 2184, Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Pushkin, the bill was amended on page three, section ten-b, line sixty-six, by striking out the period and inserting a colon and the following:

"*Provided*, That the provisions of this subsection do not apply to those persons immune from prosecution pursuant to §16-47-4 of the code."

Delegate Pushkin moved to amend the bill on page three, section ten-b, lines sixty-two and sixty-eight, by striking out the words "or any other harmful drug or chemical agent".

The question being on adoption of the amendment, the same was put and did not prevail.

There being no further amendments, the bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 2972, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption; on

second reading, coming up in regular order, was read a second time.

Delegate Fast moved to amend the bill on page one, section two-a, line two, after the word "use", by inserting a comma and the words "provided that no person under the age of 21 years of age may consume or use alcoholic liquor".

The question being on adoption of the amendment, the same was put and did not prevail.

Delegate Fast moved to amend the bill on page one, section two-a, line two, after the word "exceed", by striking out the number "100" and inserting in lieu thereof the number "30".

And,

On page one, section two-a, line three, after the words "years, or", by striking out the number "50" and inserting in lieu thereof the number "15".

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

The question was then put and did not prevail.

An amendment offered by Delegate Fast was reported by the Clerk.

Whereupon,

Delegate Fast asked and obtained unanimous consent that the amendment be withdrawn.

There being no further amendments, the bill was ordered to engrossment and third reading.

H. B. 3303, Relating to clarifying the process of filling vacancies on ballots; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third 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:

S. B. 191, Allowing poll workers to work full and half days,

Com. Sub. for H. B. 2177, Permitting the issuance of a state issued identification card without a photo on the card under certain conditions,

H. B. 2325, Removing the requirement of continuing education for barbers and cosmetologists,

Com. Sub. for H. B. 3220, Restrictions on Taxpayer funded lobbying,

Com. Sub. for H. B. 3231, Public Utilities not required to pay interest on security deposits,

Com. Sub. for H. B. 3312, Establishing a memorial to child labor and child workers who died in the course of employment in this state,

Com. Sub. for H. B. 4062, Removing the residency requirement for the Commissioner of the Division of Highways,

Com. Sub. for H. B. 4065, Allowing the Division of Natural Resources to teach hunter's safety courses in school,

Com. Sub. for H. B. 4074, Require schools provide eating disorder and self-harm training for teacher and students,

Com. Sub. for H. B. 4112, Provide consumers a choice for pharmacy services,

And,

Com. Sub. for H. B. 4113, Public Health definitions and powers of secretary and commissioner.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Brown, Ellington, Martin, Rohrbach and Young.

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. 2052: Delegate Hansen;

H. B. 2300: Delegate Lovejoy;

H. B. 4064: Delegate Linville;

H. B. 4073: Delegates Hornbuckle and Phillips;

H. B. 4095: Delegate Hanna;

H. B. 4260: Delegate Mandt;

H. B. 4288: Delegate Fleischauer;

H. B. 4310: Delegate Smith;

H. B. 4317: Delegate Mandt;

H. B. 4321: Delegate Mandt;

H. B. 4325: Delegates Graves and Mandt;

H. B. 4327: Delegate Mandt;

H. B. 4328: Delegate Mandt;

H. B. 4330: Delegate Mandt;

H. B. 4336: Delegate Householder;

And,

H. J. R. 102: Delegate Kimble.

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

H. J. R. 102: Delegate Cooper.

At 11:52 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 24, 2022.

Monday, January 24, 2022

THIRTEENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Friday, January 21, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

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. 253 - "A Bill to amend and reenact §3-1-5 of the Code of West Virginia, 1931, as amended, relating to voting precincts and redistricting; designating the Secretary of State as this state's liaison to the U.S. Census Bureau for purposes of redistricting phases for the federal decennial census; requiring county commissions to submit information to the Secretary of State relating to precinct updates; and providing other responsibilities of the county commissions and Secretary of State relating to maps and accompanying technical files, business hours and availability of information to the public for inspection"; which was referred to the Committee on Government Organization.

Resolutions Introduced

Delegates Hanshaw (Mr. Speaker), Skaff, Dean and Evans offered the following resolution, which was reported by the Clerk:

H. R. 8 – "Creating a Select Committee on Coalfield Communities."

Whereas, Coal production decline has had a devastating impact on the communities that have relied on the industry; and

Whereas, Due to a variety of reasons, West Virginia's coal communities are home to several vulnerable populations, including people suffering from substance use disorder, mental illness, hunger, and homelessness; and

Whereas, The State continues to seek methods which would address these issues, which would ensure an educated, skilled, dedicated and diversified workforce, and this issue can, and has, been addressed through appropriate legislative action; therefore, be it

Resolved by the House of Delegates:

That for the remainder of the 85th Legislature, there is hereby created a Select Committee on Coalfield Communities, consisting of not more than eleven members of the House of Delegates, to be appointed by the Speaker. Notwithstanding the provisions of any House rule to the contrary, the Select Committee hereby created shall receive testimony, consider legislation, and recommend action to the Speaker of the House regarding all issues relating to coalfield communities in the State of West Virginia; and, be it

Further Resolved, That the rules of the House governing Standing Committees shall govern the actions and proceedings of this Select Committee insofar as applicable.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 8) to a committee was dispensed with and it was taken up for immediate consideration, and adopted.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Ellington, Statler, Criss, Householder, Smith, Gearheart, Espinosa, Hanna, Horst, Bridges and Rohrbach:

H. B. 4008 - "A Bill to amend and reenact §18B-1B-4 of the Code of West Virginia, 1931, as amended, relating to directing the Higher Education Policy Commission to develop and implement a funding formula model governing its appropriation request to the Legislature regarding distribution of general revenue to the state's institutions of higher education"; to the Committee on Education then Finance.

By Delegates Summers, Espinosa and Householder:

H. B. 4009 - "A Bill to amend and reenact §21A-2D-1, §21A-2D-2, and §21A-2D-3, of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21A-2D-2a; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; and to amend and reenact §21A-6-10 of said code, all relating to unemployment benefits program; adding definition of 'state average unemployment rate' and making technical changes to definitions; increasing requirements to verify claim program integrity; providing for automatic eligibility review in certain circumstances; redesignating code sections; establishing formula to correlate duration of benefits to unemployment rate; providing for rulemaking; setting effective date; and reducing period of maximum duration of benefits"; to the Committee on Finance.

By Delegates Horst, J. Jeffries, Steele, Conley, Crouse, Maynor, G. Ward, Worrell, Foster, Dean and Nestor:

H. B. 4012 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4b, relating to prohibiting the showing of proof of a COVID-19 vaccination"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Summers, Tully, Dean, Kimes, Crouse, Barrett, Conley, Horst, J. Jeffries, Hamrick and Pritt:

H. B. 4013 - "A Bill to repeal §9-5-19 of the Code of West Virginia, 1931, as amended; to repeal §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-5, §16-2D-6, §16-2D-7, §16-2D-8, §16-2D-9, §16-

2D-10, §16-2D-11, §16-2D-12, §16-2D-13, §16-2D-14, §16-2D-15, §16-2D-16, §16-2D-16a, §16-2D-17, §16-2D-18, §16-2D-19, and §16-2D-20 of said code; to repeal §16-2N-3 of said code; to repeal §16-5Y-12 of said code; to repeal §16-29A-20 of said code; to repeal §16-29B-1, §16-29B-8, §16-29B-12, §16-29B-13, §16-29B-14, §16-29B-15, and §16-29B-30 of said code; to repeal §49-2-124 of said code; to amend and reenact §16-2D-1 of said code; to amend and reenact §16-5Y-3 of said code; and to amend and reenact §33-15B-5 of said code, all relating to eliminating the certificate of need program for health services; prohibiting certain actions; fixing an effective date; deleting references to the certificate of need program throughout the code; and making technical corrections"; to the Committee on Health and Human Resources.

By Delegates Smith, Dean, Longanacre, Crouse, Clark, Horst, J. Kelly, Mazzocchi, Pritt, Kimble and Worrell:

H. B. 4014 - "A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to allowing the concealed carry of firearms on and in Capitol grounds"; to the Committee on the Judiciary.

By Delegates Fast, Worrell, G. Ward, Crouse, Burkhammer, Conley, J. Jeffries, Cooper, Mazzocchi, Pritt and Kimble:

H. B. 4015 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4, and §5-11C-5, all relating to establishing the West Virginia Religious Freedom Restoration Act to ensure that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and, strict scrutiny is applied; including a short title; providing definitions; and addressing applicability, construction, remedies, and severability"; to the Committee on the Judiciary.

By Delegates J. Jeffries, Maynor, Foster, Nestor, Cooper, Mallow and Forsht:

H. B. 4017 - "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, all relating to the Municipal

Home Rule Program, clarifying the board's ability to review participating municipalities for efficacy and to make recommendations to the Legislature; clarifying a participating municipality's authority on local taxation; clarifying that a participating municipality may retain both the municipal sales tax and the municipal business and occupation tax under certain conditions; and making other technical changes"; to the Committee on Government Organization then Finance.

By Delegates Summers, Espinosa and Steele:

H. B. 4018 - "A Bill to amend and reenact §21A-6-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for unemployment benefits; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rule-making; and setting effective date"; to the Committee on Government Organization.

By Delegate Linville:

H. B. 4343 - "A Bill to amend and reenact §17A-3-17 of the Code of West Virginia, 1931, as amended, relating to renewal of registrations by sheriffs by establishing that registration renewal is discretionary; establishing that a sheriff may renew any vehicle registration type authorized by the division; increasing the sheriff's service fee by one dollar; and establishing that the division does

not have to verify property taxes for any county that does not renew vehicle registration"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Rohrbach, Reed, Summers, D. Jeffries, Tully, Bates, Worrell, Rowan, Forsht and Pinson:

H. B. 4344 - "A Bill to amend and reenact §49-1-203 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-2-110 and §49-2-111c of said code; to amend said code by adding thereto a new section, designated §49-2-111d; to amend and reenact §49-4-405, §49-4-501 and §49-4-601 of said code; and to amend and reenact §49-9-101, §49-9-103, §49-9-105, §49-9-106 and §49-9-107 of said code, all relating to foster care; creating new definitions; requiring child placement agencies provide services to kinship family; deleting outdated language; requiring bureau to use the PATH system and a web based portal, matching database, and dashboard database; requiring salaries of direct service employees be raised for recruitment and retention; requiring circuit court judges to issue scheduling order for multidisciplinary treatment team; including managed care case coordinator in multidisciplinary treatment team; allowing department to hire outside counsel; requiring sheriff's office to serve notice of hearing; requiring foster care ombudsman to make recommendations in accordance with the Foster Child Bill of Rights and the Foster and Kinship Parent Bill of Rights; authorizing ombudsman to have access to kinship family; exempting foster care ombudsman from testifying about official duties; making investigation of complaint confidential except when imminent risk of harm reported to foster care ombudsman"; to the Committee on Health and Human Resources then Finance.

By Delegate Linville:

H. B. 4345 - "A Bill to amend and reenact §17A-3-13 of the Code of West Virginia, 1931, as amended, relating to motor vehicle registration cards by establishing electronic or mobile registration cards"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Conley, Horst, Steele, Mazzocchi, J. Jeffries, Longanacre, Worrell, Kimes, Smith, Dean and Nestor:

H. B. 4346 - "A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency; clarifying the authority and obligations of the Governor during periods of preparedness and emergency; providing requirements for any proclamation or resolution issued relating to a state of preparedness or emergency; defining terms; specifying new criteria for the duration and termination of states of preparedness and emergency; providing for the extension of states of emergency and preparedness by concurrent resolution of the Legislature and specifying the duration of such extensions; providing directives for lawsuits filed challenging actions taken pursuant to the authority granted herein; and updating references to a state agency"; to the Committee on Government Organization then the Judiciary.

By Delegates Steele, Barrett, Smith and Wamsley:

H. B. 4347 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-8a, relating to the confidentiality of video, incident reports, or other records of a correctional or juvenile facility; providing that the commissioner's agents, representatives, or other designees may view any video, incident report, or other record of a correctional or juvenile facility; permitting the disclosure of video, incident reports, or other record to law enforcement and the Fusion Center; permitting the disclosure of such items in a civil proceeding upon and appropriate order; permitting the viewing of facility video to any licensed state attorney investigating a potential claim against the division; preventing the disclosure to any licensed state attorney unless a protective order is entered; and extending the confidentiality provisions of this section to any person receiving copies of the video, incident report, or other record"; to the Committee on Select Committee on Jails and Prisons then the Judiciary.

By Delegates Reed, Martin, Westfall, Booth, Worrell, Riley, Pack, Mallow, Mandt, Queen and Rowan:

H. B. 4348 - "A Bill amend and reenact §30-5-11a of the Code of West Virginia, 1931, as amended, relating to pharmacy technician trainees; amending eligibility requirements to include persons at least 16 years old and enrolled in high school or a post-secondary education institution; and allowing the employment of a pharmacy technician trainee for up to 90 days prior to being registered by the Board of Pharmacy"; to the Committee on Health and Human Resources.

By Delegates Pritt, Haynes, Ferrell, D. Jeffries, Dean, Phillips, J. Jeffries, J. Kelly, Maynor, Graves and Kimble:

H. B. 4349 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-39-9, relating to permitting parents or guardians visit a minor patient in a health care facility"; to the Committee on Health and Human Resources.

By Delegates G. Ward, Conley, McGeehan, Haynes, Phillips, Fast, Steele, Lovejoy, Martin, Mazzocchi and Longanacre:

H. B. 4350 - "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, §11-13MM-6, §11-13MM-7, §11-13MM-8, and §11-13MM-9, all relating generally to creating a tax credit for a small manufacturing, mining or industrial business with less than 100 employees or that grosses less than $5 million a year, if a new labor and capital intensive heavy industry expands or develops in the State of West Virginia; is provided certain tax incentives and draws employees within the boundaries of the State of West Virginia from existing small manufacturing, mining or industrial businesses; and providing that these small businesses that are affected are entitled to a tax credit per employee lost equivalent to the employee's or employees' one year base salary"; to the Committee on Workforce Development then Finance.

By Delegates Tully, Summers, Haynes, B. Ward, Hott, Dean, D. Jeffries, Fast, Linville, Pinson and Worrell:

H. B. 4351 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to creating the Patient Safety & Transparency Act; establishing definitions; providing for legislative findings; creating a staffing plan to be sent to the Office of Health Facility Licensure and Certification, the West Virginia Department of Health and Human Resources, and the West Virginia Department of Homeland Security; and establishing a framework for the staffing plans to be sent"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Criss and Householder:

H. B. 4352 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-6c, relating to an additional modification decreasing federal taxable income; providing for definitions; and providing for net liability under apportionment"; to the Committee on Finance.

By Delegates Smith, Summers, Mallow, Ellington, Steele, Hardy, Phillips, Sypolt, Howell, Fast and Martin:

H. B. 4353 - "A Bill to amend and reenact §3-1-30 and §3-1-31 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-2-19 of said code; to amend and reenact §3-11-1 of said code; to amend and reenact §7-1-1a of said code; to amend and reenact §7-4-1 of said code; to amend and reenact §7-14B-21 of said code; to amend and reenact §7-17-12 of said code; to amend and reenact §7-20-7 and §7-20-12 of said code; to amend and reenact §8-1-2 of said code; to amend and reenact §8-2-5 of said code; to amend and reenact §8-3-6 of said code; to amend and reenact §8-4-7, §8-4-8, and §8-4-10 of said code; to amend and reenact §8-5-5 of said code; to amend and reenact §8A-7-7, §8A-7-8a, and §8A-7-13 of said code; to amend and reenact §11-8-16, and §11-8-17 of said code; to amend and reenact §13-1-7, and §13-1-11 of said code; to amend and reenact §15-2-13 of said code; to amend and reenact §16-12-1 of said code; to amend and reenact §18-9-1, §18-9-2, and §18-9-2a of said code; to amend and reenact §20-5K-3 of said code; to amend and reenact §22-15A-18 of said

code; to amend and reenact §22C-4A-2, and §22C-4A-3 of said code; to amend and reenact §22C-6-3 of said code; to amend and reenact §29-22C-7 of said code; to amend and reenact §29-25-7 of said code; to amend and reenact §47-20-26 of said code; to amend and reenact §47-21-24 of said code; and to amend and reenact §60-5-1, §60-5-3, and §60-5-4 of said code, all relating to bringing uniformity to local elections by ensuring that all counties hold local elections on a date that a statewide election is already taking place, on a primary or general election date; requiring that local elections and any elections to increase levies coincide with a primary or a general election; removing references to special elections for levies; providing a saving clause for the renewal of existing levies by providing for levying bodies and boards of education to vote in order to schedule such elections to renew or extend these levies in a manner which brings them into conformity with the new structure"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Pritt and Dean:

H. B. 4354 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-6A-1, §29-6A-2, §29-6A-3, §29-6A-4 and §29-6A-5, all relating to enacting the Ban-the-Box Act, prohibiting public employers from asking applicants for employment to disclose information concerning the applicant's criminal record or history, under certain circumstances"; to the Committee on Workforce Development then the Judiciary.

By Delegates Linville, Ellington, Keaton, Haynes, Kimble, Hanna, Maynard and Wamsley:

H. B. 4355 - "A Bill to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended, relating to the disclosure by state institutions of higher education of certain information regarding textbooks and digital courseware and certain charges assessed for those items"; to the Committee on Education.

By Delegates Pritt, Haynes, Ferrell, Cooper, Nestor, Fast, Sypolt, Hanna, Dean, Phillips and Maynor:

H. B. 4356 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-1A-

3, relating to allowing an individual with a medical condition or conditions to have those conditions placed upon a driver's license or permit so that an officer may be aware of the condition or conditions a driver may have"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Hamrick, Dean, Linville, Ferrell, Storch, Zukoff, Clark, Barnhart, Pack, B. Ward and Howell:

H. B. 4357 - "A Bill to amend and reenact §18B-1B-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, §18B-21-4, §18B-21-5 and §18B-21-6, all relating to establishing the West Virginia Technology Internship Program; establishing certain purposes of the program; requiring the Chancellor for Higher Education administer the program and, in collaboration with the with the Secretary of Department of Commerce, undertake certain activities to carry out the purposes of the program; establishing certain eligibility requirements for participation in the program; requiring the Chancellor for Higher Education to develop a process for tracking and assessing certain outcomes; requiring the Chancellor for Higher Education to obtain feedback from program participants at certain times; authorizing the use of certain awards to reimburse certain businesses for up to a certain percentage of the amount paid to an intern up to a certain amount; and requiring the Chancellor for Higher Education to prepare and submit an annual report to the Joint Committee on Government and Finance"; to the Committee on Education then Finance.

By Delegate Haynes:

H. B. 4358 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11A-3-52a, relating to sale of tax liens, requiring government held liens be transferred at sale to purchaser"; to the Committee on the Judiciary then Finance.

By Delegates Horst, Paynter, J. Jeffries, Longanacre, Kimes, Mandt, Mallow, Nestor, Jennings, Kimble and Pritt:

H. B. 4359 - "A Bill to repeal §60A-7-701, §60A-7-702, §60A-7-703, §60A-7-704, §60A-7-705, §60A-7-705a, §60A-7-706,

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

By Delegates Graves, Smith, Worrell, Honaker, Longanacre, Wamsley, Storch, Haynes, Summers, Ellington and Hanshaw (Mr. Speaker):

H. B. 4360 - "A Bill to amend and reenact §18C-9-5 of the Code of West Virginia, 1931, as amended, relating to eligibility requirements for the West Virginia Invests Grant Program; providing that the community service requirement may be satisfied by certain military service; and providing for reimbursement to certain grant recipients that have repaid a grant and related expenses charged for failure to meet the community service requirement"; to the Committee on Education.

By Delegate Linville:

H. B. 4361 - "A Bill to amend and reenact §17B-3-3c of the Code of West Virginia, 1931, as amended, relating to the suspension of driver's licenses for failure to appear in court; establishing that a suspension may only last five years; establishing

that suspensions entered prior to July 1, 2016 are void; and allowing an inmate in a commercial driver's license program to receive a stay of the suspension"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates G. Ward and Haynes:

H. B. 4362 - "A Bill to amend and reenact §18-5-1a of the Code of West Virginia, 1931, as amended, relating to permitting members of county boards of education to hold another part-time nonpartisan office"; to the Committee on Education then the Judiciary.

By Delegates G. Ward, Jennings, Sypolt, Barnhart, Haynes, Conley, Kimble, Mazzocchi, Martin, Longanacre and Booth:

H. B. 4363 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18A-2-16 and §18A-4-23, all relating to public school teachers and service personnel who accept subsequent employment in a public charter school; allowing those teachers and service personnel to retain their benefits without penalty"; to the Committee on Education then Finance.

By Delegate Westfall:

H. B. 4364 - "A Bill to amend and reenact §32A-2-1, §32A-2-2, §32A-2-3, §32A-2-4, §32A-2-8, §32A-2-10, §32A-2-11, §32A-2-13, §32A-2-24, and §32A-2-25 of the Code of West Virginia, as amended; and to amend said code by adding thereto two new sections, designated §32A-2-8a and §32A-2-8b, all relating to the licensure and regulation of money transmitters; updating definitions; eliminating outdated provisions; clarifying the financial institution exemption; permitting the commissioner to participate in the multistate licensing and examination process for regulatory burden reduction; updating net worth requirements to use a sliding scale; providing information requirements for a change in control and updating the change in control process; requiring permissible investments to match outstanding obligations; and updating the due process procedure to eliminate the two step process for revocations and suspensions while

preserving the order and hearing requirement"; to the Committee on Banking and Insurance then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 2184, Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug; 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. 28)**, and there were—yeas 94, nays 2, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Fleischauer and Pushkin.

Absent and Not Voting: Pack, Storch, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2184) passed.

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

Com. Sub. for H. B. 2972, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption; 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. 29)**, and there were—yeas 74, nays 22, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Burkhammer, Conley, Cooper, Fast, Ferrell, Graves, Griffith, Hanna, D. Jeffries, Jennings, Keaton, D. Kelly, Mallow, Mandt, Pinson, Reynolds, Rowe, Toney, B. Ward, G. Ward and Worrell.

Absent and Not Voting: Pack, Storch, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2972) passed.

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

H. B. 3303, Relating to clarifying the process of filling vacancies on ballots; 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. 30)**, and there were—yeas 83, nays 13, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Diserio, Doyle, Fleischauer, Fluharty, Hansen, Hornbuckle, Lovejoy, Pushkin, Rowe, Skaff, Thompson, Walker and Zukoff.

Absent and Not Voting: Pack, Storch, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3303) passed.

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

Second Reading

S. B. 191, Allowing poll workers to work full and half days; on second reading, coming up in regular order, was read a second time and ordered to third 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. 2177, Permitting the issuance of a state issued identification card without a photo on the card under certain conditions,

H. B. 2325, Removing the requirement of continuing education for barbers and cosmetologists,

Com. Sub. for H. B. 3220, Restrictions on Taxpayer funded lobbying,

Com. Sub. for H. B. 3231, Public Utilities not required to pay interest on security deposits,

Com. Sub. for H. B. 3312, Establishing a memorial to child labor and child workers who died in the course of employment in this state,

Com. Sub. for H. B. 4062, Removing the residency requirement for the Commissioner of the Division of Highways,

Com. Sub. for H. B. 4065, Allowing the Division of Natural Resources to teach hunter's safety courses in school,

Com. Sub. for H. B. 4074, Require schools provide eating disorder and self-harm training for teacher and students,

Com. Sub. for H. B. 4112, Provide consumers a choice for pharmacy services,

And,

Com. Sub. for H. B. 4113, Public Health definitions and powers of secretary and commissioner.

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. 4252, To reduce copay cap on insulin and devices,

And,

Com. Sub. for H. B. 4276, Permit WVU to create a Parkinson's disease registry.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Pack, Storch, Williams and Young.

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. 2095: Delegate Booth;

And,

H. B. 2910: Delegate Foster.

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. 4053: Delegate Householder.

At 11:44, the House of Delegates adjourned until 11:00 a.m., Tuesday, January 25, 2022.

Tuesday, January 25, 2022

FOURTEENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Gary Howell, 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 Monday, January 24, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Gearheart, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

H. B. 4101, Relating to authorized expenditures of revenues from certain state funds for fire departments,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4101) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 3122, Relating to the establishment and operation of regional water, wastewater and stormwater authorities,

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. 3122) was referred to the Committee on Government Organization.

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. 4291, Relating to authorizing legislative rules regarding higher education,

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

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. 4253, Relating to School Building Authority,

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

Pursuant to House Rule 80, the Speaker Pro Tempore referred the bill (H. B. 4253) to the Committee on Finance.

Delegate Steele, 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. 2882, Relating to repealing a ban on construction of nuclear power plants,

H. B. 4024, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience,

H. B. 4288, Relating to expanding the practice of auricular acudetox to professions approved by the acupuncturist board,

And,

H. B. 4301, Reforming membership requirements of Huntington Park and Recreation District Board,

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

Delegate Steele, 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. 4266, Relating to limited liability companies,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4266 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31B-1-115, relating to requiring persons, companies, or other entities, that charge fees for services to limited liability companies to file an annual report on behalf of a limited liability company, include a notice that contains certain requirements; and creating criminal penalties,"

With the recommendation that the committee substitute do pass.

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. 4307, Increase some benefits payable from Crime Victims Compensation Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4307) was referred to the Committee on Finance.

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. 2562, Relating to litter control,

And,

H. B. 4308, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits,

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

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 4150, Authorizing the State Police to promulgate a legislative rule relating to Career Progression,

And reports the same back with the recommendation that it do pass, 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. 4150) was referred to the Committee on Government Organization.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

S. B. 77, Allowing certain veterans park free at metered parking in any state municipality,

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 (S. B. 77) was referred to the Committee on Government Organization.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

S. B. 8, Relating generally to state's savings and investment programs.

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. 44 - "A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to requiring State Fire Commission to propose rules relating to sprinkler protection for new buildings housing emergency fire, rescue, or ambulance services; and exempting emergency services buildings not exceeding a total of 2,500 square feet that house only equipment and do not have designated sleeping areas or quarters within them"; which was referred to the Committee on Fire

Departments and Emergency Medical Services then Government Organization.

A message from the Senate, by

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

S. B. 60 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g, relating to allowing the State Board of Education to develop a program of instruction in family and consumer sciences, or specific subjects within family and consumer sciences, that may be integrated into the curriculum for students in secondary schools"; which was referred to the Committee on Education.

A message from the Senate, by

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

Com. Sub. for S. B. 229 - "A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating to requiring an impact statement in certain instances of a school closing or consolidation; requiring State Board of Education rule detailing information that a county board is required to include as part of its impact statement; and setting forth minimum requirements for the rule"; which was referred to the Committee on Education then Finance.

Resolutions Introduced

Delegate Rowe offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 25 - "Requesting the Division of Highways name bridge number 20-061/00-016.01 (20A184), (38.23939, -81.5576) locally known as Lens Creek Temporary Bridge, carrying WV 61 over Lens Creek in Kanawha County, the 'SP5 Terry Lee McClanahan Memorial Bridge'."

Whereas, Terry Lee McClanahan was born on August 19, 1950, in Chesapeake, West Virginia to Collett Nathaniel and Margaret Imogene Connard McClanahan; and

Whereas, Terry Lee McClanahan had three brothers and two sisters: Capt. Eugene McClanahan who served in the United States Army; Private Jerry McClanahan who served in the United States Army; Roy Allen McClanahan; Kitty Carol McClanahan; and Beverly Ann McClanahan; and

Whereas, Terry Lee McClanahan was a graduate of East Bank High School, assistant scoutmaster of Troop 181 in Chesapeake, West Virginia, and attended the First Baptist Church of Chesapeake; and

Whereas, Terry Lee McClanahan enlisted in the United States Army and served in the Vietnam War, beginning his tour of duty on April 11, 1970. Terry Lee McClanahan attained the rank of Specialist Five with the Americal Division, 8th Cavalry, F Troop, and was an AH-1 Attack Helicopter Repairer; and

Whereas, Tragically, SP5 Terry Lee McClanahan was killed on March 6, 1971, by artillery or mortar fire during hostile action in the Quang Tri Province, South Vietnam; and

Whereas, SP5 Terry Lee McClanahan's remains were recovered and he was buried in Montgomery Memorial Park in London, Kanawha County, West Virginia; and

Whereas, SP5 Terry Lee McClanahan was awarded the Bronze Star and The Purple Heart; and

Whereas, It is fitting that an enduring memorial be established to commemorate SP5 Terry Lee McClanahan's service to and sacrifice for our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-061/00-016.01 (20A184), (38.23939, -81.5576) locally known as Lens Creek Temporary Bridge, carrying WV 61 over Lens Creek in Kanawha County, the "SP5 Terry Lee McClanahan Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "SP5 Terry Lee McClanahan Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the commissioner of the Division of Highways.

Delegates Rowe, Barach, Pushkin, Skaff, Dean, Pack, Pritt, Capito, Graves and Ferrell offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 26 - "Requesting the Division of Highways name bridge number: 20-060/00-005.59 (WB) (20A336), (38.35826, -81.63989) locally known as US 60 Washington Street Bridge, carrying US 60 over Elk River in Kanawha county, the 'Charleston Police Officer Cassie Johnson-Fallen Heroes Memorial Bridge'."

Whereas, Charleston Police Officer Cassie Johnson was a lifelong resident of the City of Charleston, West Virginia, and was a graduate of Capital High School; and

Whereas, Charleston Police Officer Cassie Johnson was a 2019 graduate of the West Virginia State Police Academy; and

Whereas, On January 11, 2019, Charleston Police Officer Cassie Johnson was sworn in as a member of the Charleston Police Department, where her love for her community quickly made her one of the most likeable members of the force; and

Whereas, Charleston Police Officer Cassie Johnson had worked as a humane officer for the Kanawha-Charleston Humane

Association, and regularly sought convictions in animal cruelty cases; and

Whereas, Charleston Police Officer Johnson's classmates at the West Virginia State Police Academy remember how much of a positive impact she had on them by her uplifting spirit and encouraging words; and

Whereas, On December 1, 2020, Charleston Police Officer Cassie Johnson was shot and wounded in the line of duty while responding to a routine call in Charleston, West Virginia and tragically, she passed away on December 3, 2020, after succumbing to her injuries; and

Whereas, Charleston Police Officer Cassie Johnson was given a hero's funeral in the City of Charleston, West Virginia on December 8, 2020, attended by law enforcement from across the state and country; and

Whereas, Charleston Police Officer Cassie Johnson will forever be remembered for her commitment to the City of Charleston and to the great State of West Virginia; and

Whereas, Charleston Police Officer Cassie Johnson is missed by her family, friends, colleagues, the community of Charleston, the State of West Virginia, and all those whose lives she touched; and

Whereas, Charleston Police Officer Cassie Johnson is survived by her mother, Sheryl S. Casto; brother, Charles Terrance Johnson and Jessica; sister, Chelsea Johnson; several uncles, aunts, cousins, other family and friends, as well as her brothers and sisters in Blue, The Charleston Police Department; and

Whereas, It is fitting that an enduring memorial be established to commemorate Charleston Police Officer Cassie Johnson and her contributions to the City of Charleston, our state and country and to commemorate the lives of the fallen heroes of the Charleston Police Department, by naming the bridge across the Elk River on the street known as Washington Street in the City of Charleston in their honor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number: 20-060/00-005.59 (WB) (20A336), (38.35826,-81.63989) locally known as US 60 Washington Street Bridge, carrying US 60 over Elk River in Kanawha county, the "Charleston Police Officer Cassie Johnson-Fallen Heroes Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Charleston Police Officer Cassie Johnson-Fallen Heroes Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Hanna offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 9 - "Amending House Rule 65, relating to remarks by members; amending House Rule 65a, relating to the introduction of guests; and amending House Rule 70, relating to the Special Calendar."

Resolved by the House of Delegates:

That House Rule 65 be amended to read as follows:

Order of Business, Daily

The daily order of business shall be as follows:

I. To read, correct, and approve the Journal.

II. Introduction of guests.

III. To receive and consider reports of standing committees.

IV. To receive and consider reports of select committees.

V. To receive and consider messages from the Executive, state officials, and other communications and remonstrances.

VI. To receive messages from the Senate, and consider amendments proposed by the Senate to bills passed by the House.

VII. To receive (a) resolutions, (b) petitions, (c) motions.

VIII. Bills introduced on motion for leave and referred to appropriate committees.

IX. To act on unfinished business of the preceding day, and resolutions lying over from previous day, but no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.

X. House and Senate Bills on third reading.

XI. House and Senate Bills on second reading.

XII. House and Senate Bills on first reading.

XIII. To act upon leave of absence for members.

XIV. Remarks by members of the House. ~~Item XIV, Remarks by members of the House, shall be held on each Wednesday, unless otherwise directed by the Speaker, following the first day through the fifty-seventh day of session, and the Speaker shall announce a time when the chamber of the House shall be available for remarks by members of the House if such a time is requested by a member of the House of Delegates. The House shall convene at such time to receive such remarks, and the~~

~~Speaker or a designee of the Speaker shall preside. No quorum is necessary to proceed with the receipt of remarks by members of the House, and nothing herein shall prohibit committees from meeting when the House convenes solely for the purpose of remarks by members. Any member desiring to speak shall seek recognition, and upon recognition by the Presiding Officer, may speak for up to five minutes upon any topic of interest to the House. The Presiding Officer shall preserve order and decorum while the House is in session for the duration of remarks. During this designated time for receipt of remarks by members, no motion shall be in order save for a motion to adjourn remarks by members. Remarks made during the pendency of remarks by members may be entered into the appendix to the journal as provided for herein. The time allotted for remarks by members shall expire: (A) After all member desiring to speak have exhausted their allotted time; or (B) after six hours; or (C) ten p.m., whichever occurs first.~~

XV. Introduction of guests.

XVI. Miscellaneous business. (HR10, Reg. Sess., 2001; HR3, Reg. Sess., 2002; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021; HR19, Reg. Sess., 2021)

That House Rule 65a be amended to read as follows:

Introduction of guests.

65a.The House shall observe two opportunities on each day for any member, upon recognition, to introduce to the House citizens seated in the galleries. ~~*Provided,* That for the duration of the 2021 Regular Session of the 85th Legislature, members wishing guests to be introduced during these times shall submit the names of the individuals to be introduced to the Majority Leader and/or Speaker Pro Tempore who shall introduce all guests during these periods~~

(HR33, Reg. Sess., 1978; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021).

That House Rule 70 be amended to read as follows:

Special Calendar

The Committee on Rules shall arrange a special calendar and the consideration of bills on this calendar shall take precedence over the Regular House calendar.

All bills or resolutions or other matters of business reported from committee, and having no additional committee reference, shall, unless referred to a second committee by the Speaker, automatically be placed by the Clerk on the Special Calendar, and no bill, resolution, or other matter of business shall be removed from the Special Calendar and placed on the regular House Calendar except by a majority vote of the Committee on Rules, a quorum being present. Once removed from the Special Calendar, any resolution, bill or other matter of business may only be again placed on the Special Calendar by a majority vote of the Committee on Rules, a quorum being present.

The Committee on Rules shall cause to be kept a record of all roll call votes on all questions pertaining to preparation of the Special Calendar and removing the same therefrom. This record of votes shall show those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting. These vote records shall be prepared and following the adjournment of each meeting made available to House members and to the public. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

The Speaker Pro Tempore announced that two bills were not referred to the appropriate committees on yesterday and in the absence of objection, referred the bills as follows:

H. B. 4009, Relating to unemployment benefits program; to the Committee on Government Organization,

And,

H. B. 4018, Jobs and Reemployment Act of 2022; to the Committee on Finance.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegates Steele and Foster:

H. B. 4365 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to discontinuing operation of the state's long-term care facilities Jackie Withrow Hospital, John Manchin, Sr. Health Care Center, and Lakin Hospital"; to the Committee on Government Organization then Finance.

By Delegate Westfall:

H. B. 4366 - "A Bill to amend and reenact §21-5-3 and §21-5-4 of the Code of West Virginia, 1931, as amended, all related to the electronic payment of wages"; to the Committee on Workforce Development then the Judiciary.

By Delegate Hornbuckle:

H. B. 4367 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97; and to amend said code by adding thereto a new section, designated §11-24-44, all relating to establishing personal or corporate income tax credit for businesses who hire, promote, and develop women and minorities into executive, professional, or administrative roles; findings; determination of eligibility for credit; providing for the amount of the credit; and providing for an effective date"; to the Committee on Workforce Development then Finance.

By Delegates Smith, Barrett, Steele, Reynolds and Wamsley:

H. B. 4368 - "A Bill to amend and reenact §20-3-6 of the Code of West Virginia, 1931, as amended, relating to correcting an incorrect code citation in regard to the enforcement authority of the

State Fire Marshal"; to the Committee on Government Organization.

By Delegates Rohrbach, Reed, Summers, Tully, D. Jeffries, Pack, G. Ward, Bates, Jennings, Worrell and Forsht:

H. B. 4369 - "A Bill to amend and reenact §30-21A-3 of the Code of West Virginia, 1931, as amended, relating to updating the telepsychology compact"; to the Committee on Health and Human Resources.

By Delegates Steele, Barrett, Reynolds, Smith and Wamsley:

H. B. 4370 - "A Bill to amend and reenact §15-14-6 and §15-14-9 of the Code of West Virginia, 1931, as amended, all relating to clarifying that the Statewide Interoperability Executive Committee (SIEC) is responsible to develop, update, and implement policies regarding the Statewide Interoperable Radio Network (SIRN); allowing the SIEC to revoke, suspend, or modify any entity's use of the SIRN or equipment connected thereto; directing the SIEC to provide guidance and services to any radio previously connected to SIRN; authorizing the SIEC to develop a recycling program for two-way telecommunications equipment, exclusive of equipment handled by the Office of Technology, in an effort to cleanse, reuse, redistribute, or sell such equipment; and directing that moneys received from the sale of recycled equipment be placed in the SIRN special revenue account"; to the Committee on Government Organization then Finance.

By Delegates Steele, Barrett, Reynolds, Smith and Wamsley:

H. B. 4371 - "A Bill to amend and reenact §5H-1-2 and §5H-1-3 of the Code of West Virginia, 1931, as amended, all relating to adding Division of Corrections and Rehabilitation employees working at institutions managed by the commissioner to the Survivor Benefits Act; defining the qualifying acts for eligibility for payment of survivor benefits for Division of Corrections and Rehabilitation personnel to include but not be limited to, training functions, administrative meetings, corrections or parole incidents or activities, interactions with inmates, former inmates, inmates or former inmates' family or associates, parolees, former parolees,

former parolees' family or associates, and travel to or from any of these activities; and creating a retroactive effective date of March 14, 2020"; to the Select Committee on Jails and Prisons then Finance.

By Delegates Graves, Skaff, Queen, Westfall, Hanna, Bates, Barrett, Haynes, Pack, Storch and Young:

H. B. 4372 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-64, relating to establishing the Public/Private Small Business Enhancement Program to encourage small business development and growth"; to the Committee on the Judiciary then Finance.

By Delegates Rohrbach, Reed, Worrell, Bates, Tully, G. Ward, Miller and Criss:

H. B. 4373 - "A Bill to amend and reenact §47-19-3 of the Code of West Virginia, 1931, as amended, relating to excluding fentanyl test strips from the definition of drug paraphernalia"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rohrbach, D. Jeffries, Pack, Reed, Worrell, Rowan, Barnhart, Tully, G. Ward, Miller and Criss:

H. B. 4374 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to certified community behavioral health clinics; providing that the state Medicaid agency shall develop, seek approval of, and implement a Medicaid state plan amendment as necessary and appropriate to effectuate a system of Certified Community Behavioral Health Clinics (CCBHCs); providing that the state Medicaid agency, in partnership with the Department of Health and Human Resources' Bureau for Behavioral Health, shall establish a state certification system for CCBHCs; and providing that all nonprofit comprehensive community mental health centers and comprehensive intellectual disability facilities shall be eligible to apply for certification as a CCBHC"; to the Committee on Health and Human Resources.

By Delegates Barrett, Steele, Reynolds, Foster, Smith and Wamsley:

H. B. 4375 - "A Bill to amend and reenact §61-8B-10 of the Code of West Virginia, 1931, as amended, relating to clarifying

that a person working at a juvenile facility is subject to the provisions of this section; clarifying that those working for a municipal home incarceration program are subject to the provisions of this section; adding a proscription against sexual imposition on those detained or committed to a facility; making a violation of law for attempts to engage in the imposition of sexual acts proscribed by this section; and adding clarification to the definition of 'incarcerated or detained in this state' to include adult and juvenile offenders sentenced, detained, committed, or serving a period of supervision pursuant to §62-11B-1 *et seq.* of this code"; to the Select Committee on Jails and Prisons then the Judiciary.

By Delegate Hornbuckle:

H. B. 4376 - "A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to granting full time employees of county boards of education three months of paid leave following the birth of a child, or the placement of a child in the home through adoption or foster care; and providing that the leave is in addition to any other leave available to the employee"; to the Committee on Education then Finance.

By Delegates Rohrbach, D. Jeffries, Pack, Reed, Worrell, Bates, Rowan, G. Ward, Miller and Criss:

H. B. 4377 - "A Bill to amend and reenact §27-5-1, §27-5-2, §27-5-3, §27-5-4, and §27-5-10 of the Code of West Virginia, 1931, as amended, all relating to involuntary hospitalization; modifying the time for the completion of proceedings; requiring applicants to disclose contact information of persons to receive notice of involuntary commitment proceedings; transportation of individuals who are ordered for involuntary hospitalization to a diversion facility; updating outdated language in the code; authorizing the West Virginia Department of Health and Human Resources to propose legislative rules to implement the provisions of these articles; authorizing the Supreme Court of Appeals and the West Virginia Department of Health and Human Resources to conduct retrospective reviews of involuntary commitment applications and orders; and making technical amendments"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hanna and Clark:

H. B. 4378 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-4a, §18-2L-4b, §18-2L-4c, §18-2L-4d, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, §18-2L-12, §18-2L-13, §18-2L-14, §18-2L-15, §18-2L-16, and §18-2L-17; and to repeal §18-9D-1, §18-9D-2, §18-9D-3, §18-9D-4, §18-9D-4a, §18-9D-4b, §18-9D-4c, §18-9D-4d, §18-9D-5, §18-9D-6, §18-9D-7, §18-9D-8, §18-9D-9, §18-9D-10, §18-9D-11, §18-9D-12, §18-9D-13, §18-9D-14, §18-9D-15, §18-9D-16, §18-9D-17, §18-9D-18, §18-9D-19, §18-9D-19a, §18-9D-20, and §18-9D-21 of this code, all relating to moving the duties of the School Building Authority ('SBA') to the State Department of Education under a new office, the Office of School Rehabilitation and Construction; providing definitions; creating powers and authority; allowing the Office of School Rehabilitation and Construction to sell bonds and act in the same manner as the School Building Authority does; and repealing the article creating the School Building Authority"; to the Committee on Education then Finance.

By Delegates Hanna, Clark, Toney, Horst, Mazzocchi, Haynes and Martin:

H. B. 4379 - "A Bill to amend and reenact §18B-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring all higher education institutions use statewide contracts issued by the Purchasing Division for frequently purchased goods and services, when cost effective"; to the Committee on Education then Finance.

By Delegates Barrett, Ellington, Statler, Kessinger, Toney, Reynolds, Dean, Maynor, Clark, Espinosa and Zukoff:

H. B. 4380 - "A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to the transportation of students and passengers for extracurricular activities; increasing the number of ten-passenger vehicles which may be used for any school-sponsored activity; and clarifying that busses shall be used to transport eighteen or more passengers"; to the Committee on Education.

By Delegates Kimes, Foster, Horst, Nestor, Linville, Conley, Pritt, Steele, Pack, Hanna and Graves:

H. B. 4381 - "A Bill to amend and reenact §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended, all relating to modifying the vehicle inspection process; requiring that all vehicle inspections be completed upon the time of registration or renewal with the West Virginia Division of Motor Vehicles; providing that an applicant must provide proof, at time of registration or renewal, of vehicle inspection within 30 days of vehicle registration or renewal with the West Virginia Division of Motor Vehicles; adding inspection fees, less the cost of stickers, auditing, administration, and otherwise to the vehicle registration fee with the West Virginia Division of Motor Vehicles; providing that an applicant pay any inspectors fee directly to inspector; providing for an electronic database for motor vehicle inspections, where the vehicle inspector enters data and gives a receipt to applicant, with no sticker required for display on the windshield of a vehicle; ensuring that the West Virginia State Police retains their portion of the inspection fee; and reducing the cost of the vehicle inspection from $14 to $13"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Hansen and Walker:

H. B. 4382 - "A Bill to repeal §16-2I-1, §16-2I-2, §16-2I-3, §16-2I-4, §16-2I-5, §16-2I-6, §16-2I-7, §16-2I-8, and §16-2I-9 of the Code of West Virginia, 1931, as amended; to repeal §16-2M-1, §16-2M-2, §16-2M-3, §16-2M-4, §16-2M-5, §16-2M-6, and, §16-2M-7 of said code; to repeal §16-2O-1 of said code; to repeal §16-2P-1 of said code; to repeal §61-2-8 of said code; and to amend and reenact §30-14-12d of said code, all relating to preserving a woman's right to choose"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rowe, Hansen, Barach, Garcia, Lovejoy, Hornbuckle, Williams, Fluharty, Evans, Pushkin and Walker:

H. B. 4383 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-9-1, §24-9-2, and §24-9-3, all relating to establishing the consumer

advocate division as a separate, independent agency; providing for legislative findings; providing the purpose of the Consumer Advocate Division; providing for a report to the Joint Committee on Government and Finance and the Governor; and distinguishing the consumer advocate division as an independent agency that is separate from the Public Service Commission"; to the Committee on Government Organization then Finance.

By Delegates Haynes, Keaton, Pritt, Cooper, Hanna, Honaker, Booth and G. Ward:

H. B. 4384 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to exempting a portion of retirement income from personal income taxes; establishing a nonadditive exemption from federal adjusted gross income; and providing a joint, total exemption for married couples filing jointly"; to the Committee on Finance.

By Delegates Haynes, Keaton, Pritt, Cooper, Hanna, Honaker, Booth and G. Ward:

H. B. 4385 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, and §11-29-4, all relating to taxation, providing an income tax credit of $2,000 for police officers, firefighters, emergency medical service providers, and correctional officers"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Nestor, Jennings, Queen, Hott, Longanacre, Wamsley, Westfall, Pack, Smith and Zatezalo:

H. B. 4386 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to discounting lifetime hunting, fishing, and trapping fees for persons honorably discharged from the U.S. armed forces; providing that the lifetime hunting, trapping, and fishing licenses and permits are discounted by 75 percent for this class of persons; including eligibility requirements; requiring compliance with all other requirements to obtain lifetime license; and granting rule-making authority"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Nestor, Queen, Jennings, Hott, Longanacre, Wamsley, Westfall, Pack, Smith and Zatezalo:

H. B. 4387 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to the creation of a tax credit for persons honorably discharged from the U.S. armed forces that is equal to the amount of the purchase price amount for a lifetime hunting, fishing, and trapping license; setting out specifications; and providing other guidance"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Statler and Summers:

H. B. 4388 - "A Bill to amend and reenact §17-22-13 and §17-22-15 of Code of West Virginia, 1931, as amended, all relating to exempting nonprofit organizations from the fee requirements for obtaining a license or permit for outdoor advertising"; to the Committee on Finance.

By Delegates Ellington, Toney, Longanacre, Tully, Horst, Jennings and Maynor:

H. B. 4389 - "A Bill to repeal §18-5B-1, §18-5B-2, §18-5B-3, §18-5B-4, §18-5B-5, §18-5B-6, §18-5B-7, §18-5B-8, §18-5B-9, §18-5B-11, §18-5B-12, §18-5B-13 and §18-5B-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5B-10 of said code; and to amend and reenact §18-5E-3 of said code, all relating to repealing school innovation zones provisions superseded by Innovation in Education Act; updating exceptions to statutes granted to schools to reflect changes in underlying circumstances; updating provisions related to granted exceptions to accommodate exceptions which may be granted to innovation in education schools and school systems; and clarifying process for state board and legislative oversight commission on education accountability to approve and recommend exceptions to statutes"; to the Committee on Education.

By Delegate Graves:

H. B. 4390 - "A Bill to amend and reenact §29-32-1 and §29-32-2 of the Code of West Virginia, 1931, as amended, all relating to including 911 operators as eligible Medal of Valor recipients in West Virginia; and including them on the First Responders Honor

Board"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegates Ellington, Tully, Longanacre, Toney, Horst, Hornbuckle, Mazzocchi, Kimble and Maynor:

H. B. 4391 - "A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to school nurses; requiring counties to employ nurses in proportion to student population; requiring each county to have at least one school nurse; allowing licensed practical nurses supervised by a registered professional nurse to be counted as nurse; and requiring that registered professional nurse of a county complete needs assessment"; to the Committee on Education then Finance.

By Delegates Haynes, Young, G. Ward, Honaker, Booth, Zukoff and Bates:

H. B. 4392 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state recognition of Native American Tribes; defining terms; designating certain tribes as recognized by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling and/or reservations; and providing penalty for unauthorized use of trademark"; to the Committee on Government Organization then the Judiciary.

By Delegates Rohrbach, Reed, Worrell, Bates, Miller and Criss:

H. B. 4393 - "A Bill to amend and reenact §11-27-10a of the Code of West Virginia, 1931, as amended, relating to a tax on managed care organizations"; to the Committee on Health and Human Resources then Finance.

By Delegate Hott:

H. B. 4394 - "A Bill to repeal §23-2-6a of the Code of West Virginia, 1931, as amended; and to amend and reenact §23-2-6 and §23-2-8 of said code; and to amend and reenact §23-4-2 of said code, all relating to workers' compensation; clarifying language regarding an employers' exemption from liability; clarifying

language regarding liability of employers who do not maintain mandatory workers' compensation coverage; clarifying language regarding employers' liability when an employees' injury is self-inflicted or the result of intoxication; and providing that the employee may recover when the injury or death was caused by an employer's deliberate intention"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Linville, Ferrell, Keaton, Clark, Toney, Mazzocchi, Steele, Phillips, Hamrick, Barnhart and G. Ward:

H. B. 4395 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-12a, relating to requirements imposed on social media companies to prevent corruption and provide transparency of election-related content made available on social media websites; equal opportunities for all candidates and political parties to speak without policy or partisan-based censorship; and to uphold the integrity of elections by ensuring election-related content hosted, posted, and made available on social media websites is not monetized or otherwise used or manipulated for nefarious purposes"; to the Committee on the Judiciary.

Special Calendar

Third Reading

S. B. 191, Allowing poll workers to work full and half days; 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. 31)**, and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Haynes.

Absent and Not Voting: Ellington, Pack, Storch and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (S. B. 191) passed.

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

On this question, the yeas and nays were taken **(Roll No. 32)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Pack, Storch and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the bill (S. B. 191) 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.

Com. Sub. for H. B. 2177, Permitting the issuance of a state issued identification card without a photo on the card under certain conditions; 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. 33)**, and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: J. Kelly.

Absent and Not Voting: Ellington, Pack, Storch and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 2177) passed.

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

H. B. 2325, Removing the requirement of continuing education for barbers and cosmetologists; 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. 34)**, and there were—yeas 88, nays 8, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Brown, Garcia, Griffith, Hornbuckle, Lovejoy, Rowe, Thompson and Walker.

Absent and Not Voting: Ellington, Pack, Storch and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (H. B. 2325) passed.

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

Com. Sub. for H. B. 3220, Restrictions on Taxpayer funded lobbying; 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. 35)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Pack, Storch and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3220) passed.

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

Com. Sub. for H. B. 3231, Public Utilities not required to pay interest on security deposits; 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. 36)**, and there were—yeas 81, nays 15, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Barach, Brown, Cooper, Dean, Griffith, Hornbuckle, J. Jeffries, Jennings, Lovejoy, Paynter, Pushkin, Rowe, Thompson, Young and Zukoff.

Absent and Not Voting: Ellington, Pack, Storch and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3231) passed.

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

Com. Sub. for H. B. 3312, Establishing a memorial to child labor and child workers who died in the course of employment in this state; 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. 37)**, and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Ellington, Pack, Storch and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 3312) passed.

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

Com. Sub. for H. B. 4062, Removing the residency requirement for the Commissioner of the Division of Highways; 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. 38)**, and there were—yeas 90, nays 6, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Ferrell, Fluharty, Paynter, Thompson, Walker and Zukoff.

Absent and Not Voting: Ellington, Pack, Storch and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 4062) passed.

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

Com. Sub. for H. B. 4065, Allowing the Division of Natural Resources to teach hunter's safety courses in school; 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. 39)**, and there were—yeas 95, nays 1, absent

and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Ellington, Pack, Storch and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 4065) passed.

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

Com. Sub. for H. B. 4074, Require schools provide eating disorder and self-harm training for teacher and students; on third reading, coming up in regular order, was read a third time.

At 12:10 p.m., on motion of Delegate Summers, the House of Delegates recessed for ten minutes due to a fire alarm.

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Afternoon Session

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After an extended recess, the House of Delegates met at 2:00 p.m., and was called to order by the Honorable Gary Howell, Speaker Pro Tempore.

Special Calendar

Third Reading

- continued -

The question being on the passage of **Com. Sub. for H. B. 4074**, the yeas and nays were taken **(Roll No. 40)**, and there were—

yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Ellington, McGeehan, Pack, Skaff, Storch and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 4074) passed.

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

Com. Sub. for H. B. 4112, Provide consumers a choice for pharmacy services; 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. 41)**, and there were—yeas 81, nays 13, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Barrett, Clark, Crouse, Ferrell, Haynes, Horst, Kimes, Martin, Mazzocchi, Paynter, Pritt, Steele and Wamsley.

Absent and Not Voting: Brown, Ellington, Pack, Skaff, Storch and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 4112) passed.

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

Com. Sub. for H. B. 4113, Public Health definitions and powers of secretary and commissioner; 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. 42)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Ellington, Pack, Skaff, Storch and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for H. B. 4113) passed.

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

On this question, the yeas and nays were taken **(Roll No. 43)**, and there were—yeas 93, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Brown, Ellington, Pack, Skaff, Storch and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the bill (Com. Sub. for H. B. 4113) 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

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. 4252, To reduce copay cap on insulin and devices.

And,

Com. Sub. for H. B. 4276, Permit WVU to create a Parkinson's disease registry.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Pack, Storch and Hanshaw (Mr. Speaker).

Miscellaneous Business

Pursuant to House Rule 132, consent was obtained to print the following in the Appendix to the Journal:

- All remarks regarding the passage of Com. Sub. for H. B. 4074

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2908: Delegate Keaton;

H. B. 3055: Delegate Reynolds;

H. B. 4271: Delegate Westfall;

H. B. 4307: Delegates Garcia, Lovejoy, Pinson and Pushkin;

H. B. 4308: Delegates Fluharty, Garcia, Kimble, Lovejoy, Pushkin and Zukoff;

H. B. 4373: Delegate Mandt;

H. B. 4379: Delegate Mandt;

H. B. 4384: Delegate Mandt;

H. B. 4385: Delegate Mandt;

H. B. 4390: Delegates Espinosa, Garcia, Jennings, Holstein, Mandt, Skaff, Summers and Young;

H. B. 4392: Delegate Mandt;

And,

H. C. R. 26: Delegate Young.

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

H. B. 2598: Delegate Graves;

And,

H. B. 2869: Delegate Graves.

At 2:43 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 26, 2022.

Wednesday, January 26, 2022

FIFTEENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, January 25, 2022, 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. 2631, Provide for WVDNR officers to be able to work "off duty",

H. B. 4048, WV Keep, Bear and Drive with Arms Act,

H. B. 4097, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission,

And,

H. B. 4299, To prohibit the intentional interference with election processes and creating associated criminal penalties,

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

Delegate Rohrbach, 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. 2817, Donated Drug Repository Program,

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

Delegate Rohrbach, 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. 4257, Require visitation immediately following a procedure in a health care facility,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4257 – "A Bill to amend and reenact §16-39-8 of the Code of West Virginia, 1931, as amended, relating to requiring visitation once the patient is stable following a surgical procedure in a health care facility,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4263, Prohibit the practice of white bagging,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4263 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-61-1, relating to health insurance; prohibiting certain actions; and providing an effective date,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4340, Relating to maximizing the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or 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 the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4340) was referred to the Committee on the Judiciary.

Delegate Rohrbach, 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. 4324, To update collaborative pharmacy practice agreements,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4324 – "A Bill to amend and reenact §30-5-4 and §30-5-19 of the Code of West Virginia, 1931, as amended, all relating to collaborative pharmacy practice; defining terms; setting forth requirements for different practice settings;

prohibiting certain practices; and updating the terms of collaborative practice agreements,"

With the recommendation that the committee substitute do pass.

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4173, Authorizing the Department of Agriculture to promulgate a legislative rule relating to Feeding of Untreated Garbage to Swine,

H. B. 4174, Authorizing the Department of Agriculture to promulgate a legislative rule relating to Commercial Feed,

H. B. 4175, Authorizing the Department of Agriculture to promulgate a legislative rule relating to Enrichment of Flour and Bread Law Regulations,

H. B. 4176, Authorizing the Department of Agriculture to promulgate a legislative rule relating to Fruits and Vegetables Certification of Potatoes for Seedling Purposes,

H. B. 4177, Authorizing the Department of Agriculture to promulgate a legislative rule relating to the Fresh Food Act,

H. B. 4178, Authorizing the Department of Agriculture to promulgate a legislative rule relating to Auctioneers,

H. B. 4179, Authorizing the Department of Agriculture to promulgate a legislative rule relating to Hemp Products,

H. B. 4180, Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to Livestock Care Standards,

H. B. 4181, Authorizing the Department of Agriculture to promulgate a legislative rule relating to the Rural Rehabilitation Program,

H. B. 4182, Authorizing the Department of Agriculture to promulgate a legislative rule relating to the Farm to Food Bank Tax Credit,

H. B. 4183, Authorizing the Department of Agriculture to promulgate a legislative rule relating to Farmers Markets,

H. B. 4184, Authorizing the Department of Agriculture to promulgate a legislative rule relating to Seed Certification,

And,

H. B. 4193, Authorizing the Dangerous Wild Animal Board to promulgate a legislative rule relating to Dangerous Wild Animal,

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. 4173, H. B. 4174, H. B. 4175, H. B. 4176, H. B. 4177, H. B. 4178, H. B. 4179, H. B. 4180, H. B. 4181, H. B. 4182, H. B. 4183, H. B. 4184 and H. B. 4193) were each referred to the Committee on the Judiciary.

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. 4 - "A Bill to repeal §16-27A-1 and §16-27A-2 of the Code of West Virginia, 1931, as amended, relating to a ban on construction of nuclear power plants."

At the request of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 4) to a committee was dispensed with.

Resolutions Introduced

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk:

H. C. R. 27 - "Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor."

WHEREAS, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

Resolved by the Legislature of West Virginia:

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 p.m., January 27, 2022; and, be it

Further Resolved, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 27) to a committee was dispensed with and it was taken up for immediate consideration, and adopted.

Whereupon,

In accordance with the provisions of the resolution, the Speaker appointed as members of the committee to wait upon His Excellency, the Governor, the following:

Delegates Westfall, Tully and Boggs.

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

Delegates Boggs and Westfall offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 28 - "Requesting the Division of Highways name Bridge Number: 04-04-17.86(04A012), (38.675115,80.77095) locally known as Upper Gassaway Bridge, carrying WV 4 over the Elk River in Braxton County, the 'U.S. Army Captain Billy Jake Smith Memorial Bridge'."

Whereas, Captain Billy Jake Smith was born February 5, 1938, in Gassaway, Braxton County, West Virginia. He graduated from Gassaway High School in 1958, and enlisted in the U.S. Army where he served as an enlisted man from 1958 until 1966. He was commissioned 2L/T USAR on June 21, 1966, and on June 21, 1967, he was promoted to 12L/T AUS. On June 21, 1968, he was promoted to CPT AUS; and

Whereas, Captain Smith began his first tour in Vietnam which lasted from December 1, 1966, to September 2, 1967, during which time he served as a platoon leader and executive officer with the 9th INF DIV. His second tour in Vietnam began May 17, 1969, and lasted until his death on February 12, 1970. At the time of his death, he was serving as Deputy District Senior Advisor of Long Thank District; and

Whereas, Captain Billy Jake Smith was awarded the Good Conduct Medal (1st Award). Parachutist Badge, National Defense Service Medal, Army Commendation Medal, Vietnamese Service Medal, Combat Infantryman's Badge, Vietnamese Campaign Medal w/60th Device, one Overseas Bar. two Purple Hearts, and Bronze Star Medal w/V Device; and

Whereas, Captain Billy Jake Smith was survived by his wife Joan and his three children, Elizabeth, Patrick, and Jeffery, all of

Mohawk, New York, and his parents Mr. and Mrs. Glen W. Smith of Gassaway, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army Captain Billy Jake Smith and his contributions to our State and supreme sacrifice to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 04-04-17.86(04A012), (38.675115,80.77095) locally known as Upper Gassaway Bridge, carrying WV 4 over the Elk River in Braxton County, the "U.S. Army Captain Billy Jake Smith Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army Captain Billy Jake Smith Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegates Householder and Criss:

H. B. 4396 - "A Bill to repeal §11-21-12h of the Code of West Virginia, 1931, as amended, relating to the repeal of the modification reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads and paid electronically through use of Parkways Authority Commuter (PAC) cards"; to the Committee on Finance.

By Delegate Hornbuckle:

H. B. 4397 - "A Bill to amend and reenact §11-16-10 of the Code of West Virginia, 1931, as amended, relating to authorizing

a temporary foreign brewers import license"; to the Committee on Government Organization then Finance.

By Delegates Skaff, Young, Barach, Boggs, Fluharty and Zukoff:

H. B. 4398 - "A Bill to amend and reenact §11-15-3 and §11B-2-20 of the Code of West Virginia, 1931, as amended, all relating to the consumer sales and service tax; reducing the consumer sales and service tax; providing for tax liabilities that existed prior to elimination of consumer sales and service tax; requiring notification to taxpayers of changes to the consumer sales and service tax; requiring reporting to the Legislature; and requiring funds to be transferred from the Revenue Fund Shortfall Reserve Fund and the Revenue Fund Shortfall Reserve Fund – Part B upon certain conditions"; to the Committee on Finance.

By Delegate Hornbuckle:

H. B. 4399 - "A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to declaring November 14 every year, a special memorial day in remembrance of the Marshall University airplane crash"; to the Committee on Government Organization.

By Delegate Hornbuckle:

H. B. 4400 - "A Bill to amend and reenact §18-2-25 and §18-2-25a of the Code of West Virginia, 1931, as amended, all relating to granting jurisdiction to supervise youth sport league athletic events to county boards of education and the West Virginia Secondary School Activities Commission; requiring schools and youth sport leagues to implement certain safety measures during athletic events; authorizing fines; and requiring rulemaking"; to the Committee on Education then Government Organization then the Judiciary.

By Delegate Hornbuckle:

H. B. 4401 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property; creating a duty to report; creating criminal penalties; and allowing

a private cause of action"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Longanacre, Conley, Graves, Kessinger, Tully, Honaker, Hanna, G. Ward, Phillips and Jennings:

H. B. 4402 - "A Bill to amend and reenact §18-2-7b of the Code of West Virginia, 1931, as amended, relating to clarifying the manner of instruction for comprehensive drug awareness and prevention programs for students in grades K through 12"; to the Committee on Health and Human Resources then Education.

By Delegates Statler, G. Ward, Kimble and Ellington:

H. B. 4403 - "A Bill to amend and reenact §61-8-14 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of desecration of graves and vandalizing cemeteries and mandating that persons convicted thereof shall be required to perform 250 hours of community service to and for the cemetery involved"; to the Committee on the Judiciary.

By Delegate Bates:

H. B. 4404 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9G-3, relating to the Tobacco Cessation Initiative program; and creating the Tobacco Cessation Initiative Program Special Revenue Account within the State Treasury to be administered by the Director of the Bureau for Public Health"; to the Committee on Health and Human Resources then Finance.

By Delegates Skaff, Boggs, Pethtel, Riley, Lovejoy, Statler, Worrell, Garcia and Young:

H. B. 4405 - "A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to authorizing municipal fire departments specialized license plates"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Conley, Cooper, Longanacre, Barnhart, J. Kelly, Anderson, Toney, McGeehan, Reynolds, Steele and Mandt:

H. B. 4406 - "A Bill to amend and reenact §15A-1-9 of the Code of West Virginia, 1931, as amended, relating to creating a West Virginia Military Hall of Fame to honor veterans of West Virginia who have distinguished themselves on the field of battle"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegates Mandt, Steele, Foster, Fast, Burkhammer, Criss, Worrell, D. Kelly, Pinson, Crouse and Honaker:

H. B. 4407 - "A Bill to amend and reenact §3-3-12 of the Code of West Virginia, 1931, as amended, relating to requiring photographic identification for mail-in ballots; providing a procedure for the West Virginia Secretary of State's office to establish their own guidelines to create an efficient process for this requirement; and defining acceptable forms of photographic identification"; to the Committee on the Judiciary.

By Delegates Dean, Paynter, Phillips, J. Jeffries, Cooper and Miller:

H. B. 4408 - "A Bill to amend and reenact §20-5-15 and §20-5-16 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Natural Resource to enter into certain contracts"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Hornbuckle:

H. B. 4409 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, relating to creating 'The Young Professional Tax Credits' for student loans; and allowing tax credits for student loans for graduates between ages 18 and 40, together with a refundable child care credit"; to the Committee on Finance.

By Delegates Householder and Criss:

H. B. 4410 - "A Bill to amend and reenact §11-21-37a of the Code of West Virginia, 1931, as amended, relating to specifying allocation and apportionment of income of flow-through entities and treatment of income derived from flow-through entities by recipients thereof, providing that allocation and apportionment of income for flow-through entities to be the same as allocation and

apportionment of income for C corporations; specifying effective date"; to the Committee on Finance.

By Delegates Householder and Criss:

H. B. 4411 - "A Bill to amend and reenact §11-12B-3 of the Code of West Virginia, 1931, as amended, relating to the imposition of the minimum severance tax on coal; and making technical corrections to the code"; to the Committee on Energy and Manufacturing then Finance.

By Delegate Hornbuckle:

H. B. 4412 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, relating to collecting a tax from all manufacturers and distributors selling opium and opiate drugs and their derivatives and substances included as Schedule II drugs in this state for funding drug addiction and prevention programs"; to the Committee on Health and Human Resources then Finance.

By Delegate Westfall:

H. B. 4413 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-24, relating to clarifying that any secondary source on insurance is not controlling authority"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Kimble, G. Ward, Conley, Pritt, Horst, Mazzocchi, Burkhammer, Hanna, Phillips, McGeehan and Honaker:

H. B. 4414 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-12, relating to prohibiting colleges and universities in West Virginia from requiring the COVID-19 vaccine or booster shots associated with the COVID-19 vaccine as a prerequisite for attending in-person classes"; to the Committee on Health and Human Resources then Education.

By Delegates Hanna, Clark, Horst, Mazzocchi, Kimble, Keaton, Haynes, Hamrick, Mallow, Longanacre and Martin:

H. B. 4415 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated

§18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, and §18-2L-12; and to amend said code by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, and §18C-10-5, all relating generally to the establishment of the Katherine Johnson Academy as magnet school programs at colleges and universities in West Virginia; defining terms; creating a board of trustees to govern the Katherine Johnson Academy; providing for membership of the board of trustees, the selection of a chair, terms of the trustees, duties and responsibilities, setting of meetings, and establishing trustees to serve without compensation; authorizing the board of trustees to perform certain duties; providing for the appointment of a president; providing for collaboration agreements for the establishment of magnet school programs; providing for restrictions on the amount that may be charged for tuition, fees, room, board, and books; authorizing the establishment of residential programs and commuter programs at colleges and universities; establishing the Academy of Mathematics and Science and the Academy for the Performing Arts; requiring the board of trustees to select certain host institutions pursuant to a competitive bidding process; establishing certain minimum eligibility requirements for students; authorizing a host institution to determine admission and enrollment; requiring students accepted and admitted into a magnet school program to receive the PROMISE scholarship; providing for students to receive a scholarship from the Katherine Johnson Scholarship Fund; providing that no county board or college or university will be required to participate in this program; requiring the Katherine Johnson Academy, the State Board of Education, and the Higher Education Policy Commission to promulgate a joint rule for the administration of the Katherine Johnson Academy; establishing the Katherine Johnson Scholarship Fund; providing for state and county support for the Katherine Johnson Scholarship Fund based upon per-pupil allocations; defining terms; and providing for rulemaking"; to the Committee on Education then Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 4252, To reduce copay cap on insulin and devices; on third reading, coming up in regular order, was read a third time.

Delegates Ellington and J. Kelly requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected and directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 44)**, and there were—yeas 94, nays 3, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Kimble, Kimes and McGeehan.

Absent and Not Voting: Brown, Pack and Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4252) passed.

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

Com. Sub. for H. B. 4276, Permit WVU to create a Parkinson's disease registry; 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. 45)**, and there were—yeas 91, nays 6, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Foster, Horst, J. Jeffries, Kimble, Kimes and Steele.

Absent and Not Voting: Brown, Pack and Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4276) passed.

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

On this question, the yeas and nays were taken **(Roll No. 46)**, and there were—yeas 93, nays 4, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Horst, J. Jeffries, Kimble and Steele.

Absent and Not Voting: Brown, Pack and Pritt.

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. 4276) 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.

First Reading

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

H. B. 2562, Relating to litter control,

H. B. 2882, Relating to repealing a ban on construction of nuclear power plants,

H. B. 4024, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience,

Com. Sub. for H. B. 4266, Relating to limited liability companies,

H. B. 4288, Relating to expanding the practice of auricular acudetox to professions approved by the acupuncturist board,

H. B. 4291, Relating to authorizing legislative rules regarding higher education,

H. B. 4301, Reforming membership requirements of Huntington Park and Recreation District Board,

And,

H. B. 4308, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Brown, Pack and Pritt.

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. 2362: Delegate Dean;

H. B. 2817: Delegate Tully;

H. B. 4256: Delegate Booth;

H. B. 4271: Delegates Espinosa and Hott;

H. B. 4295: Delegates Espinosa and Hott;

H. B. 4326: Delegates Espinosa, Garcia and Hott;

H. B. 4386: Delegate Kimble;

H. B. 4364: Delegates Espinosa and Hott;

And,

H. B. 4399: Delegate Mandt.

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. 2697: Delegate Barrett.

At 11:55 a.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 27, 2022.

Thursday, January 27, 2022

SIXTEENTH DAY

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

The House of Delegates met at 11:00 a.m., and 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 26, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. B. 2882, on Second Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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. 4098, Relating to Geothermal Energy Development,

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. 4098) was 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. 2493, Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers,

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. 2493) was referred to the Committee on Finance.

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. R. 6, Urging the Army Corps of Engineers to support hydroelectric power generation at the Summersville Dam,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the bill (H. R. 6) was referred to the Committee on Rules.

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. 4243, Authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to Governing

the Safety of Those Employed in and Around Surface Mines in West Virginia,

H. B. 4244, Authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to Governing First-Aid Training of Shaft and Slope Employees,

And,

H. B. 4245, Authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to Substance Abuse Screening, Standards and Procedures,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4243, H. B. 4244 and H. B. 4245) were each referred to the Committee on Government Organization.

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. 4122, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Requirements for the Management of Coal Combustion Residuals,

H. B. 4124, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Underground Injection Control,

And,

H. B. 4125, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Administrative Proceedings and Civil Penalty Assessment,

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. 4122, H. B. 4124 and H. B. 4125) were each referred to the Committee on the Judiciary.

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. 2232, 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. 2232) was referred to the Committee on the Judiciary.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 4142, Authorizing the Fire Commission to promulgate a legislative rule relating to the Fire Code,

H. B. 4143, Authorizing the Fire Commission to promulgate a legislative rule relating to the State Building Code,

H. B. 4144, Authorizing the Fire Commission to promulgate a legislative rule relating to Volunteer Fire Department Equipment and Training Grant Funding Disbursement,

H. B. 4145, Authorizing the Fire Commission to promulgate a legislative rule relating to Specialized Membership,

H. B. 4146, Authorizing the Fire Commission to promulgate a legislative rule relating to Junior Firefighters,

H. B. 4147, Authorizing the Fire Commission to promulgate a legislative rule relating to the Certification of Fire Chiefs,

H. B. 4148, Authorizing the Fire Commission to promulgate a legislative rule relating to Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes,

And,

H. B. 4149, Authorizing the Fire Marshal to promulgate a legislative rule relating to Regulation of Fireworks and Related Explosive Materials,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4142, H. B. 4143, H. B. 4144, H. B. 4145, H. B. 4146, H. B. 4147, H. B. 4148 and H. B. 4149) were each referred to the Committee on Government Organization.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 4271, To establish the West Virginia Security for Public Deposits Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4271) was referred to the Committee on Finance.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 4326, To modify the five-year waiting period and 100-person minimum for an association health plan, and to allow new flexibility granted under federal rules,

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. 4326) was referred to the Committee on the Judiciary.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 4295, To transfer the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management,

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 Veterans' Affairs and Homeland Security then Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 4295) was referred to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 4364, To update the law related to money transmitters to align West Virginia with the majority of states with respect to control of a licensee and key individuals as well as net worth,

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. 4364) was referred to the Committee on the Judiciary.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4247, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to Special Motorboating Regulations,

And,

H. B. 4246, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to Revocation of Hunting and Fishing Licenses,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4247 and H. B. 4246) were each referred to the Committee on Government Organization.

Delegate Queen, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

H. B. 4084, Relating to advanced recycling,

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 Energy and Manufacturing.

In accordance with the former direction of the Speaker, the bill (H. B. 4084) was referred to the Committee on Energy and Manufacturing.

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. 4008, Relating to Higher Education Policy Commission funding formula,

And,

H. B. 4289, Establishing the behavioral health workforce education initiative at the Higher Education Policy Commission,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4008 and H. B. 4289) were each referred to the Committee on Finance.

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. 4110, Relating to staffing levels at multi-county vocational centers,

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

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. 4360, Relating to WV Invest community service requirements,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4360 - "A Bill to amend and reenact 18C-9-5 of the Code of West Virginia, 1931, as amended, relating to eligibility requirements for the West Virginia Invests Grant Program; providing that the community service requirement may be satisfied by certain military service; and providing for reimbursement to certain grant recipients that have repaid a grant and related expenses charged for failure to meet the community service requirement,"

With the recommendation that the committee substitute do pass.

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. 4312, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances,

And,

S. B. 244, Relating to appointment of judges to Intermediate Court of Appeals,

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

Delegate Steele, 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. 4260, Creating the State Central Legal Advertising website,

And,

H. B. 4297, To facilitate the sharing of information between the Department of Health and Human Resources and the State Auditor's office in order to investigate reports of financial abuse and neglect of a vulnerable adult,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, 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. 4260 and H. B. 4297) were each referred to the Committee on the Judiciary.

Delegate Steele, 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. 4333, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4333 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-26-21, relating to sunset the Board of Hearing-Aid Dealers and Fitters,"

With the recommendation that the committee substitute do pass.

Delegate Steele, 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. 4286, Relating to exempting persons employed as attorneys from the civil service system,

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

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. R. 5, Regarding power grid stability,

And reports the same back with the recommendation that it be adopted.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. R. 9, Amending the rules of the House of Delegates,

And reports the same back with the recommendation that it be rejected.

Messages from the Senate

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

S. B. 1 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-61-1, §33-61-2, §33-61-3, §33-61-4, §33-61-5, §33-61-6, §33-61-7, §33-61-8, §33-61-9, and §33-61-10, all relating to creating the Mining Mutual Insurance Company; providing for the scope of the company; providing for findings and a purpose for the company;

creating definitions; laying out the authorization for the company, as well as establishing requirements and limitations for the company; providing for governance and organization of the company; providing for management and administration of the company; creating an application for licensure with the company and establishing the authority of the commissioner; providing for initial capital and surplus; authorizing types of coverage and definition discretionary participation in the company; and setting forth applicable law"; which was referred to the Committee on Energy and Manufacturing then Finance.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had concurred in the changed effective date, to take effect from passage, of

S. B. 191, Allowing poll workers to work full and half days.

A message from the Senate, by

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

Com. Sub. for S. B. 334 - "A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules, as filed, as modified, and as amended by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to feeding of untreated garbage to swine; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to commercial feed; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to enrichment of flour and bread law regulations; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to fruits and vegetables: certification for potatoes for seedling purposes; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to Fresh Food Act; authorizing the Commissioner of Agriculture to promulgate a legislative rule

relating to auctioneers; to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to hemp products; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the Rural Rehabilitation Program; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the Farm-to-Food Bank Tax Credit; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farmers markets; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to seed certification; authorizing the State Auditor to promulgate a legislative rule relating to the procedure for local levying bodies to apply for permission to extend time to meet as levying body; authorizing the State Auditor to promulgate a legislative rule relating to accountability requirements for state funds and grants; authorizing the West Virginia Board of Chiropractic Examiners to promulgate a legislative rule relating to chiropractic telehealth practices; authorizing the Contractor Licensing Board to promulgate a legislative rule relating to the Contractor Licensing Act; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to licensure; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselors fees; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist licensing; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist fees; authorizing the Dangerous Wild Animal Board to promulgate a legislative rule relating to dangerous wild animals; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the West Virginia Board of Dentistry; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the formation and approval of professional limited liability companies; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the formation and approval of dental corporation and dental practice ownership; authorizing the West Virginia Board of Dentistry to promulgate a

legislative rule relating to continuing education requirements; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the administration of anesthesia by dentists; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the expanded duties of dental hygienists and dental assistants; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to teledentistry; authorizing the West Virginia Board of Funeral Service Examiners to promulgate a legislative rule relating to the fee schedule; authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to general provisions; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures for physicians, podiatric physicians, and surgeons; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to licensure, practice requirements disciplinary and complaint procedures, continuing education, and physician assistants; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to dispensing of prescription drugs by practitioners; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substances Monitoring Program Database; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to the establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to registration to practice during a declared State of Emergency; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to Osteopathic Physicians Assistants; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to practitioner requirements for controlled substances licensure and Accessing the West

Virginia Controlled Substances Monitoring Program Database; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy care; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to the Controlled Substance Monitoring Program; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacists; authorizing the Public Service Commission to promulgate a legislative rule relating to rules governing the occupancy of customer-provided conduit; authorizing the West Virginia Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure or certification; authorizing the West Virginia Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to the renewal of licensure and certification; authorizing the West Virginia Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for registration and renewal of appraisal management companies; authorizing the West Virginia Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; authorizing the Secretary of State to promulgate a legislative rule relating to voter registration at the Division of Motor Vehicles; authorizing the Secretary of State to promulgate a legislative rule relating to voter registration list maintenance by the Secretary of State; authorizing the Secretary of State to promulgate a legislative rule relating to the combined Voter Registration and Driver Licensing Fund; authorizing the Secretary of State to promulgate a legislative rule relating to the use of digital signatures; authorizing the Secretary of State to promulgate a legislative rule relating to regulation of political party headquarters finances; authorizing the Secretary of State to promulgate a legislative rule relating to standards and guidelines for electronic notarization, remote online notarization, and remote ink notarization; authorizing the Secretary of State to promulgate a legislative rule relating to real property electronic recording standards and regulations; authorizing the West Virginia Board of Social Work Examiners to promulgate a legislative rule relating to qualifications for the profession of social work; authorizing the

West Virginia Board of Social Work Examiners to promulgate a legislative rule relating to continuing education for social workers and providers; authorizing the West Virginia Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology; authorizing the State Treasurer to promulgate a legislative rule relating to substitute checks- Exceptional Items Fund; authorizing the State Treasurer to promulgate a legislative rule relating to procedures for deposit of monies with the State Treasurer's Office by state agencies; authorizing the State Treasurer to promulgate a legislative rule relating to the selection of state depositories for disbursement accounts through competitive bidding; authorizing the State Treasurer to promulgate a legislative rule relating to the selection of state depositories for receipt accounts; authorizing the State Treasurer to promulgate a legislative rule relating to procedures for processing payments from the State Treasury; authorizing the State Treasurer to promulgate a legislative rule relating to reporting debt; authorizing the State Treasurer to promulgate a legislative rule relating to procedures for fees in collections by charge, credit, or debit card or by electronic payment; and authorizing the State Treasurer to promulgate a legislative rule relating to procedures for providing services to political subdivisions"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 417 - "A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended, relating to authorized expenditures of revenues from certain state funds for fire departments; clarifying and expanding categories of allowable expenditures; permitting state grant funds to be deposited into a state account and be transferred from the account for unrestricted use; and setting forth a 60-day time frame for fire departments receiving grant funds to transfer unrestricted funds from a

restricted account"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 427 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-19, relating to permitting West Virginia Board of Medicine investigators to carry a concealed weapon; establishing procedures and criteria for allowing investigators to carry a concealed weapon; and limiting liability for good faith acts or omissions"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 436 - "A Bill to amend and reenact §20-3-6 of the Code of West Virginia, 1931, as amended, relating to correcting an incorrect code citation in regard to the enforcement authority of the State Fire Marshal"; which was referred to the Committee on Government Organization.

Resolutions Introduced

Delegates Linville and Maynard offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 29 - "Requesting the Division of Highways name the bridge bearing Identification Number 04A078, located in Frametown, Braxton County, West Virginia, on County-Route Map 04-021/00-008.14, Latitude 38.635, Longitude -80.86440, approximately 0.01 miles South of West Virginia Route 4 along Frametown Herold Road on County Route 21, 'David Allen Drake, Sr. Memorial Bridge.'"

Whereas, David Allen Drake, Sr. served the Braxton County community through devotion to molding and mentoring the youth of Braxton County as a volunteer coach of youth sports, serving multiple terms on the Braxton County Board of Education and exhibited substantial influence on the various communities in Braxton County through his support, leadership, volunteerism and genuine desire to exert a positive impact upon his community; and

Whereas, David Allen Drake, Sr., during his career as a General Construction Superintendent, supervised to completion a plethora of projects, including roadways and bridges, throughout central, south central and north central West Virginia, thereby making great, lasting and substantial improvements to the infrastructure of the State of West Virginia; and

Whereas, David Allen Drake, Sr. was universally recognized in his community as emblematic of the qualities common to the great people of West Virginia, to wit: love and devotion to family, hard work and a blue collar life, and devotion to community service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name the bridge bearing Identification Number 04A078, located in Frametown, Braxton County, West Virginia, on County-Route Map 04-021/00-008.14, Latitude 38.635, Longitude -80.86440, approximately 0.01 miles South of West Virginia Route 4 along Frametown Herold Road on County Route 21, "David Allen Drake, Sr. Memorial Bridge"; and, be it:

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "David Allen Drake, Sr. Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Maynard and Linville offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 30 - "Requesting the Division of Highways name a bridge bearing bridge number 40-039/00-000.10 () (40A048), (38.34513,-81.99779), locally known as TRACE FORK TIMBER BRIDGE, carrying CR 39 over TRACE CREEK in Putnam county as the 'U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge.'"

Whereas, Dallis Harold Johnson was born on March 5, 1925, in Hurricane, West Virginia, where he was a lifelong resident of Putnam County and worked as a farmhand on the Johnson family farm; and

Whereas, Private Johnson enlisted in the U.S. Army at Huntington, W.Va. August 23, 1943; and

Whereas, In June of 1944, Private Johnson was stationed with the U.S. Army 133rd Infantry, fighting the Germans for control of Italy; and

Whereas, Private Johnson wrote his last letter home to his parents on June 19, 1944, as his regiment was taking a period of rest near Rome, Italy; and

Whereas, On June 26 and 27, 1944, Private Johnson's regiment fought fiercely to capture small towns near Cecina, Italy; and

Whereas, On Wednesday, June 28, 1944, Dallis Harold Johnson, age 19, died in combat while fighting the Germans near Campiglia, Italy; and

Whereas, Private Johnson was sorely missed by his entire family, including his parents, Walter and Demma Bryant Johnson, sister Mairlis Edwards, brother Orus Johnson, brother Chester Johnson, brother Harless Johnson, and brother Gordon Johnson, after giving his life to fight for his country; and

Whereas, several years after his passing and later in her life, sister Mairlis Johnson Edwards worked to have Private Johnson's name placed onto the West Virginia Veterans Memorial at the West Virginia State Capitol, which honors those lost in World War I, World War II, the Vietnam War and the Korean War, where it may still be seen today; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Private Johnson; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a bridge bearing bridge number 40-039/00-000.10 () (40A048), (38.34513,-81.99779), locally known as TRACE FORK TIMBER BRIDGE, carrying CR 39 over TRACE CREEK in Putnam county," as the "U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge;" and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Keaton, Barnhart, Booth, Burkhammer, Clark, Conley, Crouse, Dean, Ferrell, Forsht, Hamrick, Hanna, Hardy, Holstein, Honaker, Horst, J. Jeffries, Kimble, Kimes, Longanacre, Mallow, Mandt, Mazzocchi, McGeehan, Miller, Paynter, Pinson, Pritt, Smith, Summers, Sypolt, Tully, B. Ward, G. Ward and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 31 - "Applying to the Congress of the United States to call a convention for proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress: and adopting certain reservations, understandings and declarations limiting the application."

Whereas, Executive orders by the President of the United States have become a vehicle through which the President may overstep the limits of his or her constitutional authority; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations and special interests in Washington, D. C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the Constitution of the United States through a limited convention of the states under Article V; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for

the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution, legislative call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Delegates from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; and, be it

Further Resolved, The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings, and declarations:

(1) An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

(2) Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two thirds of the legislatures of the several states;

(3) Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

(4) By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

(5) A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void *ab initio* if ever used at any stage to consider any change to any provision of the Bill of Rights;

(6) Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

(7) The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the representatives and senators elected by the citizens of West Virginia serving the citizens of West Virginia in the Congress of the United States in Washington, D.C.

And,

Delegate Capito offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 32 - "Requesting the Division of Highways name a bridge bearing the bridge number 40-817/00-001.06 (40A163), (38.43345,-81.85331) locally known as Battle of Scary Bridge, carrying WV 817 over Scary Creek in Putnam County as the 'Sgt. Samuel D. Roberts Sr. Memorial Bridge'."

Whereas, Samuel D. Roberts Sr. was born on December 17, 1948, in Putnam County, to the late Freeman and Eleanor Longerbeam Roberts; and

Whereas, Samuel D. Roberts Sr. was also preceded in death by his sister, Lora Williamson; and

Whereas, Samuel D. Roberts Sr. was an Army Veteran with many years of distinguished service who served in the Vietnam War, where he earned a Purple Heart, a Combat Infantryman Badge, and a Bronze Star with Valor Device; and

Whereas, Samuel D. Roberts Sr. also served in the National Guard after returning home; and

Whereas, Samuel D. Roberts Sr. loved spending time with his grandchildren, as well as hunting and fishing; and

Whereas, Sadly, Samuel D. Roberts Sr., 72, of St. Albans, passed away on Wednesday, April 28, 2021 at home; and

Whereas, Samuel D. Roberts Sr. is survived by his children, Samuel Roberts Jr. (Jennifer) of Ft. Walton Beach FL, and Curtis Roberts (Kalyn) of Buckhannon; sisters, Ellen May Oswalt, Jackie Roberts; brothers, Freeman "Butch" Roberts Jr. (Ethel), Richard Roberts (Daleann), Benny Roberts (Dawn); grandchildren, Connor J. Roberts, Zachary Brice Roberts, Katherynne Grace Roberts and Sophia Henley Roberts, as well as many other extended family and friends; and

Whereas, Many years ago, Samuel D. Roberts Sr.'s father assisted with the construction of the bridge to be named in his honor; and

Whereas, For these reasons, it is fitting and proper that the bridge be named in honor of Samuel D. Roberts Sr.; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge bearing the bridge number 40-817/00-001.06 () (40A163), (38.43345,-81.85331) locally known as Battle of Scary Bridge, carrying WV 817 over Scary Creek in Putnam County as the "Sgt. Samuel D. Roberts Sr. Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "Sgt. Samuel D. Roberts Sr. Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegates Burkhammer, Lovejoy, Riley, Mallow, Barrett, Householder, Statler, Hardy, Keaton, Pinson and Hanna:

H. B. 4416 - "A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating to providing motor vehicle registrations and license plates free of charge to volunteer firefighters who have at least five years of service"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Riley and Reed:

H. B. 4417 - "A Bill to amend and reenact §11-21-20 of the Code of West Virginia, 1931, as amended, relating to personal income tax; alleviating double taxation on foreign income at the state level; and sunsetting the credit for income tax paid on foreign income in 2070"; to the Committee on Finance.

By Delegates Linville, Steele, Rohrbach, Lovejoy, Hornbuckle, Booth, Worrell, Griffith and Mandt:

H. B. 4418 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18, relating to the Small Business Supplier Certification Assistance Program; establishing a pilot program for the verification and certification of disadvantaged and small business enterprises participating in the government contracting and procurement process; authorizing the Department of Economic Development to collaborate with Marshall University for purposes of establishing the pilot program; requiring a master plan for the pilot program; and establishing a deadline and reporting requirements for the pilot program"; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegates Pritt, Phillips, Holstein, Kimble, Keaton, Pinson, Clark, Barrett, Hanna, Reed and Haynes:

H. B. 4419 - "A Bill to amend and reenact §3-8-5c, §3-8-9b, and §3-8-10 of the Code of West Virginia, 1931, as amended, all relating to allowing candidate committees and campaign committees to make contributions to affiliated state party executive committees"; to the Committee on the Judiciary.

By Delegates Toney, Rohrbach, Rowan, Paynter and Dean:

H. B. 4420 - "A Bill to amend and reenact §18A-2-4 of the Code of West Virginia, 1931, as amended, relating to eligibility requirements of school bus operators diagnosed with diabetes mellitus requiring insulin; providing that the eligibility requirements are also applicable to a school bus operator candidate; clarifying that the operator must also be issued a school bus endorsement for his or her commercial driver's license; and specifying that the school bus operator follow eligibility

stipulations and grounds as per applicable state and federal rules"; to the Committee on Education.

By Delegates Howell, Martin, Barnhart, Zatezalo, Householder, Criss, Clark and Hamrick:

H. B. 4421 - "A Bill to amend and reenact §16-13A-9b of the Code of West Virginia, 1931, as amended, relating to requiring a public service district or a municipality included in a public service district to refund any charges to an owner of a privately-owned swimming pool since the effective date of the enactment of this section on April 10, 2021"; to the Committee on Political Subdivisions then Finance.

By Delegates Howell, Jennings, Reynolds, Sypolt, Pinson, Wamsley, Hamrick, Linville, Barnhart, Zatezalo and Clark:

H. B. 4422 - "A Bill to amend and reenact §31-2A-1, §31-2A-2, §31-2A-3, and §31-2A-6 of the Code of West Virginia, 1931, as amended, all relating to enforcing stricter penalties upon railroad companies who block railroad crossings with their train and train cars; defining engineer; extending the definition of crossing to include private crossings; extending the definition of blocking an intersection to a train or train cars moving at a very low rate of speed; including an engineer as being subject to fines and penalties for blocking an intersection; and increasing fines and penalties for the amount of time the intersection is blocked"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Barnhart, D. Kelly, Zatezalo, J. Kelly and Reynolds:

H. B. 4423 - "A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-3a of said code; and to amend and reenact §50-3-2a of said code, all relating to providing authority municipal court clerk and magistrate court the ability to suspend the driver's license if a person has failed to enter into a payment plan or pay towards his or her of costs, fines, forfeitures, restitution, or penalties in a certain time period following judgment"; to the Committee on the Judiciary.

Special Calendar

Second Reading

H. B. 2562, Relating to litter control; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page 7, section (a) (1), line 5, by deleting the words "up to" and in lieu thereof inserting the words "less than or equal to".

And,

On page 7, section (b) (1), line 24, by deleting the words "up to" and in lieu thereof inserting the words "less than or equal to."

On motion of Delegate Kessinger, the bill was then amended on page 2, section 4, line 14 following the word "exceeding", by striking out "50" and inserting in lieu thereof "5".

And,

On page 8, section 4a, line 50 following the word "Protection" by inserting the following: "or duly appointed officer from the office, department or agency wherewith the criminal charge originated".

The bill was then ordered to engrossment and third reading.

H. B. 4024, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4266, Relating to limited liability companies; on second reading, coming up in regular order, was, on motion of Delegate Summers, committed to the Committee on the Judiciary.

H. B. 4288, Relating to expanding the practice of auricular acudetox to professions approved by the acupuncturist board; on

second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4291, Relating to authorizing legislative rules regarding higher education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4301, Reforming membership requirements of Huntington Park and Recreation District Board; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, 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.

And,

H. B. 4308, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third 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:

S. B. 4, Repealing ban on construction of nuclear power plants,

H. B. 2631, Provide for WVDNR officers to be able to work "off duty",

H. B. 2817, Donated Drug Repository Program,

H. B. 4048, WV Keep, Bear and Drive with Arms Act,

H. B. 4097, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission,

Com. Sub. for H. B. 4257, Require visitation immediately following a procedure in a health care facility,

Com. Sub. for H. B. 4263, Prohibit the practice of white bagging,

H. B. 4299, To prohibit the intentional interference with election processes and creating associated criminal penalties,

And,

Com. Sub. for H. B. 4324, To update collaborative pharmacy practice agreements.

At 11:51 a.m., the House of Delegates recessed until 6:45 p.m.

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Evening Session

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

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 27, Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising Joint Assembly therefor.

Joint Assembly

The Speaker respectfully recognized the Sergeant-at-Arms for the following announcements: The Sergeant-at-Arms then announced members of the Board of Public Works, who took the seats reserved for them.

The Sergeant-at-Arms next announced Chief Justice Hutchinson and Justices of the West Virginia Supreme Court of Appeals, who entered the Hall of the House of Delegates and took the seats reserved for them.

The Sergeant-at-Arms then announced the Honorable Shelley Moore Capito, United States Senator, who took the seat reserved for her.

The Sergeant-at-Arms, then announced the Honorable Craig Blair, President, and members of the Senate, who entered the Hall of the House of Delegates.

The Speaker invited the President to a seat to his right and the other members took the places reserved for them in the Well of the House.

The Majority Leader was then recognized and obtained unanimous consent to return to the 7th Order of Business for the purpose of introducing and considering a resolution.

Resolutions Introduced

The Clerk then reported **H. R. 10**, Commemorating the life of Robert S. Kiss, devoted father and husband, Member of the West Virginia House of Delegates, Finance Chairman, Speaker of the House, West Virginia Secretary of Revenue, long time practicing attorney and distinguished West Virginian.

The Majority Leader then announced former Speakers Chambers, Thompson, Miley and Armstead, and the Raleigh County Delegation, who escorted Melinda Kiss to the Well of the House.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

The Clerk then read the following resolution:

HOUSE RESOLUTION NO. 10

(By Delegate Hanshaw (Mr. Speaker))
[On Behalf of All Members of the House]

"Commemorating the life of Robert S. Kiss, devoted father and husband, Member of the West Virginia House of Delegates, Finance Chairman, Speaker of the House, West Virginia Secretary of Revenue, long time practicing attorney and distinguished West Virginian."

The members of the House of Delegates hereby express their profound sadness at the passing of one of their own, the Honorable Robert S. Kiss, Former Speaker of the House of Delegates, and a distinguished West Virginian;

Robert Stephen Kiss was born in Elizabeth, New Jersey and raised in a military family. He lived many places growing up and received a B.A. degree in Economics from The Ohio State University in 1979 and his J.D. degree from The Ohio State University Moritz College of Law in 1982. Upon graduation, he moved to Beckley, West Virginia, which he called home, to begin his career practicing law, remaining a West Virginian by choice for the rest of his life. He was a devoted Catholic and attended Saint Agnes Catholic Church in Charleston, West Virginia;

Bob Kiss, as he was known to members and staff alike, began his public service in 1988 when he was first elected to the House of Delegates from Raleigh County. His education in economics, finance and the law combined with his keen intellect so impressed then Speaker Chuck Chambers that he was appointed Vice Chairman of the House Finance Committee his second term as Delegate. Two years later he was appointed Chairman of the Finance Committee, a position he held until he was elected Speaker in 1997;

Bob married the former Melinda Ashworth of Beckley, West Virginia. Those who knew him well knew of his devotion and love for his family and his belief that the greatest achievement in his life was his marriage to Melinda and the birth of his two sons, Carter

and Cameron, of whom he was immensely proud. He dedicated his life to them, and in his family he found his greatest joy;

While serving in the House, he made many close friendships among the membership and staff, and no one could ask for a more compassionate and kinder person to call their friend. While most people recognized that he was probably the smartest person in the room, and he was, he was also so quick to laugh, had a wicked sense of humor, and loved being on the receiving, and giving, end of practical jokes. He often mused that if a memorial resolution was ever written for him, it should conclude with, "And he loved dogs;"

During his first term in office, Bob quickly learned the full extent of the state's grave financial crisis. The state was literally on the cliff of financial bankruptcy. Over the next 18 years, his vision and hard work were large contributing factors to righting the ship of state.

Bob's determination to find a way forward and his innate ability to work well with others across the political spectrum were instrumental in the Legislature's work to address the state's overwhelming pension and other debt, a failing workers' compensation system, a medical-malpractice insurance crisis, and annual budget deficits. The Legislature's accomplishments during his tenure included the funding for roads and highways, water and sewer projects, school and jail construction programs, a children's health program and higher education tuition scholarships, assuring the prompt payment of tax refunds, providing for the payment of pension and other unfunded liabilities, restoring affordable workers' compensation and medical malpractice insurance, and many other financially sound practices we often take for granted today, not the least of which was the creation of the state's Rainy Day Fund. Over Bob's career in the Legislature, the credit rating of this state was slowly restored to the solid condition it maintains today.

Many of these solutions were initiated in this House and were a direct result of his vision, and his ability to convince the House membership to take action, although at times politically unpopular, but necessary and the right thing to do. But Bob should also be

remembered for his refusal to move politically popular ideas forward, despite immense pressure from either or both sides of the aisle, because of the grave fiscal impact the state would have endured.

While Bob's comprehension of complex facts and ability to create solutions was second to none, he never took personal credit for this Legislature's accomplishments. He always respected, worked closely with, and gave credit to others for what this body was able to get done during his tenure. He truly embodied what it meant to be a public servant and endeavored to put aside political differences and personal opinions to best serve the people of West Virginia.

After 18 years as a member of this House, 10 of which serving as Speaker, equaling the longest time ever served as Speaker in the history of West Virginia, Bob retired from public office and returned to private law practice in Charleston. However, in 2013 at the behest of Governor Earl Ray Tomblin, Bob returned to public service as Cabinet Secretary of the Department of Revenue, where he directed the state revenue producing agencies, and he served until 2016.

Bob may not have been loved by all, nor did he care to be, but he was respected by everyone. His vision and his role in guiding the state through some of its most dire financial situations of the last 100 years cannot be overstated. If there is a history of our state written of these times, he will always be much more than a footnote. His timeless aspirational challenge made to this House during his first Speaker's acceptance speech in 1997 still rings true today: "Each day as we recite the prayer and pledge to begin our sessions, if we are always cognizant of those who come after us, if we make their economic and social conditions better than ours our primary concern and if we cooperate on a bipartisan basis in that pursuit, then perhaps we will not be remembered as a brief shining moment of lost opportunity and promise. Perhaps we will instead be remembered as that generation of West Virginians which finally laid the foundation which made the State of West Virginia the best place to live, work and raise a family on the face of the earth."

And finally, he loved dogs. Godspeed, faithful public servant Bob Kiss.

Therefore, Be it Resolved by the House of Delegates:

That the members of the West Virginia House of Delegates hereby publicly memorialize the life of the Honorable Robert S. Kiss, and collectively mourn his death, while remembering that he leaves behind a legacy of success and accomplishment; that this House of Delegates proclaims that although the Honorable Robert S. Kiss has passed from this earthly life, he will continue to live here in the hearts of his family and those who knew him, and that this House expresses the thanks of a grateful state for his service and contribution for making this state a better place; and, be it

Further Resolved, That the Clerk of the House of Delegates prepare and provide a certified copy of this resolution to his family; and, be it

Further Resolved, That the Clerk of the House of Delegates also cause a certified copy of this resolution to be placed in the Division of Archives and History.

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

On this question, the yeas were taken **(Roll 47)** and there were – yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Brown, Cooper, Hansen, Hardy, J. Jeffries, Kimes, McGeehan, Pack, Reed and Worrell.

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

Speaker Hanshaw then presented an official copy of the resolution to Mrs. Kiss (applause, the members rising in ovation).

The Speaker then recognized the Sergeant-at-Arms who then announced the special committee to wait upon His Excellency, the Governor, and escort him into the Chamber.

Delegate Westfall then announced that, pursuant to the invitation of the Legislature, His Excellency, the Governor, was present for the purpose of addressing the Joint Assembly of the Legislature.

The Committee escorted His Excellency, the Governor, to the Clerk's Desk. (Applause, the members and guests rising in ovation)

The Honorable Jim Justice then addressed the Joint Assembly as follows:

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Address by the Governor

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GOVERNOR JUSTICE: Okay, come on y'all, sit down. Enough is enough. I know you just went through a really special time, a great man that we lost, our Speaker of the House, a great friend of lots and lots and lots of folks, and so with all that, you know, we know, too, he served our state in an incredible way, really proud, really, really proud in every way.

Now, let me just tell you this. We have already had a few little mishaps and I am going to just sit here and talk with you tonight. I just think about this for a second. t is an incredible, incredible time to be a West Virginian and I am going to talk to you a lot about a lot of things here tonight, but the one thing that is absolutely for sure true from time to time, not very often, almost never you may have found that I have been a minute or two late here and there. Now, I know you are already giggling and I love that because I really believe that the Good Lord gave us all the ability to smile and laugh and the journey is tough, isn't it, very tough. In all that, whether there were times I was 15 minutes late or 20 minutes late or sometimes even later 25 than that, I never really have been 15 days late.

But I can tell you that I am extremely grateful that you are allowing me to come late. I absolutely promise you with all my soul that I couldn't believe what happened, to tell you the truth.

You know, for those of you that have been in contact with this, or had loved ones that have dealt with it, it's not fun, and we all know that, but we also all know, we have got to live with it, don't we, until really smart people figure it out and it leaves us forever. Now, with all that I would say to you so many different things, but there is so much, so much to discuss here tonight and I say, "Dude, here we go."

I would like to first and foremost recognize my family. I really don't have any idea how all of the people that are around me all the time, none of them tested positive. That really doesn't make a lot of sense to me, but it especially doesn't make sense to me that I dear wife, Cathy, was with me the entire time and she didn't test positive. Now I have accused Cathy of being a carrier, to tell you the truth, but — but nevertheless our First Lady, Cathy Justice, please. (Applause.)

I brought my daughter, Jill. She is still — she is out of the time when she can't go out but she is still in the time where she doesn't wear a mask and I've got my beautiful son Jay with me. It is really the other way around. I've got my beautiful daughter, Jill, and my okay son, Jay.

But nevertheless, I want to introduce all of my cabinet. I want you to really just bear with me just for a second, just know this. These people do incredible work. They are super workers, that is all there is to it. You see, I am a real believer, I am a real believer that absolutely if you are willing to share the credit and talent and all of the responsibilities and everything, you can create winners all around. I will just go through as quickly as I possibly can.

Our Secretary of Commerce — why don't you hold your applause until I get done. Our Secretary of Commerce, Ed Gaunch, Secretary of Administration, Mark Scott, our Secretary of the DEP, Harold Ward, our Secretary of DHHR, Bill Crouch, our Secretary of Homeland Security, Jeff Sandy, our Secretary of Revenue,

Dave Hardy, our Secretary of Transportation that wears a tie a little strangely, Jimmy Wriston, our Secretary of Veterans Assistance, Ed Diaz, our Secretary of Tourism, Chelsea Ruby, our Secretary of Economic Development, Mitch Carmichael, our Secretary of the Arts, Culture, and History Randall Reid-Smith who can dress a little unusual at times, too, our Adjutant General of the West Virginia National Guard, Brigadier General Bill Crane, our Chancellor of the West Virginia Higher Education Policy Commission, Sarah Armstrong Tucker.

Now, now you can clap. (Applause.)

We have got our Supreme Court with us. Our Chief Justice is John Hutchison. I have to tell you this before I go any further and I just looked at the name and I just think of this. We were practicing at the Raleigh County Armory, at that time was called the Armory, now it is Raleigh County Civic Center and everything. We were both playing on Woodrow's team. I was a junior. John was a senior. John was right in front of me. I was playing right behind him and everything and they were going to get the tip and everything.

All of a sudden out of nowhere he wheels around and rams his head right in my nose. When he does, blood is going everywhere as I have a broken nose and the coach continues to scream "Get off the damn court, Justice." So nevertheless, our Chief Justice John Hutchison, we have Justice Evan Jenkins, Justice Elizabeth Walker, Justice Tim Armstead, and Justice William Wooton. Would you all give them a round of applause, please? (Applause)

Our constitutional officers and I have had really a lot of fun working with these guys and really truly, I think of them as really dear friends. You know, our Attorney General is not with us tonight. Patrick is off doing a lot of really, really important stuff and we hope he will come back and bear a lot of fruit. But our Attorney General Patrick Morrisey, our State Auditor, J. B. McCuskey, our Secretary of State, Mac Warner, our Commissioner of Agriculture, Kent Leonhardt, and our State Treasurer, Riley Moore. Give them a big round of applause, please. (Applause)

We have so many different people here. We have our Senate President right behind me, Craig Blair, our Speaker of the House, Roger Hanshaw. You know, I haven't seen Joe, but I see Shelley here. Shelley, thank you so much for coming and everything in any way. I haven't seen any of our Congressmen or Congresswomen, but I thank them from the bottom of my heart, absolutely, please, a big round of applause for all of them. (Applause.)

We have got college presidents here, our WVU President, Gordon Gee, and our newly President of Marshall University, Brad Smith. I don't know where they are, but, please, give them a round of applause. (Applause.)

Last, but not least, this gentleman right here, surely deserves a ton of credit. From almost day one, we have wanted to get this accomplished. We now in West Virginia have a newly appointed Intermediate Court of Appeals. And these — and these people are Tom Scarr, Dan Greear, and Donald Nickerson. Please give them a round of applause, too. (Applause.)

Okay, it's been two years, the pandemic has been tough and you know the toll it has taken on every single last one of us. I have read every name. It has been really, really bad. That is just all there is to it.

You know, we are great people and we are a resilient people, West Virginians, and I know in my heart we are going to get through this. We still need to all stay together and pull the rope together as much as we can and I want to talk to you just one second about that. But I would like for all to stand and let's all of us bow in a moment of prayer. We have now lost 5,697 people.

We will just do this in silent prayer, but please, please, remember all of those that we have lost.

(Silence)

Thank you so much.

I want to recognize my team through this. The Coronavirus Czar Doctor Clay Marsh, the general that was a general for a long time with the National Guard here and has gone on to do more and more great stuff with us, that

is General Hoyer. Doctor Amjad, who came on kind of semi in the beginning, middle of this thing, but what a job she has done, and Secretary Crouch, and all of the people that have worked right with them.

You know, someway, somehow, you can say a whole lot of things about this, but some way, somehow we pushed the right buttons over and over and over. Could they have been better? Could they have been perfect? Well, maybe. Maybe, but in all honesty, they sure absolutely could have been a lot worse. I think all of the time about, you know, when we had to close something or we just stayed rock solid. "No way, no way, no way," and we moved and we some way, somehow got through eight. Really and truly, and I mean this with all my soul, I'm nowhere close to hard enough to have made all of the decisions that we made. There's no way. I'll promise you that, a billion times over, God above helped us, the great state in many, many ways.

If don't believe that, then you are really, really a misguided individual in my opinion because really when it goes right down to it as elderly as we are, as close as we are to population and as absolutely so many different diseases and illnesses we have with our citizens, this could have absolutely wiped us out. It could have been really, really bad.

Now in all of that, please give those people that worked a round of applause. They have done great work. (Applause.)

I want to introduce one other group, this is a tremendously educational deal that just happened right here right now. You know, I have had my basketball team sitting right up there, a bunch of talented young ladies that are on their way, that are smart as they could possibly be. If you all would stand, please give them a round of applause. (Applause.)

Now let's get through a lot of business, okay? We are now going to create or have created an Emergency Management Crisis Fund. We did it with $10 million. It wasn't all of the money in the world, but we did it out of one of the last bunches of moneys that we had and when have done this for our EMS workers. We have done this to

try to retain or recruit, you know, good, good, good people. These people have given so much. You talk about they run to the fire, they surely have.

Now, I want to just much on one other thing real quick. I want to just tell you from my heart the real important stuff. You may think, "Well, that didn't mean anything. That wasn't anything." But you all watch what is going on in Washington all day. I don't know any of us here that could possibly say that it's — this country is so much better than that, it is unbelievable. Don't fall prey to that. Please be as staunch and great as you are all of the time. You know whether you believe this, bang to it, don't bang to it, I don't know the very reason that I ran for Governor. I have never wanted anything. I just wanted — you see, a long time ago, our forefathers, that is what they did. They stepped up, lost a lot, didn't they? They lost a lot. Well, I promise you from the standpoint of a financial trip, it has surely not been the most rosy trip for Jim Justice, but I can tell you just this. I did it for the right reasons.

I also would tell you something else. I didn't want to just be your Governor. I can remember when Governor Moore was running and some of his ads, you know, as he was running for re-election, said "Reelect a good Governor." I don't want to be a good Governor. I want to be the greatest Governor you have ever had and I want to be that every, single day. And I would challenge you to do the exact thing. But we cannot do it, we cannot do it just disrespecting, we can't do it throwing rocks at one another. We can't do it trying to one up each other all of the time. There are so many people that depend on us, it is unbelievable.

Let me just say one last thing. You know, I don't get to fly very often, but I fly from time to time, whether it is in my plane or a state plan. And on a clear day, and I have said this over and over, I'll be up at 20,000 feet or 25,000 feet where you can see for miles and miles and miles. And you know what I think so often is just this: All those people for as far as I can possibly see depend on me. They depend on you. It is breath taking when you really just think about it. The responsibility is really enormous. Please, let's not be Washington, DC. We are better than that. If we don't watch out, we will really, really, really get in trouble.

I promised you a rocket ship ride, did I not, in 2017? I told you we were on the pad in 2020. I am going to tell you for real there can't be a human being in here that doesn't believe that it's real now. It is absolutely real. This state is setting records, record after record after record, record surplus after surplus, record after record, record unemployment as far as the greatest levels, the lowest unemployment in history. People are moving here from 2010 to 2019, a number that I can't imagine, 43,000 people left the State of West Virginia and we know right now for the first time, for the first time in forever, they are moving here. They are finding out the very thing that I had said to you over and over and over and over. We are that diamond in the rough. We are the diamond in the rough that absolutely can do all great things. I mean, I believe in our people beyond belief. I believe in the facts we have got these incredible four seasons and our proximity is where it is off the chart, it is all natural resources, on and on and on, is it an opportunity beyond belief.

Tourism is exploding, I could go on and on and on, we are building road after road, businesses are expanding and businesses are coming. It is amazing. It is an amazing West Virginia. I say to you over and over and over, let's continue to propagate more and more and more good. I'll promise you we have the chance to do just exactly that.

Last year I came to you and asked you to fund, basically, another secretary, did I not? I asked you to create the Department of Economic Development, did I not? And I absolutely asked you to allow Mitch Carmichael to be our secretary, did I not? And focus on job recruitment into our great state.

You just think about that. Mitch Carmichael is somewhere in here. I want you to stand, hold your applause for just one second. I want you to think about this. In 2021 more than $1.1 dollars was invested in West Virginia by 39 different companies through economic development efforts and activities.

In the calendar year 2021, the first year of the Department of Economic Development, total employment in West Virginia has increased over 36,000 jobs, over a

3,000 percent increase, the lowest unemployment in the history of our state today.

Look, when I came to you and said, "Let's fund this," pretty daggone good investment. But please give them a big round of applause. (Applause.)

You know they went fishing, did they not?

You know, and they caught some big, big, big fish. You have already heard about these announcements, but I wanted to bring them to you, you know, in the State of the State a few days or so ago, but Owens & Minor is somewhere here and we have, and I know I am going to mess up pronouncing this, but Ed Pesicka is here and, oh I can't do this one. This one is all, I'll never do it. So anyway, Ed and whomever. (Applause)

I want to also thank for the work in getting them here, Albert Wright at WVU. This company is going to absolutely be able to help us along the way with supplies in the medical industry and a lot of different things, 125 employees. We thank them and thank them from the bottom of my heart. The total investment will be close to 50 million dollars and that is great. Thank you.

Then along came GreenPower, the Motor Company, did it not? I think Mark Nestlen is with us with GreenPower tonight. They are going to go into South Charleston and start off with 200 jobs with the hope at some point in time of growing to 900 jobs. From the standpoint of Owens & Minor, you realize they are a Fortune 500 Company coming to West Virginia. Amazing. So wherever Mark is, Mark, please stand. (Applause.)

And just think about this. You know, you have gone fishing. You caught — you caught two world class tunas, maybe Blue Marlin, and absolutely we are so proud to have you here and we know that you will love this state beyond all good things.

But along the way in that, we kept fishing, did we not? And we talked and we talked and talked to these people and I did everything but tell them that I would dance at their next 6,000 weddings and along came Moby Dick.

And boom. We got it. We absolutely have so many things to be thankful for.

But we have Nucor West Virginia right now, and if you could give them a monstrous round of applause, David Topalian, David Sumosky, John Farris and Ben Pickett. (Applause.)

Now believe it or not, the biggest investment hands down that has ever come to West Virginia, but the biggest investment that Nucor has ever made, can you imagine, Fortune 150 Company, it is unbelievable it is coming to West Virginia and the spinoff of this is going to be job after job after job. It has absolutely been working for it forever.

Also a really important fellow I want to thank there is Chris Beam. Chris with AEP really stepped up. AEP really stepped up. We should be very, very thankful for them. Chris, I saw you just a second ago. Thank you so much. (Applause.)

Okay. More of the business. Years ago, now I have seen this, I have seen this so many times. I have seen this, you know, where really smart business people tried to do just this. We had so many industrial sites that were just mothballed all over kingdom come. We believed we will build a site and they will come. Build a field and they will come and they didn't. We had to be nimble and we had to move and we had to change our techniques of the way we would attract them and everything. And today, today, today I am directing our Secretary of Commerce and Economic Development as well to find those four sites. So you guys have got to get to work, that is all there is to it. We need more sites.

I absolutely believe that if we are truly the diamond in the rough, we have got to stop right now, West Virginia, of having one person hungry. We don't need name people in our state hungry. We need to do in our food banks to find absolutely everything we can possibly do to make sure we don't have West Virginians go hungry. (Applause.)

Now I am here to tell you that a group of people that we should be so thankful for, it is off the chart. That is our National Guard. They have done so much so many different times. I can remember in the flood of 2016

wading in mud with lots and lots and lots of them, and really beginning my knowledge of just how really good they are. I have seen them all. I have seen them through a lot of storms and lots of bad stuff, right through to their soul, just how good and how blessed we truly are. And I see today they are back at the hospitals and doing everything they can to help us again today.

Not only that, and this is the neatest — this is, first of all, you have got to know this. I love the state. I don't go on vacation and Cathy can probably kick me for that. I don't go on vacations. I love West Virginia. I love to hunt, fish, spend time with kids and be right here in this great state and that is what I do. That is why this story is so meaningful to me.

The Mountaineer Challenge, then along came the Mountaineer Challenge Academy South, did it not? Kids were having a tough time, kids that were really going the wrong way, going the wrong way. And lo and behold, we have a graduate now, Mountaineer Challenge Academy South. His name is William Farkas. He is 17 years old. He just got appointed to West Point. His parents are right here with us tonight, Dave and Rhonda. If you would stand, I don't know where you are. Oh, right here. (Applause)

Now not one can spend a whole lot of time is critical, but I truly believe in telling the truth. When somebody is going the wrong way, I don't believe that you should just pamper them. I believe you have got to tell them, "You are going the wrong way." That is all there is to it. I really believe we don't get out of the holes where we don't know where we are in the hole. I believe the Biden Administration is absolutely driving me at least crazy. That is all there is to it. I think the situation today with inflation and especially what is going on at our borders, what happens internationally with Afghanistan and whatever it may be, if that the trouble, I think absolutely again he is not really thinking right.

But in all of that, this border situation has caused a big problem. Fentanyl, over and over and over, it is killing people in West Virginia right now. But tonight, I am directing our department of Homeland Security and also the Center to do everything in their power, I don't know

exactly what all they can do, but to do everything in their power to communicate across borders with every state, all of the way to the Texas border, all of the way to whatever border it may be to do any and everything that they can possibly do to help stop the terrible securing because it is killing people. That is all there is to it.

I would also — I would also welcome anything that you folks can come up that says for a drug dealer that comes into this state and peddles stuff that is going to kill our people, absolutely you can't come up with anything that is absolutely — you can't come up with anything that is too strenuous for me. There is no way. You just can't do it. That is all there is to it.

Our Jobs snd Hope program is doing all kinds of neat stuff, we have touched 1400 individuals that have now gone out and gotten jobs in West Virginia and there are 1600 more people that are in the program. It is really good stuff.

We want to recognize a young lady here with us that has battled an addiction and a problem for 25 years. Her name is Katie Everly. Imagine that, she out of nowhere got into our Jobs and Hope program and lo and behold of all things today, do you know what she is? She is a heavy equipment operator. And you know where she is working? She is working for our West Virginia DOT. She is going to get a promotion right soon and she is with us to nature and she is on our her way, she is with her children, she is absolutely on her way with a new life, a life away from terrible addiction. Where is Katie? (Applause.)

Great job.

Okay, we want more people back to work in West Virginia. We had a few extra dollars from the remaining CARES Monday, the original CARES money. We started a thing called Jobs Jump Back Program. Basically, it is just an incentive to be able to get people to go back to work even though our unemployment level is super low, get more people back to work because our businesses need them. And they need them really bad.

We are going to give those people $1,500 if they can stay on the job eight weeks. It doesn't sound like much. It

doesn't sound like much at all, but really we have got to some way get them back because they are sitting on a porch somewhere right now a lot of them that are absolutely willing and able, and we need them back. The federal government is doing their thing, but I think what we should do is try any and everything we can possibly do to get them back.

We are also hiring a resiliency officer that is going to work in our office that is going to work all of the programs, help them every way you could possibly help with all of the different areas of the programs to help them. This program really is working, you know. I'm not promising you that it will work here, but I surely think it is worth a shot.

Here is really neat news. Our old — and all of you all probably know what exactly what old fund means. Our Workers' Comp. is over. At one time we had a 3.5 billion dollar deficit. For all practical purposes, nobody would like to come to West Virginia and do business. Today and tonight I can announce now it has — the deficit is completely eliminated and we have a positive balance of 57 million dollars and it is over. (Applause.)

I am delivering to you tonight for the fourth year in a row for all practical purposes in every way a flat budget. We have absolutely — we don't have any reason to dip into the Rainy Day Fund. We absolutely do not have any reason to grow government. We absolutely need to watch the store every single day. You will absolutely see a flat budget, with some minor, minor increases for pay raises or whatever it may be, but we can cover that with our surplus.

I encourage all of you, we absolutely look as we possibly can with the CARES money. Now we have the ARP money. We need to work through all of the good ideas. We need to be super respectful of one another and we need to absolutely manage those dollars in the very best place possible. It is another real opportunity for West Virginia.

We have government reform going on and I am a real believer in streamlining government and cutting ways to do all of the different things we can do. You know, I am

proposing bills to further streamline our Department of Art, Culture, and History, DHHR, the DOT and the Division of Corrections and I want to show you just something. And I don't know where it is and everything, but where is it, Jordan? Are you all going to bring it out here. Here we go.

I want you all to look right here. You will not — there is no way that you could possibly believe this. This is the flow chart in the state — you all can stand right in front of me, that would be good. Come stand right here. It goes all of the way over here. This is a flow chart that shows the process of getting a contract through our state purchasing department.

Now I want you to look at this. And I want you to imagine, that was created so we would — we would not wait. Honest to God. That's the truth. That's why it was created, so we would not wait.

It is the beatingest thing I have ever seen. Toyota has been an incredible partner to West Virginia, have they not? And Toyota Production Support System, they are surely one of our business partners in the production — the Toyota Production Support System is a world leader in efficiency has agreed to help us streamline this and try to come up with some way that it isn't this. (Applause.)

You all can just stand there. You all need to leave. We need a new lab in West Virginia. We absolutely need a new lab and need it really bad. We need a new lab and we can put it all under one roof and we can have a public health, a law enforcement, and an Ag. lab under one roof that is state-of-the-art and state-of-the-art beyond belief. We can use ARP money to fund this, but we desperately need a new lab for our medical examiners, our State Police, and our Ag. department. Please let's absolutely move forward and get this done. (Applause.)

Man, you all clap a lot. Okay. Okay, our State Police, now just think about this. We need to commit dollars to locality pay. That is all there is to it. Our State Police continues to have dwindling numbers. We have had three cadet classes since I walked in the door and who knows before that we didn't have any. Now we are on the brink of

having our fourth cadet class and we are still underwater, maybe to the tune of 700 to 800 State Policemen. We absolutely need to move forward with our cadet class. We need to move forward with locality pay and we need to absolutely support, the very, very people that support us. How again, and I don't mean to step on anybody's those, how again could anybody have come up with the idea in life we are going to defund the police? Where on God's earth did that come from? (Applause.)

Think about what tourism is doing in the State of West Virginia today. You know, we have a Secretary of Tourism, Secretary Ruby, who has done an incredible job. Chelsea is stuck on all of the time and absolutely lives, eats, and breathes ways to bring more and more folks to West Virginia. I have been an absolutely believer and supporter through and through. Without any question whatsoever, the very first day that I walked in this door, I have been a believer in diversification and a believer in tourism and, being an absolutely tremendous leader in West Virginia. I said over and over, and you might think, "Oh, gosh, why does he say these things?"

I said, you know, any frog who is not much proud of his pond is not much of a frog. And forever, forever, we must have not been real proud of our pond, not proud enough to put some dollars into it. You look at the investment we have made in tourism and what happened in this state. It is absolutely unbelievable, what I am telling you, Jim Justice, he is telling you just right, you are still just getting it partially outside the plate. The meat and potatoes are still there. Absolutely if there is ever a place on this planet people would want to come to if they really understood what we are all about, what we have, is tourism in West Virginia. So…(Applause.)

Think about the other ATV park, good gracious, all of the different things for travel, all of the different things that are happening. Think about all of those publications all over the place. They are now ranking West Virginia at the top — in the top 25, whatever it may be. You know, tourism magazines to be perfectly honest, most of it had never heard of us before. You couldn't imagine that they would pick West Virginia. But they are all picking West

Virginia. It is unbelievable. Chelsea, please, stand, incredible job, incredible job. (Applause.)

I talked about that frog being proud of his own pond and I am going to tell you this and I promise you to God above this is a fact. You know, a lot of people will sit here with teleprompters and read to you and I — you know, I think I speak the most common language and I talk about frogs and I talk about Baby Dog and everything else under the sun, really and truly you know that I am talking to you just like we were sitting in your house talking to you. Not talking down to anybody, I don't believe in it.

Absolutely believe that of all of the frogs, I am proud. Now, there may be somebody that isn't proud, but I love you and I love the state more. So many different people throughout all of the different land and everything have thrown rocks at our natural resource industries, our coal miners and gas workers, really makes me mad. The reason it makes me mad is all that these people have given, good gracious sakes a living, they have given so much. And we owe them so much. The same way with our great factory workers, our craftsmen wherever they may be, our teachers, all of the people that are doing the work in this state, people have thrown rocks.

I frankly don't like this either. And you know, I am going to probably get in trouble about this, but I will just get in trouble. I have been in trouble a lot. But, you know, I don't like the fact whether it be our financial institutions or whomever it may be that they come out publicly and say, "Oh, no, we don't believe in making loans or whatever to the energy industries. We are not doing that." Well I think it is their prerogative in private business people without any question, for God's sake I don't know how you exist in the State of West Virginia and turn your back on the very industries that made this state and still continue to do so. So I think all of those, whether it be our healthcare people, our first responders, I truly love you. I am the proudest frog. So I'll just go with that.

The Beckley Veterans Nursing Home, we have talked about it for the last 100 years and truly we were right on the verge of being able to pull this off, but when we got the quotes all in, the quotes came in a little higher to pull it off

than what we wanted to have happen. So we got — we have got to make a decision. We can phase it down. We can phase down from 120 beds, 90, 80, and maybe we can get by. And I am going to tell you this as point blank as I can tell you, these people have given us every single thing we have had in life. Absolutely we have got to find some money. I expect you to do that with us and absolutely go arm and arm. We have got to get this done right here. That is all there is to it. (Applause.)

Okay. I am going to keep moving here. We are starting a new thing that is really spawned from Ascend and it is, you know, that Brad Smith and Alys have come up and helped us with that program. Can you imagine that program, Brad, you know this, we had 10,000 applicants I think and 2.5 million visits to our web site, unbelievable, through the combination of you guys, through the combination of WVU, through the combination of our tourism folks and everything else, 2.5 million people visited us and said, "We have an interest in West Virginia." We have got to build houses, people. That is all there is to it.

So I am going to try some way to create something called build West Virginia, some level of tax credit, a tax credit for builders to incentives them to go out and build homes. Again, I thank Ascend for all that they have done and we have a young lady with us tonight that is one of those that has come to West Virginia. Of all places she came from an 800 foot — 800 square-foot apartment in Chicago, Illinois, her name is Quintina Mengyan and I think I am pronouncing this correctly. Her boyfriend, her dog, and herself, all of them have moved now to West Virginia. They supposedly love it. Babydog has talked to the dog and the dog loves it, too. So where is she. (Applause.)

The DNR police are with us tonight, Bobby Cales, our colonel is here, 125-year celebration for how many years they have been with us and protecting our natural resources in this state and now they have got a new motto, is it called "Protecting the Wild and Wonderful." Where are you, Bobby? Where are you? Please, you all stand. (Applause.)

We are similar any losing an incredible friend, incredible guy who has done an amazing job with our DNR, Steve McDaniel. Steve has done absolutely wonders and Steve and I have been going off on one another like you can imagine. I love the outdoors and you know really and truly I am broke up a little bit now and to be perfectly honest, he is, too. And with all of that, but I have honestly almost walked up and down every mountain in this state. I have chased a bird dog all over kingdom come and I have chased every wild turkey you can possibly chase in this state. I have crawled on my belly countless hours, days, weeks with a little five foot fly rod with a fly I would shoot on the water and a three and a halfway little native brook trout stream, to catch a little native brook that big about that I thought would look like a tarpon. I love it. Steve McDaniel, the job that he has done is unbelievable. We have added 85,896 new acres in West Virginia. The hunting and fishing licenses are off the chart. we have absolutely stocked our fish the right way and made an ungodly improvement in that and brought more and more and folks to West Virginia. We have spent $151 million on our parks. The absolute occupancy in our parks is off the chart.

We are 52 percent higher income on — in our DNR today than we were the day I walked in the door. Steve McDaniel is here with us somewhere and he deserves the lion, all of the credit wherever he is, Steve. God bless you, man. Thanks for all you have done. (Applause.)

Let me tell you just this. There is no question we can make education better and better all the time. There is no question we put a stake in the sand right off the get-go and said, “Make education our priority,” did we not? Things started to change. We have done many, many things and we are on a journey to make it better and better and better and better. Tonight, I want to propose really three different things. I want to propose that we make the penalties for somebody that is a school employee that abuses a student so tough that they will know that I am sitting on their chest. And that is pretty bad, isn’t it? (Applause.)

Unless you all are wanting to be here all night long, you are going to have to slow own on the clapping. I want to prepare tonight to the Legislature that we fully, fully

cover the cost of college classes for our high school students. I think we could do that and then when they leave high school, you know, go to a community college or technical school, they are absolutely covered. You know, but with that we need to encourage more and more and more of our students to continue on with their education.

I also — let me see. I also want to propose a bill to make computer programming and coding classes mandatory in middle and high school. All that you will see really soon and this just helps us in every way for the next generations to come.

We have a young lady with us tonight — I'm sorry, a young man with us tonight. He is the Teacher of the Year. His name a Brian Casto. Brian is an eighth-grade teacher and teaches West Virginia studies at the Milton Middle School in Cabell County. You know, absolutely it is amazing what great work that our teachers do every day. But also we have our Service Personnel Person of the Year, and that is Kathy Miller. Kathy is a cafeteria manager at Wayne High School in Wayne County, absolutely good. You government can you give these people an incredible round of applause.

Just stay up there just one second. Let's follow it up with a special thanks to Highmark, the Horace Mann Insurance Company, the West Virginia Lottery, Toyota, and all of the others that made all of this good stuff happen, as well. (Applause.)

I am going to ask you now to show your real appreciation so I won't get into all kinds of trouble later tonight, but Cathy has really done an amazing job with students. You know me, you know I'll horse around with you and smile and love to laugh, but I'll tell you the truth always, and I mean this from my dying soul, if God above, and that is serious business with me, if God above right there, I am telling you the gospel truth, I have never seen a program, never ever seen a program in my life that worked. It's unbelievable. And Cathy and I truly in all fairness didn't know much about this at all and we just started down this path. We started with next to nothing and then it has just grown.

It is the Communities In Schools is the number one dropout prevention initiative in the nation right now. They have been around for 40 years and truly it works. The program is in 31 counties in West Virginia. Get this, you don't believe this, 171 schools impacting 70,000 kids. There is story after story after story. It is just truly amazing. But Cathy has got some good help. They are adding Marshall County now and we are on a quest absolutely together, but Cathy with all of our great people, whether it be Vicki and Katie, all of the different people, you know, Michelle, all of the different people that work with it. They are on a quest absolutely to be sure that the Communities In Schools in every, single one of our schools before we leave. Then it will be up to you. But if you don't — if you are me, you absolutely would make that happen, with God above, and you are in as much schools and I am in and you are as with as many kids as I am with, never seen anything worth it. It is absolutely, absolutely remarkable.

So with all of that, I would say to you just this, I have got one more thing. We have — we have an individual that was here, whose name is Connor Cook. He is a senior at Woodrow Wilson High School. Without any question, these kids really are — have lost their way. Kids have so much going, we all know it, but all of the different stuff, bullying, the parents and drugs and everything that can be out there that a kids have to face, to deal with, all of the social media stuff, all of the stuff, my God and living when I was growing up all we had to deal with who was going to win kicking the can in the alley that night. All we had to deal what was getting up, putting on our school clothes, coming home and putting on our play clothes and playing some kind of ball somewhere. Kids have so much today to deal with.

There was a young man, like I said, whose name was Connor Cook, Woodrow Wilson High School. Connor was going way, way, way the wrong way. And there is a site coordinator there, her name Erin Boyd, is a long-time educator, has now worked with Communities In Schools. And she recognized that this kid was a bright kid but on the wrong path. A kid had given up in school. Imagine this. Imagine this. Connor today is a straight A student and what he is doing is unbelievable. He was going to be here tonight and he became ill. We don't who if he got Covid or not,

but he was coming. But please give Cathy and all these great people a tremendous round of applause. They have done incredible work. (Applause.)

Okay. To wrap up the education end, you know, last but not least, I am proposing a 5 percent pay raise to all service personnel, I mean all, all of our state employees, teachers, our service personnel, all of the people in the State of West Virginia that work for the State of West Virginia, rather, and absolutely I am also proposing my inflato scene, which is just a backup for really trying to back stop this terrible inflation that is going on, help them out a little bit there because we can do exactly that. I hope that you will take that and really, seriously consider both. We have got a lot, a lot of folks in our state government that are doing really good stuff. (Applause.)

And, no, I am not — I was going to say I'm almost done. But I have got to just say two or three more things, say two or three more things to you very quickly. What we have done with our roads in the State of West Virginia is totally off the chart. Just think about this. We have got Jimmy Riston with us, I like to say he wears his tie a little unusual, but Jimmy, Jimmy Bird's wife, a lot of people have really put in a lot of licks. Again, and I mean it, I give the credit to the Lord. How in the world could I have possibly come up with the idea of Roads to Prosperity? Where did it come from? Where in the world did it come from?

A lot of people thought, "There is no way, there is no way, it will cost us more money. We will have to tax more. We will have to do this and that."

You know what we did? We created tens of thousands of jobs. We absolutely put ourselves on the pathway and lo and behold it worked. Think about this, the ditches, slips, all of the guardrail and everything else. In 2019 they did 30,000 miles in West Virginia. In 2020, they did 39,000. In '21, they did 47,000 miles. My God to live, we are going to run out of miles. 1,000 road projects, West Virginia. Before I leave, I absolutely want to see the completion of the Nitro-St. Albans bridge. I absolutely want to see us complete Corridor H or surely get it way down the trail. I absolutely want to see us try to make every inroad we could

possibly make in the Coal Field Express in the southern part of our state, and I absolutely to God sake, surely o God above we can get the roads paved in Wheeling. I mean, surely we can get that done. (Applause.)

Okay, I am coming to a close here. You will probably be really proud, maybe you won't of me, hanging around here to the close, but, you know, we together put a real stake in the sand not long ago. We said and we need to hold up for our — we said we weren't going to stop until we had broadband in every single house in this state. Did we not? For crying out loud, we are on our way. We have started with a billion-dollar program. We started down the pathway. We have got lots and lots and lots of more work to do, but we can do it, and for God sake's above let's make it all happen now. Now is the time to make that happen. We have got our people that need that.

They drive business here. It will drive so many things here. We need to crawl out of the dark ages a little bit and connect every, single person we have got in this state. Thank you so much about that. (Applause.)

Now remember what I told you about the Good Lord gave you the ability to smile and to laugh. Did I not tell you that early on? I would like you to do this. I would like you to take a moment, not necessarily in prayer, but I would like you to take a moment because we have had an individual retire and we are going to miss him so much, Phil Kabler.

Now, so let's just take a moment, okay, that is long enough. We can move on from there, but, nevertheless, on a more serious note, you know, I do wish Phil the best in his retirement. And we are going to miss him more than you can ever imagine and by me saying this now, none of you have anything to worry about. He will write about me every day now.

The last thing I have got, will tell you just this, I know a bunch of you have asked about it. This has been the year of Babydog, hasn't it? So she has got to come out here. Come on out here, baby. Come on Babydog. Look at her. Stand up where you can see.

> I want to just end by just saying this: We are getting to a point, are we not, you all can see her before we leave. I have brought you a flat budget again, record low unemployment, broadband becoming a reality, tourism exploding, proud to never, ever forget our coal miners and our gas workers and all of the fact that we all should be so proud of who we are, record pay raises, Communities In Schools doing phenomenal work, streamlining and eliminating waste, combating drugs, feeding the hungry, very, very just the essential ingredients who we ought to be, building road after road and surplus after surplus and made education our priority and did so and the world began to know that we are that diamond in the rough that everybody knew.
>
> Now, Drew, if you can hand me Babydog. I want to tell you all just this. And I mean this. I told you a second ago, easy, Baby, you are hung up in my jacket. I wanted to tell you just this. I told you a few minutes ago, I am your proudest frog. Absolutely people doubted us. They never believed in West Virginia. They never believed in West Virginia, that we could do it. They never believed that the Nucors or the GreenPower or Owens & Minor, they never believed. They never believed they would be here. They told every bad joke in the world about us. And so from that standpoint, Babydog tells Bette Midler and all of those out there, kiss her hiney.
>
> God bless you all. God bless you. I told you I'd make you smile. Thank you also much, in every way. Keep doing it, West Virginia. You can absolutely do greatness more and more and more to come. Thank you so much. You are an incredible group of people. Don't become DC. Keep it going. Way to go West Virginia, proud of you. (Applause.)

His Excellency, the Governor, then retired from the Chamber.

The Joint Assembly having concluded, the Speaker then called the House to order.

Miscellaneous Business

Pursuant to House Rule 132, consent was requested and obtained to print the following remarks in the Appendix to the Journal:

- Delegate Jennings regarding the death of Pvt. 1st Class Zachary W. Riffle of Kingwood

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2049: Delegate Thompson;

H. B. 2061: Delegate Thompson;

H. B. 2062: Delegate Thompson;

H. B. 2065: Delegate Thompson;

H. B. 2080: Delegate Thompson;

H. B. 2291: Delegate Hansen;

H. B. 2362: Delegate Storch;

H. B. 3017: Delegate Crouse;

H. B. 3204: Delegate Lovejoy;

H. B. 4280: Delegate Lovejoy;

H. B. 4421: Delegate Mandt;

And,

H. C. R. 31: Delegate Hanshaw (Mr. Speaker).

At 8:29 p.m., the House of Delegates adjourned until 9:00 a.m., January 28, 2022.

Friday, January 28, 2022

SEVENTEENTH DAY

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

The House of Delegates met at 9:00 a.m., and 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 27, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 4003, Relating generally to establishing and implementing a program to explore and capitalize on the potential for recovering valuable and strategically important rare earth elements and critical materials,

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. 4003) was 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. 4025, Providing exemption to severance tax for severing rare earth elements and other critical minerals,

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. 4025) was referred to the Committee on Finance.

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. 4118, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Ambient Air Quality Standards,

H. B. 4119, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Standards of Performance for New Stationary Sources,

H. B. 4120, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Control of Air Pollution from Combustion of Solid Waste,

And,

H. B. 4121, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Emission Standards for Hazardous Air Pollutants,

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. 4118, H. B. 4119, H. B. 4120 and H. B. 4121) were each referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates D. Jeffries, Conley, Hanna and Graves offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 33 - "Requesting the Division of Highways to name bridge number 20-079/00-019.22 (NB-SB) (20A514-20A515), locally known as I-79 CLENDENIN I/C NB, carrying I-79 over CR 53 in Kanawha County, the 'Walker Brothers Veteran Memorial Bridge'."

Whereas, All five of the Walker men volunteered for military service during the Vietnam War with three experiencing injuries while on active duty; and

Whereas, Albert J. L. Walker served as a civil engineer with the U.S. Air Force at the Eielson Air Force Base in Alaska when the Great Alaskan Earthquake struck in 1964. He was active in rescue efforts and recovery of the dead following the strongest earthquake in North American history; and

Whereas, Allie Melton Walker served with the U.S. Air Force at the Kaden Air Force Base, Okinawa, Japan, as an aircraft mechanic. He deployed to Vietnam for three months at a time as the crew chief on the C130 aircraft delivering cargo and picking up the wounded and the dead. He earned a Good Conduct Medal (AFGCM w/1BR OLC), Special Ops, and marksmanship; and

Whereas, Ray Milton Walker served in the U.S. Army at the Dong Tam Base Camp where he was a part of the ground recon team for the 1st Aviation Brigade and was awarded the Combat Infantryman Badge (CIB), Bronze Star, National Defense Service Medal with two bronze stars, and Marksman Badge with Rifle Bar; and

Whereas, Ray Milton Walker is now suffering from cancer and long-term health issues from his exposure to Agent Orange; and

Whereas, Roger Bill Walker served in the U.S. Air Force at Udorn Airbase, Thailand, as a radar operator and air traffic controller assisting with the bombing of North Vietnam, earning the National Defense Service Medal, Vietnam Service Medal, Air Force Good Conduct, and Special Ops; and

Whereas, David Allen Walker joined the WV Army National Guard while he was still a senior in high school, serving as a Green Beret with the 19th S.F. Group Airborne as a combat engineer. He was injured during paratrooper training when his plane caught on fire and forced him to jump onto the tarmac wearing full combat gear, injuring both of his feet. He continued to serve in supply and transport. David Allen Walker also served the State of West Virginia as a WV Delegate from the 33rd District from 2009 to 2015; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Walker Brothers and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-079/00-019.22 (NB-SB) (20A514-20A515), locally known as I-79 CLENDENIN I/C NB, carrying I-79 over CR 53 in Kanawha County, the "Walker Brothers Veterans Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Walker Brothers Veterans Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House is to forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Boggs offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 34 - "Requesting the Division of Highways name bridge number 04-019/26-008.08 (04A166) locally known as the Lower Exchange BXBM, carrying County Route 19/26 over Perkins Fork of Cedar Creek in Braxton County, the 'U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge'."

Whereas, Byrne Lee was born on January 29, 1926, in Braxton County, West Virginia, and lived in Exchange, WV for most of his life; and

Whereas, Byrne Lee was a dedicated employee for Braxton County Schools, safely transporting children for twenty-six years; and

Whereas, Byrne Lee served his country valiantly in the United States Navy during World War II, and was notably honored with the Asiatic/Pacific Theater Medal, the WWII Victory Medal, Philippine Liberation Unit (1 Star), commemoration of the USS White Plains (the ship he served on) and Presidential Unit Citation Point system; and

Whereas, Byrne Lee and his wife, Betty, hosted the annual Exchange Homecoming for thirteen years straight, and is described as an inspiration by his three children; and

Whereas, Byrne Lee was a devoted member of the American Legion Post #33; and

Whereas, Byrne Lee passed away at the age of 81, surrounded by his loved ones, on January 10, 2007; and

Whereas, it is fitting that an enduring memorial be established to Byrne Lee Singleton and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name number 04-019/26-008.08 (04A166) locally known as the Lower Exchange BXBM, carrying County Route 19/26 over Perkins Fork of Cedar Creek in Braxton County, the "U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the *"*U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge*"*; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Boggs offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 35 - "Requesting the Division of Highways name bridge number bearing Identification Number 04A078, located in Frametown, Braxton County, West Virginia, on County-Route Map 04-021/00-008.14, Latitude 38.635, Longitude -80.86440, approximately 0.01 miles South of West Virginia Route 4 along Frametown Herold Road on County Route 21, 'David Allen Drake, Sr. Memorial Bridge.'"

Whereas, David Allen Drake, Sr. served the Braxton County community through devotion to molding and mentoring the youth of Braxton County as a volunteer coach of youth sports, serving multiple terms on the Braxton County Board of Education and exhibited substantial influence on the various communities in Braxton County through his support, leadership, volunteerism and genuine desire to exert a positive impact upon his community; and

Whereas, David Allen Drake, Sr., during his career as a General Construction Superintendent, supervised to completion a plethora of projects, including roadways and bridges, throughout central, south central and north central West Virginia, thereby

making great, lasting and substantial improvements to the infrastructure of the State of West Virginia; and

Whereas, David Allen Drake, Sr. was universally recognized in his community as emblematic of the qualities common to the great people of West Virginia, to wit: love and devotion to family, hard work and a blue collar life, and devotion to community service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name the bridge bearing Identification Number 04A078, located in Frametown, Braxton County, West Virginia, on County-Route Map 04-021/00-008.14, Latitude 38.635, Longitude -80.86440, approximately 0.01 miles South of West Virginia Route 4 along Frametown Herold Road on County Route 21, "David Allen Drake, Sr. Memorial Bridge"; and, be it:

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "David Allen Drake, Sr. Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Boggs offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 36 - "Requesting the Division of Highways name bridge number 04-019/00-027.48 () (04A061) locally known as the Bulltown Bridge, carrying US Route 19 over Little Kanawha River in Braxton County, the 'John Calvin 'J.C.' Baker Memorial Bridge'."

Whereas, J.C. Baker was born on July 29th, 1903, near Gassaway, in Braxton County, West Virginia, and in his lifetime was a small farmer, coal miner, wildcat driller for natural gas and

oil, Texaco Distributor for fuel and lubricants, car dealer and hotel owner; and

Whereas, J.C. quit school in the 5th grade and started riding a horse throughout Braxton and surrounding counties buying and shipping cattle by steam train to Baltimore, Maryland; and

Whereas, J.C. had several coal mines on Little Otter mined, and then hauled coal to almost every home and business in Gassaway by horse and wagon, and started drilling for natural gas and oil in 1962; his company, J.C. Baker and Sons, Inc. holds the state record for drilling a natural gas well for over 50 continuous years; and

Whereas, While drilling a gas well on Little Otter several years ago, J.C. discovered a sand that was not named, and when given the opportunity to name it by the state of West Virginia, he named it "Braxton"; and

Whereas, J.C. Baker owned numerous farms, businesses, and car dealerships in his lifetime, continuing to support and give back to the communities in the state that he so dearly loved, including Webster Springs where he owned and operated three gas stations; and

Whereas, Another of J.C.'s examples of philanthropy, the Baker's Island Recreation area, is made available to the town of Webster Springs through a lease agreement of $1 per year; and

Whereas, John Calvin Baker passed away at the age of 95, surrounded by his loved ones, on August 28, 1998; and

Whereas, it is fitting that an enduring memorial be established to John Calvin 'J.C.' Baker and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name number 04-019/00-027.48 () (04A061) locally known as the Bulltown Bridge, carrying US Route 19 over Little Kanawha River

in Braxton County, the "John Calvin 'J.C.' Baker Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as *the "John Calvin 'J.C.' Baker Memorial Bridge"*; and be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Boggs offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 37 - "Requesting the Division of Highways name bridge number 04-035/02-003.09 (04A196) locally known as the Hyers Run Plate Girder, carrying County Route 35/2 over Little Kanawha River in Braxton County, the 'U. S. Army Corporal Charles William "Bill" Knight Memorial Bridge'."

Whereas, Bill Knight was born on August 22, 1921, in Braxton County, West Virginia, a son of the late Charles Wesley and Jessie Barker Knight; and

Whereas, Bill loved the land, loved farming the land, and loved calling Burnsville, WV his home; and

Whereas, Stories are told of Bill's grandfather floating timber from the family land to Parkersburg, and then taking the three day walk home, and this is the work ethic that Bill learned and exemplified; and

Whereas, Bill entered into service in the United States Army in 1942, stationed in Maryland and serving as a firefighter; and

Whereas, Corporal Knight received the United States Army Good Conduct Medal for his service, and was a proud member of the American Legion Post #33; and

Whereas, Bill was a heavy equipment operator, mechanic, timberman and construction worker in his lifetime, and a devoted member of the Little Kanawha Independent Church, Burnsville, WV; and

Whereas, Charles William Knight passed away at the age of 89, surrounded by his loved ones, on October 4, 2010, and memories of him are treasured by his children and friends; and

Whereas, It is fitting that an enduring memorial be established to U.S. Army Corporal Charles William "Bill" Knight and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 04-035/02-003.09 (04A196) locally known as the Hyers Run Plate Girder, carrying County Route 35/2 over Little Kanawha River in Braxton County, the "U. S. Army Corporal Charles William 'Bill' Knight Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as *the* "U. S. Army Corporal Charles William 'Bill' Knight Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

And,

Delegates Bridges, Smith, Holstein, Horst, Maynard, Dean, Paynter, Mazzocchi, Hanna, Wamsley and Longanacre offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 38 - "Requesting the Division of Highways name a bridge bearing bridge number 23-44-9.12 on Route 44 in Logan County, West Virginia, the 'Warrant Officer Dale Shaheen and U. S. Army Pvt George H. Hooker Memorial Bridge'."

Whereas, Warrant Officer Dale Shaheen was born to John and Annie Shaheen on May 19, 1925 in Buffalo Creek, Logan County. During his school years he worked at his parent's grocery store. He graduated from Logan High School; and

Whereas, Warrant Officer Dale Shaheen enlisted in the U. S. Army in 1943 and on September 9, 1943 qualified for preactivation as a cadet in the Air Crew; and

Whereas, Warrant Officer Dale Shaheen attended Flight School and became a pilot of a B-25 bomber; and

Whereas, Following his discharge in 1946 Warrant Officer Dale Shaheen opened both a grocery store and a beer distributorship in Omar; and

Whereas, Warrant Officer Dale Shaheen was a pilot for the Middle East Airlines for two years beginning in 1958; and

Whereas, From 1960 until retirement, Warrant Officer Dale Shaheen successfully operated a Stewart's Root Beer drive-in and a Mary Carter Paint store in Williamson; and

Whereas, In his spare time Warrant Officer Dale Shaheen's passions were flying his twin engine Beechcraft airplane and giving his time and energy to the community; and

Whereas, Warrant Officer Dale Shaheen died of cancer on March 3, 1996 and his ashes were buried at the Forest Lawn Cemetery where his parents were laid to rest; and

Whereas, Pvt George H. Hooker was born in October 1917 in Dunlow, West Virginia; and

Whereas, Pvt. Hooker enlisted in the Army on August 7, 1942, in Huntington, West Virginia to serve his country and his state during World War II; and

Whereas, Pvt. Hooker was a Rifleman during his service in the Army and he was assigned to the 376th Field Artillery Battalion, 82nd Airborne Division and was involved in battles in Italy where he received a Purple Heart posthumously; and

Whereas, Pvt. Hooker was employed as mine timberman prior to enlisting in the service and Pvt. Hooker was well known among the community for his baseball talents; and

Whereas, Pvt. Hooker was killed in combat on July 11, 1943, during the invasion of Sicily where Pvt. Hooker was deployed as a paratrooper; and

Whereas, Pvt. Hooker was laid to rest at Sicily-Rome American Cemetery in Nettuno, Italy; and

Whereas, It is fitting that an enduring memorial be established to commemorate both Warrant Officer Dale Shaheen and U. S. Army Pvt George H. Hooker and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a bridge bearing bridge number 23-44-9.12 on Route 44 in Logan County, West Virginia, the "Warrant Officer Dale Shaheen and U. S. Army Pvt George H. Hooker Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to replace the existing signs bearing the previous memorial bridge name, and have made and be placed in their stead signs identifying the bridge as the "Warrant Officer Dale Shaheen and U. S. Army Pvt George H. Hooker Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways, as well as to the families of Warrant Officer Dale Shaheen and U. S. Army Pvt George H. Hooker.

Special Calendar

Unfinished Business

H. R. 5, Regarding power grid stability; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

H. R. 9, Amending the rules of the House of Delegates; coming up in regular order, as unfinished business, was reported by the Clerk.

An amendment, offered by Delegates Steele, Hanshaw (Mr. Speaker) and Summers was reported by the Clerk on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

"That House Rule 65 be amended to read as follows:

Order of Business, Daily

The daily order of business shall be as follows:

I. To read, correct, and approve the Journal.

II. Introduction of guests.

III. To receive and consider reports of standing committees.

IV. To receive and consider reports of select committees.

V. To receive and consider messages from the Executive, state officials, and other communications and remonstrances.

VI. To receive messages from the Senate, and consider amendments proposed by the Senate to bills passed by the House.

VII. To receive (a) resolutions, (b) petitions, (c) motions.

VIII. Bills introduced on motion for leave and referred to appropriate committees.

IX. To act on unfinished business of the preceding day, and resolutions lying over from previous day, but no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.

X. House and Senate Bills on third reading.

XI. House and Senate Bills on second reading.

XII. House and Senate Bills on first reading.

XIII. To act upon leave of absence for members.

XIV. Introduction of Guests. ~~Remarks by members of the House.~~

~~Item XIV, Remarks by members of the House, shall be held on each Wednesday, unless otherwise directed by the Speaker, following the first day through the fifty-seventh day of session, and the Speaker shall announce a time when the chamber of the House shall be available for remarks by members of the House if such a time is requested by a member of the House of Delegates. The House shall convene at such time to receive such remarks, and the Speaker or a designee of the Speaker shall preside. No quorum is necessary to proceed with the receipt of remarks by members of the House, and nothing herein shall prohibit committees from meeting when the House convenes solely for the purpose of remarks by members. Any member desiring to speak shall seek recognition, and upon recognition by the Presiding Officer, may speak for up to five minutes upon any topic of interest to the House. The Presiding Officer shall preserve order and decorum while the House is in session for the duration of remarks. During this designated time for receipt of remarks by members, no motion shall be in order save for a motion to adjourn remarks by member. Remarks made during the pendency of remarks by members may be entered into the appendix to the journal as provided for herein. The time allotted for remarks by members shall expire: (A) After all member desiring to speak have exhausted their allotted time; or (B) after six hours; or (C) ten p.m., whichever occurs first.~~

XV. ~~Introduction of guests~~ Miscellaneous business. (HR10, Reg. Sess., 2001; HR3, Reg. Sess., 2002; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021; HR19, Reg. Sess., 2021)

XVI. ~~Miscellaneous business. (HR10, Reg. Sess., 2001; HR3, Reg. Sess., 2002; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021; HR19, Reg. Sess., 2021)~~ Remarks by members of the House (held on each Wednesday).

That House Rule 65a be amended to read as follows:

Introduction of guests.

65a. The House shall observe two opportunities on each day for any member, upon recognition, to introduce to the House citizens seated in the galleries. ~~*Provided,* That for the duration of the 2021 Regular Session of the 85th Legislature, members wishing guests to be introduced during these times shall submit the names of the individuals to be introduced to the Majority Leader and/or Speaker Pro Tempore who shall introduce all guests during these periods~~ (HR33, Reg. Sess., 1978; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021).

An amendment to the amendment, offered by Delegate Lovejoy, was reported by the Clerk on page 2, line 44, following the words "remarks by members of the House" by striking out the words "(held on each Wednesday)." and inserting in lieu thereof the words:

"During remarks by members of the House, each member shall be limited to five minutes for his or her remarks. Remarks by members shall not exceed 30 minutes."

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

On this question, the yeas and nays were taken **(Roll No. 49)**, and there were—yeas 37, nays 55, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Booth, Ellington, Fleischauer, Hardy, Pack, Reed and Skaff.

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

The amendment offered by Delegates Steele, Hanshaw (Mr. Speaker) and Summers was then adopted.

The Speaker advised the members that the Committee on Rules had reported the resolution with the recommendation that it be rejected.

In the absence of objection, the Speaker reformed the motion in order for the question before the House to be, "Shall House Resolution 9, as amended, be adopted?"

H. R. 9, Amending the rules of the House of Delegates, was then adopted, as amended.

Third Reading

H. B. 2562, Relating to litter control; 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. 49)**, and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Booth, Ellington, Fleischauer, Fluharty, Graves, Hardy, Longanacre, Pack, Reed and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2562) passed.

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

H. B. 4024, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience; 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. 50)**, and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Booth, Ellington, Fleischauer, Fluharty, Graves, Hardy, Pack, Reed and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4024) passed.

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

H. B. 4288, Relating to expanding the practice of auricular acudetox to professions approved by the acupuncturist board; 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. 51)**, and there were—yeas 89, nays 2, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Fast and Martin.

Absent and Not Voting: Barrett, Booth, Ellington, Fleischauer, Fluharty, Hardy, Pack, Reed and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4288) passed.

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

H. B. 4291, Relating to authorizing legislative rules regarding higher education; 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. 52)**, 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: Barrett, Booth, Ellington, Fleischauer, Fluharty, Hardy, Pack, Reed and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4291) passed.

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

H. B. 4301, Reforming membership requirements of Huntington Park and Recreation District Board; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegate Kimes moved to amend the bill on page 1, by amending the section title by striking the word "nonpartisan".

And, to amend the bill on page 1, section 2, line 4, by striking the word "nonpartisan" and inserting in lieu thereof the word "partisan".

And, to amend the bill on page 1, section 2, line 10, by striking the word "nonpartisan" and inserting in lieu thereof the word "partisan".

The question being on the adoption of the amendment, the same was put and did not prevail.

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. 53)**, and there were—yeas 89, nays 2, absent

and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Howell and Kimes.

Absent and Not Voting: Barrett, Booth, Ellington, Fleischauer, Fluharty, Hardy, Pack, Reed and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4301) passed.

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

H. B. 4308, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits; 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. 54)**, 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: Barrett, Booth, Ellington, Fleischauer, Fluharty, Hardy, Pack, Reed and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4308) passed.

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

Second Reading

S. B. 4, Repealing ban on construction of nuclear power plants; on second reading, coming up in regular order, was read a second time and ordered to third reading.

H. B. 2631, Provide for WVDNR officers to be able to work "off duty"; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2817, Donated Drug Repository Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4048, WV Keep, Bear and Drive with Arms Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4097, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4257, Require visitation immediately following a procedure in a health care facility; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4263, Prohibit the practice of white bagging; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4299, To prohibit the intentional interference with election processes and creating associated criminal penalties; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Fast, the bill was amended on page 1, section 21, line 4, immediately following the word "rules" by inserting the following "and electioneering activities, as defined in §3-9-9 of this Code, which do not obstruct or interfere with a voter traveling to or from the polls,".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4324, To update collaborative pharmacy practice agreements; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third 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:

S. B. 244, Relating to appointment of judges to Intermediate Court of Appeals,

H. B. 4110, Relating to staffing levels at multi-county vocational centers,

H. B. 4286, Relating to exempting persons employed as attorneys from the civil service system,

H. B. 4312, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances,

Com. Sub. for H. B. 4333, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters,

And,

Com. Sub. for H. B. 4360, Relating to WV Invest community service requirements.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Barrett, Booth, Ellington, Fleischauer, Hardy, Pack, Reed and Skaff.

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. 2096: Delegate Thompson;

H. B. 2107: Delegate Thompson;

H. B. 2908: Delegates Kessinger and Maynor;

H. B. 3017: Delegate Worrell;

H. B. 3054: Delegate Lovejoy;

H. B. 3099: Delegate Mandt;

H. B. 3204: Delegate Nestor;

H. B. 4094: Delegate Graves;

H. B. 4104: Delegate Graves;

H. B. 4271: Delegate Rowe;

H. B. 4341: Delegate Worrell;

And,

H. B. 4423: Delegate Mandt.

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. 4053: Delegate Steele;

And,

H. B. 4380: Delegate Zukoff.

At 10:20 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 31, 2022.

Monday, January 31, 2022

TWENTIETH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Friday, January 28, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Rowan, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

H. B. 3054, Expanding definition of who may apply for grandparent visitation,

H. B. 3099, Relating to grandparents' rights to visit grandchildren,

And,

H. B. 4041, Providing for an expedited hearing for grandparent visitation when one of the parents has died,

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. 3054, H. B. 3099 and H. B. 4041) were each referred to the Committee on the Judiciary.

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. 4111, Relating to the prescriptive authority of advance practice registered nurses,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4111 - "A Bill to amend and reenact §30-3E-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-7-15a of said code, all relating to clarifying prescriptive authority of physicians assistants and registered professional nurses,"

And,

H. B. 4311, Creating criminal penalties for illegal voting activity,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4311 - "A Bill to amend and reenact §3-9-17 of the Code of West Virginia, 1931, as amended, prohibiting knowingly and willfully voting more than once in any election, whether held in West Virginia or between West Virginia and another state, and making such violations a felony offense; making it a felony offense to vote or attempt to vote when not legally entitled to do so; making it a felony offense to procure or attempt to procure the acceptance of illegal votes or the rejection of legal votes; and making it a felony offense to alter ballots, or deceive voters,"

With the recommendation that the committee substitutes each do pass.

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. 2838, Authorize the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds, and to create the State Auditor's Public Integrity and Fraud Fund for use of said funds,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2838) was referred to the Committee on Finance.

Delegate D. Jeffries, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 28th day of January, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 8, Relating generally to state's savings and investment programs.

Delegate D. Jeffries, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 28th day of January, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 191, Allowing poll workers to work full and half days.

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

Com. Sub. for S. B. 246 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-9G-1, §18-9G-2, and §18-9G-3, all relating to imposing water bottle filling station requirements for newly constructed public school buildings and existing public school buildings undergoing a major improvement; purpose; defining terms; requiring State Board of Education rules; setting forth requirements for any water bottle filling station installed in a public school building; and requiring county boards to permit students in schools with water bottle filling stations to carry water bottles"; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 431 - "A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating generally to the Uniform Controlled Substances Act; defining and clarifying the phrase "engaged in the illegal use of a controlled substance with another person"; and establishing criminal penalties"; which was referred to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

A message from the Senate, by

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

S. B. 435 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2D-8, relating to awarding the service weapon of a retiring Division of Protective Services member 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 member is totally physically disabled as a result of service with the Division of Protective Services; prohibiting the award of a service weapon to a retiring member whom the Division of Protective Services 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 Division of Protective Services member; 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"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 437 - "A Bill to amend and reenact §62-12-18 of the Code of West Virginia, 1931, as amended, relating to granting early discharge to parolees after a minimum of one-year on parole; authorizing the Commissioner of the Division of Corrections and Rehabilitation or his or her designee to request early discharge of a parolee; and providing that the chairperson of the parole board grant early discharge from parole for a parolee upon review of the request for early discharge rather than the decision being made by a panel of the parole board"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 449 - "A Bill to amend and reenact §62-12-13c of the Code of West Virginia, 1931, as amended, relating to clarifying that the Nonviolent Offense Parole Program is not available to offenders who are serving a sentence aggregated either consecutively or concurrently with an offense that is a crime of violence against a person or animal, as well as a felony controlled substance offense, a felony firearm offense, nor a felony where the victim was a minor child; and making the provisions of this section unavailable to those previously released under the terms of this section from the same sentence"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

S. C. R. 9 - "Requesting the Division of Highways name bridge number 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV 75 over Twelvepole Creek in Wayne County, the 'Haynie Family Veterans Memorial Bridge'."

Whereas, The Haynies have been in the Buffalo Creek area since the early 1800s and served their country in World Wars I and II; and

Whereas, Anthony Haynie, PVT, WW I, was born July 22, 1895, in Wayne County, West Virginia. He enlisted in the U.S. Army on October 5, 1917 and was discharged on June 10, 1919. He served under General Pershing, Battery C 315, Field Artillery, 80 Division. PVT Anthony Haynie's unit had advanced to the town of Romagne and were engaged with the Germans. Three guns of his battery were knocked out by shell fire and gas attack. The battery commander asked for volunteers to man the guns in spite of the fierce gas attack and PVT Anthony Haynie answered the call. His record reveals that he was severely wounded in that engagement, and he received the Purple Heart. PVT Anthony Haynie died on January 17, 1976; and

Whereas, Arthur Haynie was born November 17, 1921. He attended the old wooden school in Buffalo, West Virginia. He entered the U.S. Army on December 14, 1942. At discharge, he was a Tech 5 of the military police. He died on September 18, 1995; and

Whereas, James E. Haynie, PVT, WW II, was born on August 16, 1923, in Wayne County. He attended and graduated from Buffalo High School. He served in the U.S. Army from July 8, 1943, through December 7, 1945. PVT James E. Haynie was a demolition expert and served in Calcutta and Burma. His unit

merged with Merrill's Marauders and came behind them, "cleaning up their mess". He received the Asiatic Pacific Theater Ribbon, WW II Victory Ribbon, and Distinguished Unit Badge with two Bronze Stars. PVT James E. Haynie died September 14, 2014; and

Whereas, Robert V. Haynie, PVT, WW II, was born on March 24, 1925, in Wayne County. He attended Buffalo High School. He served in the U.S. Army from August 28, 1943, through February 14, 1946. PVT Robert V. Haynie was a military policeman serving in the European Theater of Operation. He served in Normandy, Northern France, and the Rhineland. He was a recipient of the Purple Heart, the European African Middle Eastern Theater Ribbon, and the WW II Victory Ribbon. PVT Robert V. Haynie died December 25, 2018; and

Whereas, Charles E. Haynie, WW II, was born on April 14, 1927, in Wayne County. He attended Buffalo High School. He enlisted in the U.S. Navy and served on the USS Sandoval (APA-194) as a coxswain in Iwo Jima. Charles E. Haynie died November 20, 2016; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Haynie family and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV 75 over Twelvepole Creek in Wayne County, the "Haynie Family Veterans Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Haynie Family Veterans Memorial Bridge*"*; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways. "; which was referred to the Committee on Technology and Infrastructure then Rules.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

Com. Sub. for S. C. R. 11 - "Requesting the West Virginia Department of Veterans' Assistance to name the new veterans' nursing home, to be built in Beckley, the 'Dennis E. Davis Veterans Nursing Home'."

Whereas, Dennis E. Davis began his association with the United States military in 1959 when he entered the Reserve Officer Training Corps (ROTC) program at West Virginia State College, now known as West Virginia State University; and

Whereas, Dennis E. Davis served stints with the U.S. Army at Fort Knox in Kentucky and Fort Sill in Oklahoma. In 1965, he graduated from the Army's Non-Commissioned Officer Academy and received an honorable discharge in 1970; and

Whereas, In 1968, Dennis E. Davis received a Bachelor of Science degree in the field of education from West Virginia State College and subsequently began a career with the Kanawha County schools as a teacher, counselor, and administrator. In 1970, he received a Master of Science degree from Marshall University; and

Whereas, Dennis E. Davis ultimately took on the role of Assistant Superintendent of Kanawha County Schools for vocational, technical, and adult education; and

Whereas, In 1996, Governor Cecil Underwood appointed Dennis E. Davis as Executive Director of Workforce Development for West Virginia, in which position he served for four years; and

Whereas, Dennis E. Davis briefly returned to Kanawha County schools in 2013 as a member of the Kanawha County Board of Education, serving out the unexpired term of a previous member; and

Whereas, In January 2017, Governor Jim Justice appointed Dennis E. Davis as Cabinet Secretary for the West Virginia Department of Veterans Assistance. He was responsible for the administration of claims for assistance across the state, as well as the WV Veterans Nursing Facility, the West Virginia Veterans Home, and the Donel C. Kinnard Memorial State Veterans Cemetery, where he was also a member of the honor guard; and

Whereas, Dennis E. Davis passed away on January 18, 2021, at his home in Institute, West Virginia, in the presence of his loving wife and son. Dennis E. Davis was subsequently interred in the Donel C. Kinnard Memorial State Veterans Cemetery; and

Whereas, It is fitting that an enduring memorial be established to commemorate the achievements and contributions of Dennis E. Davis to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Department of Veterans Assistance name the new veterans' nursing home, to be built in Beckley, the "Dennis E. Davis Veterans Nursing Home"; and, be it

Further Resolved, That the Department of Veterans' Assistance is hereby requested to have made and be placed signs identifying the facility as the "Dennis E. Davis Veterans Nursing Home"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the acting Secretary of the West Virginia Department of Veterans Assistance and the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

Com. Sub. for S. C. R. 13 - "Requesting the Division of Highways name the bridge at coordinates 37.501667, -81.336111, carrying WV 10 over Noseman Branch in Wyoming County, the 'U. S. Army PFC Joseph Stanley McKinney Memorial Bridge'."

Whereas, Joseph Stanley McKinney was born July 20, 1947, in Wyoming County, West Virginia; and

Whereas, Joseph Stanley McKinney graduated from Herndon High School in 1966; and

Whereas, PFC Joseph Stanley McKinney entered the U. S. Army during the Vietnam War as a member of the 4th Infantry Division, 12th Infantry, 3rd Battalion; and

Whereas, PFC Joseph Stanley McKinney was killed in action on January 23, 1968, in the Kontum Province of Vietnam during the Tet Offensive; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Joseph Stanley McKinney and his ultimate sacrifice to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge at coordinates 37.501667, -81.336111, carrying WV 10 over Noseman Branch in Wyoming County, the "U. S. Army PFC Joseph Stanley McKinney Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army PFC Joseph Stanley McKinney Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

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

adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

S. C. R. 15 - "Requesting the Division of Highways name bridge numbers 20-077/00-113.44 (NB and SB) (20A232, 20A450), locally known as I-77 White Chapel Bridge, carrying Interstate 77 (NB and SB) over CR 21 in Kanawha County, the 'U.S. Army PVT Shirley E. Bailey Memorial Bridge'."

Whereas, PVT Shirley E. Bailey served in World War II, and was killed in action in the Hurtgen Forest, on the Belgium/Germany border on November 29, 1944; and

Whereas, PVT Shirley E. Bailey was born on April 17, 1925, and attended schools in Sissonville, West Virginia. He dropped out of school in the ninth grade to work on a dairy farm to help support his family; and

Whereas, PVT Shirley E. Bailey was drafted by the United States Army at the age of 18 in September 1943, and was sent to France after completing basic training; and

Whereas, In France, PVT Shirley E. Bailey was injured during a battle and recuperated in a hospital, after which he received a Purple Heart and a Silver Star for his bravery and efforts during battle; and

Whereas, After recuperating, PVT Shirley E. Bailey was sent to the front lines in Germany as a medic with the U.S. Army's Company G, 8th Infantry Regiment, 4th Infantry Division. He provided medical support to dozens of casualties during the Battle of Hurtgen Forest; and

Whereas, During the battle, PVT Shirley E. Bailey earned the recognition of officers in his unit who recommended him for a Silver Star, with a citation that noted he "worked continually for over 14 hours under recurrent hostile artillery barrages to administer aid to the wounded and to direct litter carriers in evacuation of the seriously wounded"; and

Whereas, PVT Shirley E. Bailey went back and forth through mine fields from one point to another until all wounded were evacuated. He was not wounded on the first day of fighting east of Schevenhutte; and

Whereas, On November 29, 1944, during another battle, the 2nd Battalion lost 35 soldiers, with as many as 15 men from Company G killed or wounded and with PVT Shirley E. Bailey as one of the casualties. PVT Shirley E. Bailey was fatally wounded as he assisted other soldiers in need of medical aid, and for his bravery, he earned another Purple Heart and Silver and Bronze Stars; and

Whereas, PVT Shirley E. Bailey's remains were left on the battlefield, found by a local German citizen three years later, and ultimately buried in the Ardennes American Cemetery, Neuville-en-Condroz, Belgium where he remained for 70 years unidentified; and

Whereas, PVT Shirley E. Bailey is memorialized on the Walls of the Missing at the Netherlands American War Cemetery and Memorial in the village of Margraten; and

Whereas, The U.S. Army in Nebraska worked to identify fallen soldiers in an effort to bring them home and identified PVT Shirley E. Bailey after extensive DNA testing, notifying his family, and returning his remains to Yeager Airport, on November 29, 2017; and

Whereas, PVT Shirley E. Bailey was given a memorial service with full military rites at Keller Funeral Home in Dunbar, West Virginia. He was laid to rest at the Donel C. Kinnard Memorial State Veteran's Cemetery in Institute, West Virginia on December 2, 2017, being the first veteran killed in action to be buried there; and

Whereas, Seventy-four years after PVT Shirley E. Bailey was drafted and after having been awarded two Purple Hearts, two Silver Stars, and one Bronze Star, he was finally home in West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate the contributions of PVT Shirley E. Bailey to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge numbers 20-077/00-113.44 (NB and SB) (20A232, 20A450), locally known as I-77 White Chapel Bridge, carrying Interstate 77 (NB and SB) over CR 21 in Kanawha County, the "U.S. Army PVT Shirley E. Bailey Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army PVT Shirley E. Bailey Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways."; which was referred to the Committee on Technology and Infrastructure then Rules.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegates Rohrbach, Steele, Linville, Fast, Worrell, Lovejoy, Mandt and Hornbuckle:

H. B. 4425 - "A Bill to amend and reenact §18B-1-8b of the Code of West Virginia, 1931, as amended, relating to establishing a college of law at Marshall University Graduate College; and requiring a revised strategic plan"; to the Committee on Education then Finance.

By Delegates Westfall, D. Jeffries and Criss:

H. B. 4426 - "A Bill to repeal §33-25G-1, §33-25G-2, §33-25G-3, §33-25G-4, and §33-25G-5 of the Code of West Virginia, 1931, as amended, all relating to Provider Sponsored Networks"; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Skaff, Steele, Young, Pack, Barach, Capito and Pushkin:

H. B. 4427 - "A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to review of recorded videos of special education classrooms; requiring a county designated monitoring supervisor; requiring periodic monitoring session reviews; expanding time frame for retention of video recordings; and establishing requirements associated with video reviews"; to the Committee on the Judiciary then Finance.

By Delegate Hornbuckle:

H. B. 4428 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-11, relating to creating the West Virginia Small Business COVID Relief Act to be established under the West Virginia Department of Commerce; providing legislative findings; creating the act and providing qualifications for relief; and providing an effective date"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate Hansen:

H. B. 4429 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-13-9, relating to establishing a penalty for any vehicle to unlawfully park in a parking space that is designated for fueling a vehicle; defining terms; authorizing designation of fueling spaces on private property; allowing localities to create local ordinances for refueling vehicle parking spaces; designated contents of signage; authorizing law-enforcement and local parking personnel to enforce violations on private property within their jurisdictions; and creating penalties for violations"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Storch, Gearheart, Evans, Anderson and Pethtel:

H. B. 4430 - "A Bill to amend and reenact §8-22-16 of the Code of West Virginia, 1931, as amended, relating to providing definitions of 'base salary' and 'overtime and other remuneration' for a policemen's pension fund and firemen's pension and relief fund"; to the Committee on Pensions and Retirement then Finance.

By Delegates Storch, Evans, Anderson, Graves, Bates and Pethtel:

H. B. 4431 - "A Bill to amend and reenact §8-22-18 of the Code of West Virginia, 1931, as amended, relating to including active police officers and firefighters as electors of trustees for certain pension funds"; to the Committee on Pensions and Retirement then Finance.

By Delegates Storch, Evans, Anderson, Graves, Bates and Pethtel:

H. B. 4432 - "A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to modifying police and firemen pension plans for trustees"; to the Committee on Pensions and Retirement then Finance.

By Delegates Storch, Gearheart, Evans, Anderson, Bates and Pethtel:

H. B. 4433 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-25b, relating to providing that the right to benefits are not subject to execution; prohibiting assignments; relating to deductions for group insurance; providing setoffs for fraud; providing an exception for certain domestic relations orders; and providing that assets are exempt from taxes"; to the Committee on Pensions and Retirement then Finance.

By Delegate Young:

H. B. 4434 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, §16-2P-3, §16-2P-4, §16-2P-5, §16-2P-6, §16-2P-7, §16-2P-8, §16-2P-9, §16-2P-10, §16-2P-11, §16-2P-12, §16-2P-13, §16-2P-14, §16-2P-15, §16-2P-16, §16-2P-17, §16-2P-18, §16-2P-19, and §16-2P-20, all relating to establishing the Family and Medical Leave Insurance Benefits Act; defining terms; detailing eligibility requirements; declaring the duration of benefits authorized by the article; noting the amount of benefits; specifying contributions; setting certain requirements and entitlements under the article; protecting against certain adverse action for exercising certain rights under the article; prohibiting retaliation or discrimination under the article; declaring the article to run

concurrently with other leave-related laws; requiring employers to provide certain notice; detailing the process for enforcing the article; addressing erroneous payments and disqualification; permitting self-employed persons to elect coverage with certain requirements; requiring the Insurance Commissioner to establish the Family and Medical Leave Insurance Program; requiring certain disclosures related to federal income tax; creating the Family and Medical Leave Insurance Account Fund; authorizing certain expenditures from the fund and investments of the fund; requiring annual reports to the Legislature; requiring the Insurance Commissioner to implement a public education program; encouraging the Insurance Commissioner to use state data collection and technology to integrate the program with other state policies; authorizing legislative rules by a certain date; and setting an internal effective date"; to the Committee on Banking and Insurance then Finance.

By Delegate Young:

H. B. 4435 - "A Bill to repeal §48-2-103 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-2-106 and §48-2-301, all related to establishing that 18 is the age of consent and removing the ability of an underage person to obtain consent to marry through their parents, legal guardians, or by petition to the circuit court"; to the Committee on the Judiciary.

By Delegate Hornbuckle:

H. B. 4436 - "A Bill to repeal §16A-5-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §5B-11-1, §5B-11-2, §5B-11-3, §5B-11-4, §5B-11-5, §5B-11-6, §5B-11-7, §5B-11-8, §5B-11-9, §5B-11-10, §5B-11-11, §5B-11-12, §5B-11-13, §5B-11-14, §5B-11-15, and §5B-11-16; to amend and reenact §16A-15-4 of said code; and to amend said code by adding thereto a new section, designated §60A-7-709, all relating to decriminalizing cannabis; providing a short title; providing legislative purpose and findings; providing for definitions; permitting the possession of cannabis and cannabis products by adults; permitting production and adult use of cannabis; restricting public smoking of cannabis; prohibiting false identification to obtain cannabis; providing for the unlawful

extraction of cannabis; providing for the lawful operation of a cannabis facility; permitting growing and possession of cannabis by adults; providing procedure for municipalities to enact an ordinance to permit cannabis production and sales; regulating market activity for the production, sales, transfer and transport of cannabis; establishing diversity licensing goals for minority, women, and veteran owned businesses; establishing mechanisms for permitting and licensing production and sales facilities by the Department of Commerce and localities; authorizing the department to promulgate 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; providing for safety warning and inserts on cannabis products; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund to additional funds; creating new funds for excise tax deposits; providing for a portion of tax collected benefit municipal governments where market activity occurs; providing current laws relating to employment, vehicle operation, underage use or private property use preserved; providing for background checks to employ anyone in a cannabis establishment; establishing certain conditions for employees to pass background checks; providing that no medical cannabis provisions are affected; expanding protections to employees relating to employment and the use of medical cannabis; and prohibiting asset forfeiture"; to the Committee on Health and Human Resources then the Judiciary then Finance.

By Delegate Hornbuckle:

H. B. 4437 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated N:\Duplicating\HousePrint\HClerksOffice§25-8-1, §25-8-2, §25-8-3, §25-8-4, §25-8-5, §25-8-6, §25-8-7, §25-8-8, and §25-8-9; all relating to creation of a task force to provide comprehensive reentry transitional services to offenders reentering communities; providing for a short title; providing for legislative findings; providing for membership of the task force; providing for no

compensation to members; providing for staffing requirements; providing for duties of the task force; providing for funding; creating a fund; providing for the disposition of fund moneys; establishing requirements to apply for federal grant funding; requiring a strategic plan for funding; providing for standard reentry services; providing for family-based substance abuse services; providing for educational services; providing for drug treatment and mentoring services; providing for responsible reintegration services; providing for elderly and family reunification services; providing for children of incarcerated parents services; providing for reports to the Legislature; providing a severability clause; and providing for an effective date"; to the Committee on Select Committee on Jails and Prisons then the Judiciary then Finance.

By Delegates Espinosa, Holstein, Barrett, Criss, Westfall, Clark, Householder, Summers and Hardy:

H. B. 4438 - "A Bill to amend and reenact §3-4A-9 of the Code of West Virginia, 1931, as amended, relating to requiring electronic voting systems to be independent and nonnetworked with no component connected to the internet"; to the Committee on the Judiciary.

By Delegates Cooper, Dean, Paynter, Zatezalo and Toney:

H. B. 4439 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-J-6; and to amend and reenact §36-8-13 of said code, all relating generally to creating a special revenue account known as the Military Authority Federal Matching Grant Fund; establishing the account; declaring the purpose of the account; providing that the Adjutant General shall administer the account; authorizing the Adjutant General to invest moneys in the account; setting forth the permissible contents of the account; authorizing the Adjutant General to make certain expenditures from the account; requiring the Adjutant General to deposit federal reimbursement moneys into the account upon receipt; providing that moneys in the account will revert to the Unclaimed Property Fund at the end of each fiscal year; authorizing the unclaimed property administrator to transfer a certain amount from the Unclaimed Property Trust Fund to the

account each fiscal year; and deleted obsolete language"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegate Longanacre:

H. B. 4440 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, and §7-28-4, all relating to requiring local entities to enforce immigration laws; providing for definitions; requiring that a local entity not prohibit the enforcement of immigration laws or the cooperation with other governmental agencies to enforce immigration laws; protecting the taxpayers of West Virginia by ensuring that cities, towns, municipalities and counties in West Virginia are immediately required to contact the United States Immigration and Customs Enforcement to identify where noncitizen residents are residing, so that the matter of their illegal status is resolved in the courts; and prohibiting discrimination while enforcing existing immigration laws and prohibiting sanctuary cities in West Virginia"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Horst, Summers, Riley, Espinosa, Rowan, Maynard, Young, Skaff, Phillips, Dean and Bridges:

H. B. 4441 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-42aa, relating to creating a Class M air rifle stamp; providing for when the stamp is applicable; and providing for when the stamp is required"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Espinosa, Barrett, Holstein, Criss, Clark, Householder and Hardy:

H. B. 4442 - "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 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; granting rulemaking authority to the Supreme Court of Appeals regarding election contests before circuit courts"; to the Committee on the Judiciary.

By Delegate Hornbuckle:

H. B. 4443 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-15-51, relating to prohibiting certain devices which enhance a diesel-powered vehicle's capacity to emit soot, smoke, or other particulate emissions; and creating misdemeanor offense with penalty"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Hornbuckle:

H. B. 4444 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to establishing a pilot program to develop school-based mental and behavioral health services as an alternative to disciplinary action for disruptive student behavior"; to the Committee on Education then Finance.

By Delegate Hornbuckle:

H. B. 4445 - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to modifying the school calendar; setting the school year to 170 days of instruction; establishing limits on the start and end of the school year; and modifying the number and purposes of noninstructional days"; to the Committee on Education.

By Delegate Hornbuckle:

H. B. 4446 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to the establishment of the 'Student Rescue Act;' allowing for students of all grades in West Virginia to be able to attend these courses if they so desire, and if there is enough interest, in order to make up instructional time or educational opportunities lost for a pandemic, natural disaster, or other singular event lasting more than 21 days;

providing for a source of funding; and providing an effective date"; to the Committee on Education then Finance.

By Delegate Hornbuckle:

H. B. 4447 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3-13, relating to establishing the Cultural Competency in Education Act; providing expanded measures relating to teacher certification; and requiring teachers attaining their initial licensure or renewing their license to participate in cultural competency training"; to the Committee on Education.

By Delegate Hornbuckle:

H. B. 4448 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-23-9b, relating to establishing the Commission on American History Enrichment; providing legislative findings relating to evaluating history lessons and materials for history courses that are more inclusive of the history of historic minorities; providing for appointment and membership of the commission; requiring commission to meet and submit reports; and providing for pay and expenses of commission"; to the Committee on Education then Finance.

By Delegates Espinosa, Holstein, Barrett, Criss, Westfall, Clark, Householder and Hardy:

H. B. 4449 - "A Bill to amend and reenact §3-2-6 of the Code of West Virginia, 1931, as amended, relating to clarifying the uniform statewide deadline for electronically submitted voter registration applications"; to the Committee on the Judiciary.

By Delegates Espinosa, Holstein, Barrett, Criss, Westfall, Clark, Householder and Hardy:

H. B. 4450 - "A Bill to repeal §3-2-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-3-1 of said code; and to amend and reenact §17B-2-8 of said code, all relating to removing the $0.50 fee charged and deposited in the Combined Voter Registration and Driver's Licensing Fund for each driver's license issued by the Department of Motor Vehicles, which fees

are no longer necessary for affording voter registration costs"; to the Committee on Finance.

By Delegates Householder and Criss:

H. B. 4451 - "A Bill to amend and reenact §11-6F-6 of the Code of West Virginia, 1931, as amended, all relating to the special method for appraising qualified capital additions to manufacturing facilities, eliminating the requirement that otherwise qualified investment assets be located or installed at or within two miles of a preexisting manufacturing facility, specifying effective date"; to the Committee on Finance.

By Delegate Hornbuckle:

H. B. 4452 - "A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-15-25, all relating to the development and implementation of a program to regulate source-separated organic material waste; requiring permits for the facilities and general operation; providing for general handling of organic material waste; authorizing the secretary to promulgate rules; authorizing the secretary to provide exemptions; and to provide for curb-side pickup of composting"; to the Committee on Health and Human Resources then Government Organization.

By Delegate Longanacre:

H. B. 4453 - "A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to requiring that all percentage salary increases shall be based upon merit and performance and not in equal amounts to all employees; the bill is to be known as the 'Fair Advancements for State Employees Act"; to the Committee on Government Organization then Finance.

By Delegates Reed, Kimes, Nestor, Haynes, Worrell, Mallow, Rowan, Riley, Bates, Jennings and Forsht:

H. B. 4454 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, and §46A-6O-3, all relating to creating a consumers' right to limit the sale and sharing of his or her personal information; establishing a consumers' right to opt-out of any sale or sharing of his or her personal information; creating a consumers'

right of no retaliation following any opt-out or exercise of other rights; and providing for methods of limiting sale, sharing, and use of personal information, as well as any use of sensitive personal information"; to the Committee on the Judiciary.

By Delegates Pritt, Paynter, Foster, Longanacre, Hott, Kimes, D. Jeffries, Steele, G. Ward, Jennings and Bridges:

H. B. 4455 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-37, relating to permitting pharmacists to dispense ivermectin by means of a standing order; creating definitions; providing for guidelines, clarifying the role of the West Virginia Board of Medicine; and providing for an effective date"; to the Committee on Health and Human Resources.

By Delegate Hornbuckle:

H. B. 4456 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4, all relating to creating the Mountaineer Games Sports League; establishing findings; establishing board of directors; creating duties and objectives for the board; establishing league affiliates; creating structure for the divisions; and creating the Mountaineer Games Governor's Cup"; to the Committee on Health and Human Resources then Government Organization.

By Delegates Holstein, Kessinger, Maynor, Haynes, Keaton, Hanna, Sypolt, Linville, Steele, Rohrbach and Graves:

H. B. 4457 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, relating to establishing a tax credit for employers who hire qualified employees in a program of recovery from substance abuse; authorizing tax credit; defining terms; specifying the application process for tax credit; determining the amount of the credit; restricting disclosure of diagnosis and treatment information; establishing maximum allowable credits; and providing that unused credits do not carry over to subsequent years"; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

By Delegate Hornbuckle:

H. B. 4458 - "A Bill to amend the Code of West Virginia,1931, as amended, by adding thereto a new article, designated §16-25A-1, §16-25A-2, and §16-25A-3, all relating to screening for adverse childhood experiences; providing for a definition and setting forth legislative findings; and setting forth terms for mandatory insurance coverage and school coverage"; to the Committee on Banking and Insurance then Finance.

By Delegate Pushkin:

H. B. 4459 - "A Bill to amend and reenact §33-15-1b of the Code of West Virginia, 1931, as amended, relating to allowing alternative health insurance premiums for persons that have not received recommended vaccinations"; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Householder and Criss:

H. B. 4460 - "A Bill to amend and reenact §11-13S-4 and §11-13Y-5 of the Code of West Virginia, 1931, as amended, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions"; to the Committee on Finance.

By Delegates Householder and Criss:

H. B. 4461 - "A Bill to amend and reenact §11-10-27 of the Code of West Virginia, 1931, as amended, relating to the consolidation of all administrative fees collected by the agency into the existing 'Tax Administration Services Fund'; removing the $3 million cap on the fund; providing that excess amounts in this Fund are not converted into the General Fund; consolidating the balances of moneys in various funds collected as fees by, and administered for, the Tax Division of the Department of Revenue reducing the amount of the fee for the state administration of local sales and use taxes; and providing an effective date"; to the Committee on Finance.

By Delegates Storch, Pethtel, Evans, Anderson, Bates and Graves:

H. B. 4462 - "A Bill to amend and reenact §8-22-25a of the Code of West Virginia, 1931, as amended, relating to requiring actuarial reports to be prepared and presented to the Legislature's Joint Committee on Pensions and Retirement regarding active deferred retirement option plans every five years"; to the Committee on Pensions and Retirement then Finance.

By Delegates Crouse, Clark, Steele, Howell, Mazzocchi, Householder and D. Jeffries:

H. B. 4463 - "A Bill to amend and reenact §29-5A-1 and §29-5A-16 of the Code of West Virginia, 1931, as amended, all relating to the compensation the members of the State Athletic Commission may receive during a fiscal year for their attendance and participation in public meetings of the commission; and their work at exhibitions and matches sanctioned by the commission"; to the Committee on Government Organization then Finance.

By Delegates Paynter, Phillips, Cooper and Miller:

H. B. 4464 - "A Bill to amend and reenact §20-2-44b of the Code of West Virginia, 1931, as amended, relating to the bear damage stamp; including additional license classes with which the stamp may be used; specifying when additional stamps are required; and providing limitations when a seasonal bag limit is reached"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Householder and Criss:

H. B. 4465 - "A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, all relating to the tax credit for apprenticeship training; eliminating the requirement that the credit base be limited to wages paid to apprentices in the construction trades, specifying effective date; and making stylistic changes"; to the Committee on Finance.

By Delegates Barnhart, Martin, Ferrell, G. Ward, Wamsley, Statler, J. Kelly, Anderson, Ellington, Smith and Clark:

H. B. 4466 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9D-

4e, relating to seeking contribution of School Building Authority funds to support a local capital improvement bond finance plan; providing for application to the School Building Authority; requiring initial approval prior to conducting bond levy election; requiring conditional language in materials referencing School Building Authority participation; and establishing time limit for project completion"; to the Committee on Education then Finance.

By Delegates Hanshaw (Mr. Speaker), Summers, Toney, Rowan, Cooper, Anderson, Jennings and Queen:

H. B. 4467 - "A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-5 of said code; and to amend said code by adding thereto a new section, designated §18A-5-9, all relating to requiring early childhood classroom assistant teacher in certain grade levels and enrollment levels in said grade levels; and removing outdated provisions; increasing ratios of service personnel per student net enrollment in state basic foundation program; requiring early childhood classroom assistant teachers exercise authority and control over students in certain instances and within certain limits; prohibiting assignment of noninstructional duties to early childhood classroom assistant teacher in excess of contractual requirements unless mutually agreed upon; and requiring in-service training for early childhood classroom assistant teachers on responsibilities and appropriate measures for exercising authority and control over students"; to the Committee on Education then Finance.

By Delegates Doyle, Skaff, Hansen, Barach, Garcia, Diserio, Pushkin, Fleischauer, Evans, Walker and Rowe:

H. B. 4468 - "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 Hardy, Queen, Criss, Barrett, Reed, Hott, Westfall, Kessinger and Haynes:

H. B. 4469 - "A Bill to amend and reenact §31-15A-10 of the Code of West Virginia, 1931, as amended, relating to administration of the Infrastructure Fund; and how assistance from the fund is provided for or the water and wastewater revolving loan programs"; to the Committee on Finance.

By Delegates Householder and Criss:

H. B. 4470 - "A Bill to amend and reenact §11-15-9n of the Code of West Virginia, 1931, as amended, all relating to the consumers sales and service tax and use tax exemption for qualified purchases of computers and computer software, primary material handling equipment, racking and racking systems, and components, building materials and certain tangible personal property to be incorporated into a qualified, new or expanded warehouse or distribution facility; changing threshold jobs creation number from 300 to 50; and making stylistic changes"; to the Committee on Finance.

By Delegates Longanacre, Haynes, Honaker, Cooper, Pritt, Phillips, McGeehan, J. Jeffries, Foster, Mazzocchi and Hanna:

H. B. 4471 - "A Bill to amend and reenact §15A-11-9 of the Code of West Virginia, 1931, as amended, relating to the Save Our

Volunteer Fire Departments Act, requiring the State Fire Commission to review and revise certain rules for training of volunteer fire firefighters and certification of volunteer fire departments; removing provision for a pilot program to implement proposed changes to such requirements; and requiring the State Fire Commission to consider separate standards to fit the character and level of development of a volunteer fire department's designated rum area"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Howell, Householder, Criss, Hamrick, Linville, Hott, Ellington, Smith, Phillips, Rohrbach and Maynor:

H. B. 4472 - "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, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, and §11-13MM-10, all relating to the Distribution Center Tax Credit Act; providing for a short title; providing legislative findings and purpose; creating definitions, including specific definitions for both small and large distribution centers; establishing the Distribution Center tax credit; providing for restrictions on investment; providing for a penalty; providing for disclosure of tax credits; providing for tax credit review and accountability; creating rules; and providing for an effective date"; to the Committee on Finance.

By Delegate Criss:

H. B. 4473 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to authorizing the superintendent of the State Police to offer locality pay to members stationed in certain counties"; to the Committee on Finance.

By Delegate Criss:

H. B. 4474 - "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing the salary for a cadet in training; increasing the salary differentials between the supervisory ranks; and increasing the salary

differentials between the administrative support specialist classifications V through VIII"; to the Committee on Finance.

Special Calendar

Third Reading

S. B. 4, Repealing ban on construction of nuclear power plants; 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. 55)**, and there were—yeas 76, nays 16, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Bridges, Brown, Criss, Dean, Doyle, Evans, Graves, Hansen, Lovejoy, Maynard, Mazzocchi, Paynter, Rowe, Summers, Toney and Walker.

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 4) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

H. B. 2631, Provide for WVDNR officers to be able to work "off duty"; 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. 56)**, 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: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2631) passed.

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

H. B. 2817, Donated Drug Repository Program; 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. 57)**, 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: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2817) passed.

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

H. B. 4048, WV Keep, Bear and Drive with Arms Act; 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. 58)**, and there were—yeas 91, nays 1, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Doyle.

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4048) passed.

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

H. B. 4097, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission; 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. 59)**, 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: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4097) passed.

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

Com. Sub. for H. B. 4257, Require visitation immediately following a procedure in a health care facility; 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. 60)**, 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: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4257) passed.

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

On this question, the yeas and nays were taken **(Roll No. 61)**, 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: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

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. 4257) 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.

Com. Sub. for H. B. 4263, Prohibit the practice of white bagging; 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. 62)**, 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: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4263) passed.

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

H. B. 4299, To prohibit the intentional interference with election processes and creating associated criminal penalties; 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. 63)**, 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: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4299) passed.

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

Com. Sub. for H. B. 4324, To update collaborative pharmacy practice agreements; 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. 64)**, and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4324) passed.

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

On this question, the yeas and nays were taken **(Roll No. 65)**, and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, D. Jeffries and Williams.

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. 4324) takes effect from its passage.

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

Second Reading

S. B. 244, Relating to appointment of judges to Intermediate Court of Appeals; on second reading, coming up in regular order, was read a second time and ordered to third reading.

H. B. 4110, Relating to staffing levels at multi-county vocational centers; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4286, Relating to exempting persons employed as attorneys from the civil service system; on second reading, coming up in regular order, was read a second time.

Delegate Rowe moved to amend the bill on page two, section four, line thirty-five, following the words "as an attorney", by inserting the words "in a policy-making position".

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

The yeas and nays having been ordered, they were taken **(Roll No. 66)**, and there were—yeas 20, nays 73, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Barach, Boggs, Brown, Diserio, Doyle, Evans, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Young and Zukoff.

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, D. Jeffries and Williams.

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

The bill was then ordered to engrossment and third reading.

H. B. 4312, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances; on second reading, coming up in regular order, was read a second time.

Delegates Doyle and Hansen moved to amend the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof, the following:

"**ARTICLE 3. VOTING BY ABSENTEES.**

§3-3-1. Persons eligible to vote absentee ballots.

(a) All registered and other qualified voters of the county may vote an absentee ballot during the period of early voting in person.

(b) ~~Registered~~ All registered voters and other qualified voters in the county are authorized to vote an absentee ballot by mail. ~~in the following circumstances:~~

~~(1) Any voter who is confined to a specific location and prevented from voting in person throughout the period of voting in person because of:~~

~~(A) Disability, illness, injury, or other medical reason;~~

~~(B) Physical disability or immobility due to extreme advanced age; or~~

~~(C) Incarceration or home detention: *Provided*, That the underlying conviction is not for a crime which is a felony or a violation of §3-9-12, §3-9-13, or §3-9-16 of this code involving bribery in an election;~~

~~(2) Any voter who is absent from the county throughout the period and available hours for voting in person because of:~~

~~(A) Personal or business travel;~~

~~(B) Attendance at a college, university, or other place of education or training; or~~

~~(C) Employment which because of hours worked and distance from the county seat make voting in person impossible;~~

~~(3) Any voter absent from the county throughout the period and available hours for voting in person and who is an absent uniformed services voter or overseas voter, as defined by 42 U.S.C. §1973, *et seq*., the Uniformed and Overseas Citizens Absentee Voting Act of 1986, including members of the uniformed services on active duty, members of the merchant marine, spouses and dependents of those members on active duty, and persons who reside outside the United States and are qualified to vote in the last place in which the person was domiciled before leaving the United States;~~

~~(4) Any voter who is required to dwell temporarily outside the county and is absent from the county throughout the time for voting in person because of:~~

~~(A) Serving as an elected or appointed federal or state officer; or~~

~~(B) Serving in any other documented employment assignment of specific duration of four years or less;~~

~~(5) Any voter for whom the designated area for absentee voting within the county courthouse or annex of the courthouse and the voter's assigned polling place are inaccessible because of his or her physical disability; and~~

~~(6) Any voter who is participating in the Address Confidentiality Program as established by §48-28A-103 of this code.~~

(c) Registered voters and other qualified voters in the county are authorized to vote an electronic absentee ballot in the following circumstances:

(1) The voter has a physical disability, as defined in §3-3-1a of this code; or

(2) The voter is absent from the county throughout the period and available hours for voting in person and is an absent uniformed services voter or overseas voter, as defined by 42 U.S.C. §1973, *et seq*., the Uniformed and Overseas Citizens Absentee Voting Act of 1986, including members of the uniformed services on active duty, members of the merchant marine, spouses and dependents of those members on active duty, and persons who reside outside the United States and are qualified to vote in the last place in which the person was domiciled before leaving the United States.

(d) Registered voters and other qualified voters in the county may, in the following circumstances, vote an emergency absentee ballot, subject to the availability of the services as provided in this article:

(1) Any voter who is confined or expects to be confined in a hospital or other duly licensed health care facility within the county of residence or other authorized area, as provided in this article, on the day of the election;

(2) Any voter who resides in a nursing home within the county of residence and would be otherwise unable to vote in person, providing the county commission has authorized the services if the voter has resided in the nursing home for a period of less than 30 days;

(3) Any voter who becomes confined, on or after the seventh day preceding an election, to a specific location within the county because of illness, injury, physical disability, immobility due to advanced age, or another medical reason; *Provided*, That the county clerk may require a written confirmation by a licensed physician, physician's assistant, or advanced practice registered nurse that the voter meets the criteria of this subdivision before permitting such voter to vote an emergency absentee ballot; and

(4) Any voter who is working as a replacement poll worker and is assigned to a precinct out of his or her voting district, if the assignment was made after the period for voting an absentee ballot in person has expired."

On the question of the adoption of the amendment, the yeas and nays were taken **(Roll No. 67)**, and there were—yeas 6, nays 87, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Doyle, Evans, Hansen, Pushkin, Rowe and Walker.

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, D. Jeffries and Williams.

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4333, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4360, Relating to WV Invests community service requirements; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Booth, Clark, Cooper, Fleischauer, Hardy, D. Jeffries and Williams.

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following in the Appendix to the Journal:

- Delegate Espinosa regarding H. B. 4024 on January 28, 2022

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 4041: Delegates Mandt and Zukoff;

H. B. 4425: Delegate Pack;

H. B. 4473: Delegate Barrett;

And,

H. B. 4474: Delegate Barrett.

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

H. B. 4064: Delegate Smith;

And,

H. B. 4346: Delegate Smith.

At 12:41 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 1, 2022.

Tuesday, February 1, 2022

TWENTY-FIRST DAY

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

The House of Delegates met at 11:00 a.m., and 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 Monday, January 31, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4064, Allowing antique car license plates for cars over 10,000lbs,

And,

H. B. 4082, Require State Police to provide multiple sets of licenses,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4064 and H. B. 4082) were each referred to the Committee on Government Organization.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4116, Authorizing the Office of Technology to promulgate a legislative rule relating to Chief Information Officer Review,

And,

H. B. 4117, Authorizing the Office of Technology to promulgate a legislative rule relating to Cyber Reporting,

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. 4116 and H. B. 4117) were each 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. 4391, Relating generally to school nurses,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4391) was referred to the Committee on Finance.

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. 3043, Relating to transport of persons accused of being mentally ill to mental health relating hearings,

H. B. 4296, To revise outdated provisions within Chapter 23 of the West Virginia Code, which pertains to workers' compensation,

S. B. 435, Awarding service weapon to retiree from Division of Protective Services,

Com. Sub. for S. B. 437, Providing for early discharge of parolees,

And,

Com. Sub. for S. B. 449, Relating to Nonviolent Offense Parole Program,

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

Pursuant to House Rule 80, the Speaker referred H. B. 3043 to the Committee on Finance.

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. 4003, Relating generally to commercial benefit of substances removed from waters of the state by the treatment of mine drainage,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4003 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-2-10, relating generally to the ownership and commercial benefit of substances removed from waters of the state by the treatment of mine drainage; restating public policies concerning the maintenance of reasonable standards of purity and quality of the waters of the state consistent with public health and the protection of all forms of life; providing for legislative findings,

intent, and purpose, including that treatment of mine drainage reduces environmental harm by reducing toxic substances and pollution in the waters of the state, that such treatment may produce valuable concentrations of materials which may be utilized for commercial gain, and that said materials are part of the water; stating the legislative intent of fulling the state's obligations to maintain reasonable standards of purity and quality of the waters of the state by encouraging investments into the treatment of mine drainage; providing that all chemical compounds, elements, and other potentially toxic materials found within the waters of this state and derived from the treatment of mine drainage which have economic value may be used, sold, or transferred by the Department of Environmental Protection or its designee for commercial gain and benefit; providing that all funds received by said department shall be deposited and used at the discretion of the secretary into already established environmental funds; providing that all chemical compounds, elements, and other potentially toxic materials found within the waters of this state and derived from the treatment of mine drainage which have economic value may be used, sold, or transferred by any party who successfully removes the same from the waters of this state for commercial gain and benefit; and providing a severability clause,"

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 151 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue special vehicle registration plates recognizing the occupation of linemen; and establishing fees for the special vehicle registration plate"; which was referred to the Committee on Technology and Infrastructure then Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 192 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue special Civil Air Patrol vehicle registration plates; and establishing fees for the special vehicle registration plate"; which was referred to the Committee on Technology and Infrastructure then Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 261 - "A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to requiring video cameras in certain special education classrooms; allowing school principal to designate another school administrator to be the custodian of the video camera, all recordings of the camera, and access to those recordings; modifying provisions pertaining to the amount of time a video is required to be retained; removing requirement to delete or otherwise make unretrievable after a certain time period; clarifying that the principal or other designated school administration is not required to view the video recording absent an authorized request or suspicion of an incident except as otherwise provided; removing prohibition against allowing regular, continuous, or continual monitoring of video recording; allowing the school principal, other school administration designee, or in certain instances, a county designee to view a video recording; requiring no less than 15 minutes of the video of each self-contained classroom to be viewed at no less than every 90 days; modifying provisions pertaining to the viewing of a video recording by a law-enforcement officer or the Department of Health and Human Resources; requiring a public school or school district to allow a judge, counsel, or other legal entity to view a

video recording in certain instances; requiring certain incidents to be reported pursuant to code section mandating reporting of suspected child abuse and neglect; and providing that cameras in special education classrooms section only applies to cameras installed pursuant to that section"; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 279 - "A Bill to amend and reenact §64-3-1 et. seq. of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the requirements for the management of coal combustion residuals; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the requirements governing water quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the underground injection control rule; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to administrative proceedings and civil penalty assessment"; 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. 441 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-8a, relating to correctional institutions and juvenile facilities generally; deeming certain video and audio recordings records and reports to be confidential; creating exceptions to confidentiality; requiring court orders directly disclosure to contain a provision limiting disclosure to the purposes necessary to the proceeding and prohibiting unauthorized use and publication; and defining terms"; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Nestor, Hott, Pritt, Kimes, Rohrbach, D. Jeffries, Conley, Ferrell, Jennings and J. Jeffries offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 39 - "Requesting the Division of Highways name the bridge bearing Identification Number 42-219/86-003.18 (42A228), located in Randolph County, West Virginia, carrying County Route 219 over Stalnaker Run, Latitude 38.988821, Longitude -79.83132, locally known as Stalnaker Run Bridge, the 'PFC Donald L. Stuckey Memorial Bridge'."

Whereas, Donald L. Stuckey, was born in Elkins, Randolph County, West Virginia, on August 13, 1931, and enlisted in the United States Army following high school; and

Whereas, Private First Class Donald L. Stuckey served as a Light Weapons Infantryman with the U.S. Army's 27th Infantry regiment, 25th Infantry Division, during the Korean War; and

Whereas, PFC Donald L. Stuckey served at the Battle of Chosin Reservoir, also known as the Chosin Reservoir Campaign, which was a decisive battle during the Korean War. On November

27, 1950, the Chinese Army surprised United Nations Forces at the Chosin Reservoir, resulting in a brutal 17-day battle in freezing weather and rough terrain; and

Whereas, between November 27, 1950, and December 13, 1950, 30,000 United Nations troops were encircled and attacked by approximately 120,000 Chinese troops under devastating conditions, which led to 17,000 UN Forces being killed, wounded, or missing in action; and

Whereas, PFC Donald L Stuckey suffered traumatic injuries during the battle and died of his wounds on November 27, 1950, at the age of 19. He is remembered at the Korean War Veterans Memorial in Washington, D.C., and is buried at Little Arlington Cemetery in Elkins, West Virginia; and

Whereas, For his bravery and sacrifice, PFC Donald L. Stuckey was awarded a Purple Heart, Combat Infantryman Badge, Marksmanship Badge, Korean Service Medal, National Defense Service Medal, Republic of Korea Presidential Citation, Republic of Korea War Service Medal, and United Nations Service Medal; and

Whereas, It is fitting that an enduring memorial be established to commemorate the contributions of PFC Donald L. Stuckey to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name the bridge bearing Identification Number 42-219/86-003.18 (42A228), located in Randolph County, West Virginia, carrying County Route 219 over Stalnaker Run, Latitude 38.988821, Longitude -79.83132, locally known as Stalnaker Run Bridge, the "PFC Donald L. Stuckey Memorial Bridge"; and, be it:

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "PFC Donald L. Stuckey Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Linville offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 40 - "Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the 'USMC Cpl Guy Maywood Edwards Memorial Bridge'."

Whereas, United States Marine Corps Corporal Guy Maywood Edwards was born on September 13, 1918, in Myra, West Virginia, to Hiram Otho Edwards and Elmyra Elizabeth Porter Edwards; and

Whereas, Corporal Edwards graduated from Hamlin High School, and enlisted in the Marines during the winter of 1942; and

Whereas, Corporal Edwards was serving with the Fourth Division of the Marines and, despite having been wounded in October 1944 on Saipan in the Marina Islands, landed on Iwo Jima on February 20, 1945, ready for duty. Corporal Edwards was killed in action six days later on February 26, 1945; and

Whereas, Corporal Edwards' brother PFC Donald Edwards was also serving in the Fourth Marine Division on Iwo Jima and was wounded on February 28, 1945; and

Whereas, It is right and just to honor the memory of United States Marine Corps Corporal Guy Maywood Edwards, who so ably served his country and state, and having made the ultimate sacrifice, by naming this bridge after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over

Mud River in Lincoln County, the "USMC Cpl Guy Maywood Edwards Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "USMC Cpl Guy Maywood Edwards Memorial Bridge*"*; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Haynes offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 41 - "Requesting the Division of Highways name a road in Oak Hill, Fayette County, West Virginia beginning at coordinates (37.9483168, -81.1642034), (38.94030, -80.42246) and Roending at coordinates (37.9518730, -81.1646419), locally known Scarbro Road, as the 'Benton E. "Benny" Conner Memorial Road'."

Whereas, Benton E. Conner was born on November 6, 1945, in Oswald, West Virginia to mother, Bethel Shrout Conner and to father, the late Arthur Conner; and

Whereas, Benton E. Conner was a boss in the strip mines where he guided miners and workers on a daily basis; and

Whereas, Benton E. Conner attended the Harvey Methodist Church faithfully; and

Whereas, Benton E. Conner was a United States Army Veteran who fought bravely in the Vietnam War; and

Whereas, Sadly, Benton E. Conner passed away on July 18, 2019, at the age of 73 at the VA Medical Center in Beckley, West Virginia; and

Whereas, For these reasons it is fitting and proper that the road be named in honor of Benton E. Conner; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is requested to name a road in Oak Hill, Fayette County, West Virginia beginning at coordinates (37.9483168, -81.1642034), (38.94030, -80.42246) and ending at coordinates (37.9518730, -81.1646419), locally known Scarbro Road, as the "Benton E. 'Benny' Conner Memorial Road."; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the road containing bold and prominent letters proclaiming the stretch of road as the "Benton E. 'Benny' Conner Memorial Road."; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

Delegates Walker, Zukoff, Evans, Barach, Griffith, Young, Garcia, Diserio, Hansen and Pushkin

H. J. R. 105 - "Proposing an amendment to the Constitution of the State of West Virginia, by adding section twenty-three, article three thereof, relating to the Bill of Rights; providing for the right to food, food sovereignty and freedom from hunger; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Health and Human Resources then the Judiciary.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Pritt, Smith, Tully, Longanacre, G. Ward, Maynor, Crouse, Clark, Horst and Hanna:

H. B. 4011 - "A Bill to amend and reenact §18-5G-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to prohibiting anti-stereotyping in state public schools and public charter schools; establishing The Anti-Stereotyping Act; providing that training, instructional or curricula materials be displayed on the public school, county board or public charter school website provided that reproduction does not infringe copyrights; providing that county boards, public schools, public charter schools, and employees thereof, shall not, in the course or scope of employment, promote, embrace, or endorse stereotypes; ensuring that the county board, public school or charter school does not require or compel a student, teacher, administrator, or other employee to affirm, adopt, or adhere to any certain beliefs or concepts and preserving free speech protections"; to the Committee on Education then the Judiciary.

By Delegates D. Jeffries, Foster and Steele:

H. B. 4016 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44; to amend said code by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, and §18-2L-5; to amend said code by adding thereto a new section, designated §18-5-50; to amend and reenact §18-5G-3 of said code; to amend and reenact §18-5G-6 of said code; and to amend and reenact §18A-2-8 of said code, all relating to creating the Anti-Racism, Anti-Sexism, and Prevention of Political-Economic Bias in School Curriculum and Pedagogy Act of 2022; prohibiting curricula, pedagogy, and employee training that is racist, sexist, biologically and/or genetically counter-factual, or presents biased and/or historically inaccurate information concerning political-economic systems in state public schools and public charter schools; providing findings; defining terms; specifying controlling law to resolve conflicts with other provisions; identifying prohibited content; providing for curricula transparency; requiring cancellation, modification or reformation of existing inconsistent contractual provisions; requiring county boards ensure their employees comply with the

act; authorizing a county board to dismiss an employee for violation of the act; providing that a public charter school authorizer require charter schools and their employees comply with the act; providing that violations of the act by a charter school or its employee may be grounds for suspension and/or revocation of a charter school contract; and establishing an effective date"; to the Committee on Education then the Judiciary.

By Delegate Keaton:

H. B. 4475 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-20b, relating to the reallocation of certain severance tax proceeds to the State Road Fund, rather than the General Revenue Fund; providing for a three-year fiscal year phase-in date; and providing exceptions for counties and municipalities who receive severance tax proceeds that are not otherwise intended for the General Revenue Fund"; to the Committee on Finance.

By Delegate Keaton:

H. B. 4476 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-15A-25, relating to the reallocation of all Business and Occupation tax revenue, unless otherwise allocated, to a special revenue fund of the Infrastructure and Jobs Development Council; and providing for a three-year fiscal year phase-in date"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate Graves:

H. B. 4477 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-56, relating to establishing a class of employees within the West Virginia Public Employees Retirement System consisting of 911 staff; and providing for lower retirement age and increased pension payments"; to the Committee on Pensions and Retirement then Finance.

By Delegates Householder and Criss:

H. B. 4478 - "A Bill to amend and reenact §31G-1-3 of the Code of West Virginia, 1931, as amended, relating to transferring the Broadband Enhancement Council from the Department of

Commerce to the Department of Economic Development; removing the Secretary of Commerce from the Broadband Enhancement Council; designating the Secretary of the Department of Economic Development as a voting member; and removing archaic language"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Dean, Evans, Mazzocchi, Haynes, Holstein, Paynter, Zukoff, Brown, Reynolds, Bridges and Hansen:

H. B. 4479 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, and §5B-2K-6, all relating to establishing the Coalfield Communities Grant Facilitation Commission; providing legislative findings; establishing the Commission and providing for its membership and duties; providing for commission assistance from the Economic Development Authority and certain institutions of higher education; authoring the Commission to provide the local match portion for local public and private entities applying for grants from federal, state and private sources; providing what constitutes a public purpose for eligibility for grant match; establishing a special revenue account; directing the creation of a special subcommittee of the Commission comprised of state institutions of higher education to assist the Commission and grant applicants training and other technical expertise as directed by the Commission; and providing for annual electronic reports to the Legislature's Joint Committee on Government and Finance"; to the Committee on Select Committee on Coalfield Communities then Finance.

By Delegates Anderson, J. Kelly, Graves, Wamsley, Hansen and Young:

H. B. 4480 - "A Bill to amend and reenact §22-5-2 and §22-5-4 of the Code of West Virginia, 1931, as amended, all relating to air pollution control, and granting to the West Virginia Department of Environmental Protection Division of Air Quality the authority to invest the money held in the Air Pollution Control Fund (Fund #3336) and the Air Pollution Education and Environment Fund (Fund #3024) in order to receive interest on the funds held in those accounts in order to offset decreasing permit fee collections and to preserve funding for the West Virginia Department of

Environmental Protection Division of Air Quality"; to the Committee on Energy and Manufacturing then Finance.

By Delegates Anderson, J. Kelly, Hott, Mandt, Young and Keaton:

H. B. 4481 - "A Bill to amend and reenact §22-15A-3a of the Code of West Virginia, 1931, as amended, relating to the Adopt-A-Stream program; requiring volunteers aged 17 or under be accompanied by adult; allowing department to approve or deny applications at its discretion; lengthening period of adoptions from one to three years; and requiring one cleanup of river prior to road signs being erected"; to the Committee on Government Organization.

By Delegates Anderson and Young:

H. B. 4482 - "A Bill to amend and reenact §22-1-15 of the Code of West Virginia, 1931, as amended, relating to removing the statutory limit of $300,000 for the Environmental Laboratory Certification Fund"; to the Committee on Government Organization.

By Delegates Anderson, J. Kelly, Graves, Ferrell, Holstein, Wamsley, Mandt, Clark, Hott and Zatezalo:

H. B. 4483 - "A Bill to amend and reenact §11-1C-2 of the Code of West Virginia, 1931, as amended, to amend said code by adding thereto a new section, designated §11-12-4b; to amend said code by adding thereto a new article, designated §11-12E-1, §11-12E-2, §11-12E-3, and §11-12E-4; and to amend said code by adding thereto a new section, designated §36-4-20; all relating to real property, tax and registration requirements associated with carbon offset agreements; defining terms; requiring parties to current and new carbon offset agreements to register with the State Tax Department for tax years beginning on and after January 1, 2022, and retroactive to such date; requiring reports by Division of Forestry; authorizing disclosure of information by Tax Commissioner to Division of Forestry; imposing excise tax on receipts derived from carbon offset agreements; setting forth reporting requirements; providing an effective date of January 1, 2022, and with retroactive effect to such date; defining 'managed timberland' to exclude timberland that is subject to a carbon offset

agreement; specifying application of West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; authorizing promulgation of rules; providing legislative findings and declarations; providing that any covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document, which is executed or recorded after the effective date, which effectively prohibits or restricts the development of land and the harvesting of timber from forests for the purposes of forest carbon capture, carbon offset, and carbon sequestration is void and unenforceable, unless said covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document is for a maximum term of 30 years; and providing that options to renew or continue such arrangements beyond the maximum term of 30 years shall be valid only if the consideration is required to be renegotiated to exercise the option"; to the Committee on Energy and Manufacturing then Finance.

By Delegates Householder, Gearheart, Storch, Rowan, Riley, Espinosa, Criss, Williams, Rowe, Graves and Ellington:

H. B. 4484 - "A Bill recognizing and declaring certain claims against agencies of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof"; to the Committee on Finance.

By Delegate Hornbuckle:

H. B. 4485 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §16-5A-6; to amend said code by adding thereto a new section, designated §33-15-4x; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section, designated §33-16-3pp; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to

insurance coverage for breast cancer screening"; to the Committee on Banking and Insurance then Finance.

By Delegates Dean, Cooper and Miller:

H. B. 4486 - "A Bill to amend and reenact §20-2-60 of the Code of West Virginia, 1931, as amended, relating to required attire for deer hunters hunting with a muzzleloader; creating misdemeanor offense for violation; and penalty"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Mallow, Mandt, Haynes, Reed, Forsht, Conley, Honaker, Miller, Barnhart and Nestor:

H. B. 4487 - "A Bill to amend and reenact §30-42-10 of the Code of West Virginia, 1931, as amended, relating to requiring a written contract between a licensed contractor and owner or lessee of residential property and information to be contained in the written contract"; to the Committee on the Judiciary.

By Delegates Anderson, J. Kelly, Hansen and Young:

H. B. 4488 - "A Bill to amend and reenact §22-11-10 of the Code of West Virginia, 1931, as amended, relating to coal mining, and changing fees for permitting actions"; to the Committee on Energy and Manufacturing then Finance.

By Delegates Linville, Hornbuckle and Lovejoy:

H. B. 4489 - "A Bill to amend and reenact §18A-2-7a of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education report certain information to the Statewide Job Bank"; to the Committee on Education.

By Delegate Bates:

H. B. 4490 - "A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to extending the expiration date of the freeze of the per diem rate to July 1, 2024; and clarifying that the per diem cost for incarcerated inmates in a regional jail is calculated annually and from the previous three fiscal years of actual costs"; to the Committee on Select Committee on Jails and Prisons then Finance.

By Delegates Anderson, J. Kelly, Ferrell, Hansen, Wamsley, Holstein, Clark, Hott and Young:

H. B. 4491 - "A Bill to amend and reenact §22-11A-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §22-11B-1, §22-11B-2, §22-11B-3, §22-11B-4, §22-11B-5, §22-11B-6, §22-11B-7, §22-11B-8, §22-11B-9, §22-11B-10, §22-11B-11, §22-11B-12, §22-11B-13, §22-11B-14, §22-11B-15, §22-11B-16, §22-11B-17, §22-11B-18, and §22-11B-19, all relating to regulating the drilling of injection wells for, and the operation and completion of, underground carbon dioxide storage sites; declaring legislative purpose; defining terms; specifying scope of former program; establishing requirement for permit; providing option for holders of pre-existing permits to pursue permit modifications under prior or new law; specifying application requirements and fees; clarifying that these provisions apply only to underground carbon dioxide sequestration operations and facilities; directing the proposal of legislative rules for permit applications, providing for public notice, participation, and permit hearings; authorizing the proposal of legislative rules for additional purposes to implement this act; authorizing additional conditions in permits and orders; preserving other existing powers of the secretary; preserving rights of existing mineral owners and authorizing cooperative agreements among owners and operators; declaring that carbon dioxide injected into an underground storage facility is not a pollutant; requiring permit holders to provide and update identification and contact information for a local agent; affirming exclusion of enhanced oil, natural gas, or coalbed methane recovery projects using carbon dioxide injection from requirement of underground carbon dioxide storage permit; specifying requirements for completion of an underground carbon dioxide storage project; directing transfer of ownership to surface owners upon completion of project; providing for liability to transfer to the state; establishing state responsibility for maintenance and monitoring after project completion; establishing the Carbon Dioxide Storage Facility Administrative Fund and the Carbon Dioxide Storage Facility Trust Fund as special revenue accounts and describing the authorized purposes and uses of fund moneys; providing a process for completion of underground carbon dioxide storage projects;

requiring annual fees for underground storage or carbon dioxide and a fee to apply for a project completion certificate; providing for cooperative agreements between the Department of Environmental Protection and other government entities for enforcement and regulatory activities; limiting state liability; authorizing the Secretary of the Department of Environmental Protection to make determinations of the amount of carbon dioxide able to be sequestered at a location and to assess fees for that determination; specifying local filing requirements; defining ownership of pore space formations; authorizing entry onto lands to conduct seismic surveys; requiring permit applicants and storage facility operators to identify and obtain consent from potential pore space owners; providing for pooling of interests if the storage operator does not obtain consent of pore space owners for the construction and operation of a storage facility; providing for hearings to establish interests of pore space owners in ownership pools; and providing for assessment of hearing costs"; to the Committee on Energy and Manufacturing then the Judiciary.

Special Calendar

Third Reading

S. B. 244, Relating to appointment of judges to Intermediate Court of Appeals; 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. 68)**, and there were—yeas 86, nays 3, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Martin, Paynter and Young.

Absent and Not Voting: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 244) passed.

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

On this question, the yeas and nays were taken **(Roll No. 69)**, and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 244) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

H. B. 4110, Relating to staffing levels at multi-county vocational centers; 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. 70)**, and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4110) passed.

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

H. B. 4286, Relating to exempting persons employed as attorneys from the civil service system; 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. 71)**, and there were—yeas 72, nays 17, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Barach, Brown, Diserio, Doyle, Evans, Fluharty, Garcia, Hansen, Hornbuckle, Lovejoy, Pushkin, Rowe, Skaff, Thompson, Walker, Young and Zukoff.

Absent and Not Voting: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4286) passed.

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

H. B. 4312, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances; 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. 72)**, and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4312) passed.

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

Com. Sub. for H. B. 4333, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters; 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. 73)**, and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4333) passed.

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

Com. Sub. for H. B. 4360, Relating to WV Invests Grant Program community service requirements; 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. 74)**, and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4360) passed.

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

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. 4111, Relating to the prescriptive authority of advance practice registered nurses,

And,

Com. Sub. for H. B. 4311, Creating criminal penalties for illegal voting activity.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams 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. 3043: Delegate Brown;

H. B. 4041: Delegate Kimble;

H. B. 4084: Delegate Evans;

And,

H. B. 4421: Delegate Storch (also made Lead Sponsor).

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. 4464: Delegate Paynter.

At 11:34 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 2, 2022.

Wednesday, February 2, 2022

TWENTY-SECOND DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, February 1, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 4084, Relating to advanced recycling,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4084 - "A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended, relating to advanced recycling of solid waste under the Solid Waste Management Act; adding definitions of advanced recycling, advanced recycling facility, catalytic cracking, depolymerization, gasification, hydrogenation, post-use polymer, pyrolysis, recovered feedstock, and solvolysis; amending the definition of solid waste to except out post-use polymers and recovered feedstocks which are converted or held for conversion at an advanced recycling facility; amending the definition of solid waste facility to except out advanced recycling facilities; and facilitating

the conversion and use of plastics and other recovered materials through advanced recycling processes,"

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. 4411, Relating to the imposition of the minimum severance tax on coal,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4411) was referred to the Committee on Finance.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

S. B. 9, Providing continued eligibility for developmental disability services to dependents of military members,

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

In accordance with the former direction of the Speaker, the bill (S. B. 9) was referred to the Committee on Health and Human Resources.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 4295, To transfer the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management,

And,

H. B. 4390, Establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4295 and H. B. 4390) were each referred to the Committee on Government Organization.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2733, Relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates,

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. 2733) was referred to the Committee on Government Organization.

Delegate Rohrbach, 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. 4127, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Hospital Licensure,

And,

H. B. 4136, Authorizing the Health Care Authority to promulgate a legislative rule relating to Certificate of Need,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, 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. 4127 and H. B. 4136) were each referred to the Committee on the Judiciary.

Delegate Rohrbach, 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. 4126, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Methods and Standards for Chemical Tests for Intoxication,

H. B. 4128, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Childhood Lead Screening,

H. B. 4129, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Food Manufacturing Facilities,

H. B. 4130, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Sewage Treatment and Collection System Design Standards,

H. B. 4131, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Emergency Medical Services,

H. B. 4132, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Clinical Laboratory Practitioner Licensure and Certification,

H. B. 4133, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Clandestine Drug Laboratory Remediation,

H. B. 4134, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Maternal Risk Screening,

H. B. 4135, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Expedited Partner Therapy,

H. B. 4137, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Medication-Assisted Treatment - Opioid Treatment Programs,

H. B. 4138, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Syringe Services Program Licensure,

H. B. 4139, Authorizing DHHR and Insurance Commission to promulgate a legislative rule relating to All Payer Claims Database - Data Submission Requirements,

And,

H. B. 4140, Authorizing DHHR and Insurance Commission to promulgate a legislative rule relating to All-Payer Claims Database Program's Privacy and Security Rule,

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. 4126, H. B. 4128, H. B. 4129, H. B. 4130, H. B. 4131, H. B. 4132, H. B. 4133, H. B. 4134, H. B. 4135, H. B. 4137, H. B. 4138, H. B. 4139 and H. B. 4140) were each referred to the Committee on the Judiciary.

Delegate Rohrbach, 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. 4369, Update the telepsychology compact,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4369 – "A Bill to amend and reenact §30-21A-3 of the Code of West Virginia, 1931, as amended, relating to updating the telepsychology compact,"

With the recommendation that the committee substitute do pass.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 4426, Repeal article 33-25G-1 *et seq.* creating provider sponsored networks,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 4426) was referred to the Committee on Health and Human Resources.

Reports of Select Committees

On motion for leave, a bill was introduced (Originating in the Select Committee on Jails and Prisons and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates D. Kelly, Hott, Garcia, Lovejoy, Barrett, Bates, Boggs, Fast, Nestor, Pinson and B. Ward:

H. B. 4424 - "A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to the definition of operations of jail functions; and clarifying that upon appropriation of funds by the Legislature as part of the state budget, the per diem costs for incarcerating inmates may not include salaries of employees in a regional jail facility."

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

Com. Sub. for S. B. 5 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18; to amend said code by adding thereto a new section, designated §5B-2-18a; to amend and reenact §17-2A-19a of said code; and to amend and reenact §61-16-2 of said code, all relating generally to unmanned aircraft systems; establishing the West Virginia Unmanned Aircraft Systems Advisory Council; requiring all operators of unmanned aircraft systems to comply with Federal Aviation Administration regulations; recognizing ownership of certain airspace above lands and waters of the state; clarifying the ability of the state Division of Highways to sell unused airspace to multiple bidders; clarifying the ability of a county or municipality to lease space above a public road under its

control; and including private business owners and industrial facilities as entities protected by criminal statute relating to prohibited uses of unmanned aircraft systems"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 439 - "A Bill to amend and reenact §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-19, and §30-39-21 of the Code of West Virginia, 1931, as amended, all relating to adopting the Revised Uniform Athlete Agents Act of 2015; modifying short title; defining terms; granting legislative rule-making authority to the Secretary of State; establishing seven-day limit on athlete agent to register; requiring additional information from applicant in registration process; eliminating language making applications or renewals for athlete agent registration public records; providing for reciprocal registration; updating required contents of reciprocal registration application; requiring Secretary of State issue reciprocal license if certain criteria satisfied; requiring Secretary of State cooperate with certain national organizations; allowing the Secretary of State to consider whether the athlete agent has pled guilty in decision to issue registration; providing requirements for reciprocal renewals of registration; providing Secretary of State authority to suspend or revoke registration for same reasons as would justify refusal to issue certificate of registration; permitting applicant to appeal adverse decision of Secretary of State; authorizing Secretary of State promulgate procedural rules to implement appeal procedures; increasing fees for initial license and renewal; adding required contract terms; requiring certain notices by athlete agent to educational institutions; requiring educational institution notify Secretary of State and others if it becomes aware of violation of article by athlete agent; allowing parent and guardian of student athlete ability to cancel contract; requiring athlete agent to create certain records; expanding scope of what

constitutes prohibited conduct under the act; expanding scope of who might engage in prohibited conduct under the act; expanding scope of who can be charged with a criminal violation of the act; enabling student athletes to bring civil action for act or omission of athlete agent; expanding scope of damages that may be available in civil action; making a civil violation an unfair trade practice under West Virginia law; establishing relation to the Electronic Signatures in Global and National Commerce Act; and modifying effective date"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 440 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-20-1, §55-20-2, §55-20-3, §55-20-4, §55-20-5, §55-20-6, §55-20-7, §55-20-8, §55-20-9, §55-20-10, §55-20-11, §55-20-12, §55-20-13, §55-20-14, §55-20-15, §55-20-16, §55-20-17, §55-20-18, §55-20-19, §55-20-20, §55-20-21, §55-20-22, §55-20-23, §55-20-24, §55-20-25, §55-20-26, §55-20-27, and §55-20-28, all relating to establishing uniform requirements and authority for a receiver appointed by a court for management of commercial real estate during certain matters pending before the court; providing a short title; providing definitions; providing for notice and an opportunity for a hearing; providing for scope and exclusions; establishing the power of court; providing for the appointment of receiver; providing for the disqualification from appointment as receiver and disclosure of interest; providing for bond and alternative security; providing for the status of receiver as lien creditor; creating a security agreement covering after-acquired property; providing for the collection and turnover of receivership property; creating the powers and duties of receiver; creating the duties of owner; creating a stay of other actions and injunction; providing for engagement and compensation of professional; providing for the use or transfer of receivership property not in ordinary course of business; creating an executory contract; providing defenses and

immunities of receiver; providing for an interim report of receiver; creating notice of appointment, claim against receivership, and distribution to creditors; providing fees and expenses; creating the removal of receiver, replacement, and termination of receivership; creating the final report of receiver and discharge; creating receivership in another state and ancillary reporting; providing an effect of enforcement by mortgagee; creating uniformity of application and construction; and providing for transition"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 450 - "A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 451 - "A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 452 - "A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-20-1, §55-20-2, §55-20-3, §55-20-4, §55-20-5,

§55-20-6, §55-20-7, §55-20-8, §55-20-9, and §55-20-10, all relating to permitting civil remedies for the unauthorized disclosure of intimate images; providing for a short title; defining terms; providing for a civil action; providing exceptions to liability; providing for plaintiff's privacy; providing for remedies; creating a statute of limitations; providing for construction; providing for uniformity of application and construction; and addressing effective date"; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Resolutions were introduced, pursuant to House Rule 109, and severally referred as follows:

Delegates Smith, Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Bridges, Brown, Burkhammer, Capito, Clark, Conley, Cooper, Criss, Crouse, Dean, Diserio, Doyle, Ellington, Espinosa, Evans, Fast, Ferrell, Fleischauer, Fluharty, Forsht, Foster, Garcia, Gearheart, Graves, Griffith, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Haynes, Holstein, Honaker, Hornbuckle, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Lovejoy, Mallow, Mandt, Martin, Maynard, Maynor, Mazzocchi, McGeehan, Miller, Nestor, Pack, Paynter, Pethtel, Phillips, Pinson, Pritt, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Statler, Steele, Storch, Summers, Sypolt, Thompson, Toney, Tully, Walker, Wamsley, B. Ward, G. Ward, Westfall, Williams, Worrell, Young, Zatezalo and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 11 – "Urging members of the United States Congress to enact federal legislation designating May 4 as Firefighters Day."

Whereas, There are over 400 separate fire departments in the State of West Virginia; and

Whereas, There are over 10,300 certified firefighters in the State of West Virginia, protecting the lives and homes of West Virginians on a moment's notice every day; and

Whereas, Our firefighters expose themselves to physical risks, including long-term health risks; and

Whereas, On average every year one of these brave men and women dies in the line of duty; and

Whereas, In addition to their firefighting duties, our firefighters also provide emergency medical services, hazardous materials response, special rescue response, terrorism response, and life safety education; and

Whereas, Such dedication and devotion deserve a day of recognition from the community as a whole; therefore, be it

Resolved by the House of Delegates:

That the House hereby designates May 4 as Firefighters Day; and, be it

Further Resolved, That the Clerk of the House is hereby directed to forward a copy of this resolution to the members of the West Virginia Congressional delegation*;* and, be it

Further Resolved, That the members of the West Virginia Congressional delegation are urged to enact federal legislation designating May 4 as Firefighters Day.

Delegates Hamrick, Ferrell, Haynes, Horst, Howell, Kessinger, Linville, Longanacre, Maynard, Maynor and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

H. C. R. 42 - "Urging U.S. universities to relocate Chinese language programs from mainland China to Taiwan."

Whereas, Students benefit enormously from overseas educational programs that promote cultural and language learning

and these benefits are typically realized by the students' home countries; and

Whereas, The People's Republic of China (PRC) is an American top-three trading partner and is a global economic and strategic power; and

Whereas, English language education is compulsory for students in the PRC while comparatively few U.S. students study Chinese languages either domestically or overseas; and

Whereas, Many U.S. institutions of higher education have foreign language and culture programs in the PRC, however the number of U.S. students studying Chinese languages in China has declined steadily since 2011; and

Whereas, Taiwan has developed the educational infrastructure to accommodate and enlarge foreign exchange programs including the Ministry of Education's (MOE) establishment of the Huayu Enrichment Scholarship and the Taiwan Scholarship Program in 2004 to encourage foreign students to study Mandarin or pursue their degree studies; and

Whereas, Taiwanese universities are rising in the QS World University Rankings; and

Whereas, Mandarin has been designated by the U.S. government as a critical need language to maintain U.S. national security making it more important now than ever for Americans to study Mandarin; and

Whereas, Mandarin Chinese is the official language of both the PRC and Taiwan; and

Whereas, The United States and Taiwan launched the Taiwan-U.S. Education Initiative in December 2020 in order to expand access to Mandarin and English language instruction between our two democracies and to highlight Taiwan's potential to provide Mandarin language instruction to American students and students around the world; and

Whereas, In accordance with the Taiwan-U.S. Education initiative, Taiwan's Overseas Community Affairs Council (OCAC) has already opened Taiwan Centers across the United States to provide Chinese language courses for American adults; and

Whereas, Northwestern University in Evanston, Illinois, signed a Memorandum of Understanding (MOU) with National Taiwan University (NTU) which will enable Northwestern University undergraduates to travel to NTU for language instruction in accordance with the Taiwan-U.S. Education Initiative; and

Whereas, American universities have begun to identify operational challenges and quality concerns with language programs in the PRC, including lack of proper facilities and the rise of unfriendly sentiment toward American institutions; and

Whereas, Harvard University decided in October 2021 to relocate their highly-regarded Chinese language program from Beijing Language and Cultural University in Beijing, China, to National Taiwan University in Taipei, Taiwan, in part due to what university officials described as "a perceived lack of friendliness" on the part of their counterparts at the Beijing institution; and

Whereas, Taiwan's economic and strategic partnership with the United States is strengthening in contrast to the increasing strains in U.S.-China relations; and

Whereas, Taiwan is a likeminded, liberal democracy that adheres to free market principles and is among America's most important economic and strategic partners in the Asia-Pacific; therefore, be it

Resolved by the Legislature of West Virginia:

That the House of Delegates encourages institutes of higher education to relocate Chinese language and cultural programs from the PRC to Taiwan to advance U.S. national security interests, strengthen ties between our two democracies and promote a positive learning environment to enhance comprehensive Mandarin language education for American students; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to members of West Virginia's Congressional delegation.

Delegates Pinson and Westfall offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 43 - "Requesting the Division of Highways name Bridge Number: 18-77-145.78 NB & SB (18A172, 18A173), locally known as Sandy Creek Bridges, carrying Interstate 77 (NB & SB) over Sandy Creek in Jackson County the 'Chief Lee Thomas Memorial Bridge'."

Whereas, Hershell Lee Thomas, known by his family and friends as Lee Thomas, was born November 4, 1933, at Sandyville, a son of the late Orville and Jessie Smith Thomas. He served in the US Army and was a member of the National Rifle Association. He retired from Ravenswood Aluminum in 1995 after 38 years of service. He was a charter member of the Silverton Fire Department which started in 1968. He served as the Chief of the department for 25 years. Lee dedicated his life to helping people in the community; and

Whereas, Hershell Lee Thomas died on December 7, 2016**,** and was survived by his wife of 64 years, Helen Benson Thomas; son Gregory Thomas and his wife Denise; daughter Joyce Baltic; grandchildren Stephanie Thomas, Jason Baltic and his wife Cathryn and Stacy Baltic; three great grandchildren, Julie, Hailey, Myna; and

Whereas, It is fitting that an enduring memorial be established to commemorate Hershell Lee Thomas and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 18-77-145.78 NB & SB (18A172, 18A173), locally known as Sandy Creek Bridges, carrying Interstate 77 (NB

& SB) over Sandy Creek in Jackson County the "Chief Lee Thomas Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Chief Lee Thomas Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

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

H. B. 4492 - "A Bill to repeal §17-16B-1, §17-16B-2, §17-16B-3, §17-16B-5, §17-16B-6, §17-16B-7, §17-16B-7a, §17-16B-7b, §17-16B-8, §17-16B-9, §17-16B-10, §17-16B-11, §17-16B-12, §17-16B-13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-17, §17-16B-18, §17-16B-19, §17-16B-20, §17-16B-21, and §17-16B-22 of the Code of West Virginia, 1931, as amended; to repeal §17-16C-1, §17-16C-2, §17-16C-3, and §17-16C-5 of the Code of West Virginia, 1931, as amended; to repeal §29-2A-1, §29-2A-2, §29-2A-3, §29-2A-4, §29-2A-5, §29-2A-6, §29-2A-7, §29-2A-8, §29-2A-10, §29-2A-11, §29-2A-11a, §29-2A-11b, §29-2A-11c, §29-2A-11d, §29-2A-11e, §29-2A-11f, §29-2A-12, §29-2A-13, §29-2A-14, and §29-2A-20 of said code; to repeal §29-18-1, §29-18-2, §29-18-3, §29-18-4, §29-18-4a, §29-18-5, §29-18-6, §29-18-7, §29-18-8, §29-18-9, §29-18-10, §29-18-11, §29-18-12, §29-18-13, §29-18-14, §29-18-15, §29-18-16, §29-18-17, §29-18-18, §29-18-19, §29-18-20, §29-18-21, §29-18-22, §29-18-23, §29-18-24, and §29-18-25 of said code; and to amend said code by adding thereto a new article, designated §17-16F-1, §17-16F-2, §17-16F-3, §17-16F-4, §17-16F-5, §17-16F-6, §17-16F-7, §17-16F-8, §17-16F-9, §17-16F-10, §17-16F-11, §17-16F-12, §17-16F-13, §17-16F-14, §17-16F-15, §17-16F-16, §17-16F-17, §17-16F-18, §17-16F-19, §17-16F-20, §17-16F-21, §17-16F-22, §17-16F-23, §17-

16F-24, §17-16F-25, §17-16F-26, §17-16F-27, §17-16F-28, §17-16F-29, §17-16F-30, §17-16F-31, §17-16F-32, §17-16F-33, and §17-16F-34, all relating to creating the Division of Multimodal Transportation and combining the powers and duties and eliminating certain references to the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission; providing for legislative findings and creation of the division; transferring employees, equipment, assets, liabilities, contracts, agreements, functions and duties to the division or its sections; providing for all property currently held by the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission to be transferred to the division; authorizing the Secretary of the Department of Transportation to appoint the commissioner; establishing general powers and duties of the commissioner; defining terms; establishing the powers and duties of the division generally; requiring the division to promote, supervise and support safe, adequate and efficient transportation, preserve rail, water and airway facilities and promote economic development and tourism; authorizing division to work cooperatively with similar entities within and without the state; providing for siting, development and operation of facilities; authorizing employment of trained and qualified staff and consultants and compensating therefor; providing the right to enter into contracts and agreements; authorizing acquisition of various types and interests in property to be held in the name of the state; authorizing use of eminent domain; authorizing acquisition and disposal of property by various means; authorizing interagency cooperation; authorizing division to act on behalf of the state in planning, financing, development, construction and operation of port, railroad and aeronautic projects or facilities; reporting annually to Legislature on status of projects, operations, finances and related information; authorizing study and assessment of state transportation needs; authorizing use of various financing options including issuing revenue bonds and receipt of grants and loans; authorizing division to make grants and loans to governmental agencies and persons for multimodal transportation projects; permitting collection of reasonable fees and charges connected to making and servicing loans, notes, bonds and other obligations; granting rule-making authority to the division; continuing all rules,

policies and orders of the combined entities until revised and reissued by the division; requiring strategic plan and reports to the Governor and the Legislature; requiring collection and analysis of shipping through state ports; providing for confidentiality of collected information and providing criminal penalty for violation; providing that division employees may not have direct or indirect financial interest in contracts, sale of property of the division and providing criminal penalty for violation; providing that activities of division are for public purpose; authorizing the division to use certain property or facilities of a public utility, common carrier, public road or railroad for certain public projects; requiring the division to relocate any such property or facilities; providing for rules regarding relocation or removal of railroad or public utility located on division property; requiring the division to pay for said relocation or removal; encouraging participation of private enterprise in construction and operation of facilities; authorizing lease back to division; authorizing development of foreign trade zones, free trade zones, ports of entry and customs zones; providing for specific duties related to port projects; authorizing the division to act on behalf of the state in developing, operating, improving and maintaining ports; authorizing the division to coordinate and cooperate with other port entities; creating the West Virginia Multimodal Operations Fund and transference of funds and liabilities of the West Virginia Public Port Authority Operations Fund; providing for specific duties related to rail projects; authorizing the exercise of powers necessary to qualify for federal subsidies; authorizing various means to carry out rail projects that are consistent with state plan with other entities; providing authority for the division to establish, fund, construct, reconstruct, acquire, repair, replace, operate, maintain and make available to other entities railroad projects; providing that research and development of railroads may be conducted; providing that contracts may be entered into to acquire various rolling stock, equipment or trackage and providing the requirements therefor; providing for the authority to enter into agreements that are beneficial to railroad projects notwithstanding other code provisions, including the authority to reject bids; authorizing division to purchase various types of insurance; authorizing the collection of fees for use of rail projects; providing for the

administration and coordination of a state plan, including the distribution of federal subsidies; providing for investigation, research, promotion and development with public participation; authorizing the provision of fiscal assurances and adoption of accounting procedures necessary to continue subsidies; authorizing compliance with applicable federal regulations; authorizing all actions necessary to maximize federal assistance for rail subsidies; providing powers necessary to coordinate with the Maryland Transit Administration for continued operation in the state, including negotiation and contracting authority; providing that any commuter rail operation agreement will meet certain service standards; providing that any track access fees to be paid pursuant to the agreement shall be paid from the West Virginia Commuter Rail Access Fund; authorizing sale or transfer of interest in rail property with federal approval when required; authorizing assistance to entities seeking federal railroad service certification, including the provision of any necessary assurances or guarantees; authorizing division to retain attorney or others to title ownership of rail properties within the state; requiring rail properties offered for sale within the state to be offered first to the state; providing that division may acquire railroad rights in other states and may cooperate with other states in so purchasing any rail properties; providing for the division to give consideration to county or municipality interest in acquiring abandoned property interest and providing for the division to acquire any such abandoned property for subsequent conveyance to a county or municipality; authorizing the division to apply for and utilize federal funds or loans in carrying out its purposes of this article; authorizing the purchase of any railroad rolling stock, equipment and machinery necessary for the operation and maintenance of state rail properties and authorizing contracts with the Division of Highways for maintenance or purchase of vehicles; authorizing maintenance, rebuilding or relocation of state rail properties and authorizing expenditures for the modernization, rebuilding and relocation of any rail properties owned by the state or private carrier; providing for contracting with domestic or foreign entities to provide, maintain or improve rail transportation service on state rail properties; providing for transfer of rail properties to other entities within the state when permitted by the Governor; authorizing the

division to resolve conflicts when multiple entities want to utilize the same rail property; providing for proceeds from the sale of state rail property to be deposited in Railroad Maintenance Fund; terminating Railroad Maintenance Authority Fund and creating a Railroad Maintenance Fund for proceeds and expenditures related to division's purpose; authorizing expenditure from any fund for study of proposed rail projects and use of funds from Railroad Maintenance Fund for study and engineering costs; authorizing the issuance of railroad maintenance revenue bonds and notes for costs of rail projects, including issuance of renewal notes and bond refund, with aggregate amount of all issues of bonds and notes outstanding at one time not exceeding amount capable of being serviced by revenues received; providing that issues of bonds or notes are negotiable instruments and are obligations of the division and are payable out of the revenues which are pledged for such payment; providing for maturity date, terms of execution, sale, redemption and delivery; authorizing the establishment of various conditions necessary to secure sufficient funds to protect bonds or notes; providing that person executing bonds or notes is not personally liable therefor; providing for trust agreement to secure bonds issued by division and creating conditions therefor, not including mortgage of any rail project; allocating expenses of bond issuance or trust agreement to rail projects; providing for civil action for bondholders seeking to enforce rights granted; providing that bonds are payable from division revenues and are not a debt of state or political subdivision; restricting division from incurring debt on behalf of state or political subdivision; authorizing use of proceeds from bonds to carry out division's powers and prohibiting commingling with other funds; providing for the investment of excess funds by West Virginia State Board of Investments; authorizing division to collect rents or revenues for use of rail projects; providing for cooperation with other governmental agencies to effect acquisition of rail project or bond issuance; authorizing division to maintain rail projects in good repair; providing that railroad maintenance bonds are lawful investments for various entities; continuing West Virginia Commuter Rail Access Fund which is administered by division commissioner; requiring division to establish a state rail plan that complies with federal requirements for funding; providing specific powers and

duties for director of public transit; designation of public transit as the agency of the state responsible for administering all federal and state programs related to public transportation; providing for assistance and cooperation of other state agencies with all multimodal sections; providing for specific duties related to aeronautics projects; authorizing division to advance development of aeronautics in cooperation with municipalities; authorizing rules necessary for public safety related to airports and aeronautics; authorizing division to fund grants for public airport authorities; authorizing division to receive federal funding to support airports or air navigation facilities; providing for procedures and conditions for use of federal funds; requiring a federal license to operate an aircraft; allowing for the use of state and municipal facilities and services; disposing of fees collected under this code section and providing a severability clause"; to the Committee on Government Organization.

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

H. B. 4493 - "A Bill to amend and reenact §60A-4-401, §60A-4-409, and §60A-4-415 of the Code of West Virginia, 1931, as amended, relating to knowingly possessing or manufacturing, or possessing with the intent to deliver fentanyl, and importing and transporting fentanyl through the State of West Virginia; clarifying the statutes to reference mandatory sentencing provisions for felony fentanyl crimes promulgated through the amendment and reenactment of §60A-4-415 of this code; increasing the minimum term of imprisonment for felony fentanyl related offenses; noting that any person convicted of manufacturing, delivering, or transporting into the state or possessing fentanyl, or conspiring to manufacture, deliver, or transport into the state or possessing fentanyl either alone or in combination with another substance, is not eligible for probation; noting that any person convicted of manufacturing, delivering, transporting into the state or possessing fentanyl, either alone or in combination with another substance, is not eligible for parole; enhancing penalties for transportation of fentanyl into the state and for the possession, manufacture, and delivery of fentanyl within the state when certain aggravating factors exist at the time of the offense; to-wit, the person has one

or more prior convictions for an offense relating to possessing, manufacturing, or delivering controlled substances; the person possesses a firearm or any other dangerous weapon; the person utilizes, enlists, or solicits the aid of, or conspires with a juvenile to illegally import fentanyl; noting that any person who violates the aggravating provisions in this section shall be imprisoned for a definite term not less than 15 nor more than 20 years, and fined an amount twice that otherwise authorized; increasing the fines to which a person convicted of transporting fentanyl into the state may be subject"; to the Committee on the Judiciary.

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

H. B. 4494 - "A Bill to amend and reenact §15-1B-26 of the Code of West Virginia, 1931, as amended, to provide for additional firefighters and security guards for the National Guard"; to the Committee on Government Organization.

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

H. B. 4495 - "A Bill to amend and reenact §30-7-2 of the Code of West Virginia, 1931, as amended, relating to allowing eligible professional nurses and advance practice registered nurses, or the equivalent, to practice in West Virginia; providing for registration with the West Virginia Board of Examiners for Registered Professional Nurses; providing for timely consideration and approval or denial of applications for registration; and revising the style of certain phrases"; to the Committee on Health and Human Resources.

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

H. B. 4496 - "A Bill to amend and reenact §12-1-12 of the Code of West Virginia, 1931, as amended, to allow interest and earnings on federal COVID-19 relief moneys to be retained in the funds or accounts where those moneys are invested and making said amendments retroactive in application"; to the Committee on Finance.

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

H. B. 4497 - "A Bill to repeal §15A-8-1, §15A-8-2, and §15A-8-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15A-3-2 and §15A-3-16 of said code, all relating to the repeal of the article governing the Regional Jail and Correctional Facility Authority Board; abolishing the Regional Jail and Correctional Facility Authority Board; and eliminating the requirement that special revenue funds be used by the Regional Jail and Correctional Facility Authority Board to pay indebtedness; and making other technical corrections"; to the Committee on Select Committee on Jails and Prisons then Finance.

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

H. B. 4498 - "A Bill to amend and reenact §61-3C-4 of the Code of West Virginia, 1931, as amended, relating to increasing the financial penalties in regard to any person who, knowingly and willfully, directly or indirectly, accesses or causes to be accessed any computer, computer services, or computer network for purposes of executing any scheme or artifice to defraud or obtaining money, property, or services by means of fraudulent pretenses, representations, or promises and increasing the financial penalties in regard to any person who, with intent to extort money or other consideration from another, that introduces ransomware into any computer, computer system or computer network, and providing for restitution to the state, state agencies, and political subdivisions for damages"; to the Committee on the Judiciary.

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

H. B. 4499 - "A Bill to amend and reenact §5A-3-1, §5A-3-3, §5A-3-4, §5A-3-10, §5A-3-10a, §5A-3-11, §5A-3-12, §5A-3-17, §5A-3-18, §5A-3-29, §5A-3-35,and §5A-3-45 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6D-1-2, of said code, all relating generally to making the procurement process more efficient by modifying and updating outdated processes and requirements and encouraging earlier communication with and assistance from experts within the purchasing division regarding

manner and process of procurement of commodities and services by the various spending units of the state; to eliminate outdated audit references of exempted agencies; to allow the director to exempt certain transactions from the requirements of chapter 5A, article 3; to clarify that grant recipients need not pay registration fees as a vendor; to authorize other procurement methods in lieu of formal competitive bidding when determined to be in the best interest of the state; to increase delegated procurement limits in the director's discretion; to make procurement from nonprofit workshops optional; to clarify timing required on rebidding; to change the requirement for an affidavit verifying that no debt is owed to an affirmation; to provide the Purchasing Division Director with discretion in increasing the $2,500 no bid limit; to eliminate outdated information reporting requirements for vendor registration; to clarify procurement penalties and inventory submission language; to remove surplus fees for inter-agency asset transfers; to require inter-agency asset transfers be recorded in accordance with governmental accounting standards; to shift the collection of the interested party disclosure information from contract award to before work begins in an effort to make the procurement process"; to the Committee on Government Organization then the Judiciary.

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

H. B. 4500 - "A Bill to amend and reenact §5A-1-11 of the Code of West Virginia, 1931, as amended, relating to combining the offices of the West Virginia State Americans with Disabilities Act Office and the West Virginia Equal Employment Opportunity Office within the Department of Administration; creating a position titled State Equal Opportunity Coordinator; establishing qualifications for the position; setting forth how the State Equal Opportunity Coordinator is selected; outlining scope of responsibilities; authorizing access to personnel records to monitor compliance and advise state agencies; renaming the fund titled 'Americans with Disabilities Coordinator Fund'; and making other technical changes"; to the Committee on Government Organization.

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

H. B. 4501 - "A Bill to amend and reenact §12-7-2, §12-7-3, §12-7-4, and §12-7-5 of the Code of West Virginia, 1931, as amended; to repeal §12-7-8 of said code; and to amend and reenact §31-15-6 of said code; all relating to management and control of jobs investment trust to be vested in the West Virginia Economic Development Authority; and terminating the Jobs Investment Trust Board"; to the Committee on Government Organization.

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

H. B. 4502 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2L-1, §5B-2L-2, §5B-2L-3, §5B-2L-4, §5B-2L-5, §5B-2L-6, §5B-2L-7, §5B-2L-8, §5B-2L-9, §5B-2L-10, §5B-2L-11, §5B-2L-12, §5B-2L-13, §5B-2L-14, §5B-2L-15, §5B-2L-16, and §5B-2L-17, all relating to establishing the BUILD WV Act; providing legislative findings and purpose; authorizing rule-making authority; providing for the application of the West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing effective and expiration dates; exempting the construction contractors of certified BUILD WV projects from the consumers sales and service tax and use tax; authorizing municipalities to provide exemptions to business and occupation taxes; establishing a property value adjustment tax credit; providing for the determination of amount and application of the property value adjustment tax credit; requiring; providing that the property value adjustment tax credit entitlement is retained by eligible taxpayers that have developed project property; providing for credit recapture, interest, penalties, additions to tax, and statute of limitations; providing for certified BUILD WV districts and the procedure for designation; granting authority to the Department of Economic Development to administer BUILD WV; providing for the application and procedures for BUILD WV projects; and requiring agreements between the Department of Economic Development and BUILD WV project participants"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

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

H. B. 4503 - "A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, related to revocation of school personnel certification or licensure; including personnel licensed under §18A-3-2a of this code; and providing that licensure or certification may be revoked upon a finding of abuse by the West Virginia Department of Health and Human Resources"; to the Committee on Education then the Judiciary.

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

H. B. 4504 - "A Bill to repeal §10-1-12, §10-1-13, §10-1-14, §10-1-14a, §10-1-15, §10-1-16, §10-1-17, §10-1-18, §10-1-18a, §10-1-19, §10-1-20, §10-1-21, §10-1-22, §10-1-23, and §10-1-24 of the Code of West Virginia, 1931, as amended; and to repeal §29-27-1, §29-27-2, §29-27-3, §29-27-4, §29-27-5, and §29-27-6 of said code; and to amend and reenact §5F-2-1 of said code; to amend and reenact §29-1-1 of said code; and to amend said code by adding thereto two new sections, designated §29-1-8c and §29-1-8d, all relating to placing the duties and functions of certain boards and commissions under the Department of Arts, Culture and History; to repeal certain sections related to the powers and authorities of the State Library Commission; to create a state library section in the Department of Arts, Culture and History; to amend the makeup of the State Library Advisory Commission; to provide for a state library director; to provide powers and duties of the state library section; to provide powers and duties of the State Library Advisory Commission; to create the National Coal Heritage Area Commission; to provide for the makeup of the National Coal Heritage Area Commission; setting forth the powers and duties of the National Coal Heritage Area Commission; to repeal the article related to the National Coal Heritage Area Authority"; to the Committee on Government Organization.

By Delegate Hanshaw (Mr. Speaker)
[By Request of the Executive]:

H. B. 4505 - "A Bill to repeal §22C-3-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22C-3-1,

§22C-3-3, §22C-3-4, §22C-3-5, §22C-3-6, §22C-3-7, §22C-3-8, §22C-3-9, §22C-3-10, §22C-3-11, §22C-3-12, §22C-3-13, §22C-3-14, §22C-3-15, §22C-3-16, §22C-3-17, §22C-3-19, §22C-3-20, §22C-3-21, §22C-3-23, §22C-3-24, and §22C-3-26 of said code, all relating to abolishing the West Virginia Solid Waste Management Board and transferring its functions, rights, powers, and duties to the Department of Environmental Protection; declaring that the department is bound by actions previously taken by the Solid Waste Management Board; removing or repealing obsolete provisions relating to the former board; and correcting and revising citations to related sections of said code"; to the Committee on Energy and Manufacturing then Government Organization.

By Delegates Steele, Foster, Barrett, Smith and Wamsley:

H. B. 4506 - "A Bill to amend and reenact §62-12-13c of the Code of West Virginia, 1931, as amended, relating to clarifying that the Nonviolent Offense Parole Program is not available to offenders who are serving a sentence either consecutively or concurrently with an offense that is a crime of violence against a person or animal as well as a felony controlled substance offense, a felony firearm offense, nor a felony where the victim was a minor child; and making the provisions of this section unavailable to those previously released under the terms of this section"; to the Committee on the Judiciary.

By Delegates Zukoff, Young and Fluharty:

H. B. 4507 - "A Bill to amend and reenact §21-5C-4 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum wage paid to persons who receive tips"; to the Committee on Workforce Development then the Judiciary.

By Delegates Steele, Foster and Kessinger:

H. B. 4508 - "A Bill to repeal §61-8B-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-8B-3, §61-8B-4, §61-8B-5, §61-8B-7, §61-8B-8, §61-8B-9, §61-8B-9b, §61-8B-10, §61-8B-12; and to amend said code by adding thereto a new section, designated §61-8B-4a, all relating to sexual offenses; establishing criminal penalties for sexual offenses; and creating

criminal penalties for certain sexual offenses"; to the Committee on the Judiciary.

By Delegates Thompson, Walker, Young, Skaff, Garcia, Diserio, Griffith, Barach, Hornbuckle, Fluharty and Pushkin:

H. B. 4509 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-2-101a, relating to marriages; and the necessity of interpretation of gender specific terms to be gender neutral and applicable to spouses regardless of gender"; to the Committee on the Judiciary.

By Delegates Jennings, Ellington and Sypolt:

H. B. 4510 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5g, relating to powers and duties of the State Board of Education; and requiring the State Board of Education to administer a K-3 reading and mathematics program"; to the Committee on Education.

By Delegates Linville, Howell, Hanshaw (Mr. Speaker), Graves, Summers, Espinosa, Householder and Steele:

H. B. 4511 - "A Bill to amend and reenact §16-5C-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §36-8-1, §36-8-2, §36-8-8, §36-8-10, §36-8-13, §36-8-15, §36-8-25, and §36-8-33 of said code, all relating generally to unclaimed property and escheatment of said property to the state; providing that personal funds of nursing home residents may be used for the benefit of such residents during their lifetimes with consent of certain authorized persons; requiring nursing homes to keep an accounting of certain receipts and disbursements of resident's personal funds and to provide said accounting to authorized persons in certain circumstances; extending the presumption of abandonment period for personal funds of nursing home residents; specifying that a willful or intentional violation of requirements related to nursing home management of resident's personal funds is a misdemeanor and providing criminal penalties; defining terms; setting forth presumption of abandonment period for virtual currency; setting forth the presumption of abandonment period for demand, savings, or time deposits; requiring the holder of virtual currency to liquidate said currency prior to remittance to

the state; providing that the owner of abandoned virtual currency has no recourse against the holder or state for gain in value after liquidation; providing that the administrator shall reimburse the holder of a safety deposit box for the cost of opening said box upon remittance to the administrator using administrative funds in the Unclaimed Property Fund; authorizing the administrator to invest the moneys in the Unclaimed Property Fund and allowing earnings to accrue to said fund; eliminating obsolete language related to previous transfers of moneys from the Unclaimed Property Fund; discontinuing an annual transfer from the Unclaimed Property Trust Fund to the Prepaid Trust Escrow Fund and instead providing for an annual transfer from the Unclaimed Property Trust Fund to the Jumpstart Savings Trust Fund; authorizing the administrator to waive the requirement that an apparent owner file a claim with the administrator in certain circumstances; permitting the administrator to disclose the monetary value and nature or type of a property to a person who is reasonably believed to be the property's apparent owner or a person authorized to receive the property on the owner's behalf; and requiring the administrator to publish a report including certain unclaimed property data for the most recently concluded fiscal year"; to the Committee on Government Organization then the Judiciary.

By Delegate Rowe:

H. B. 4512 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §42-2-1; to amend and reenact §42-3-2 of said code, as amended; and to repeal §44-1-17 of said code; all relating to the creation of an exempt property allowance in the surviving spouse or minor children of a decedent"; to the Committee on the Judiciary.

By Delegates Sypolt, Jennings and Miller:

H. B. 4513 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to allowing county commissions to impose an amusement tax"; to the Committee on Political Subdivisions then Finance.

By Delegate Zukoff:

H. B. 4514 - "A Bill to amend and reenact §3-3-5c of the Code of West Virginia, 1931, as amended, relating to mandating county

commissions develop emergency absentee voting procedures"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Mandt, Queen, D. Kelly, Pack, Criss, Householder, Honaker, Summers, Ferrell, Hanna and Martin:

H. B. 4515 - "A Bill to amend and reenact §21-6-7 of the Code of West Virginia, as amended, relating to modifying the hours worked by teenagers to help with pandemic staffing shortages"; to the Committee on Workforce Development then the Judiciary.

By Delegates Kimble, D. Jeffries, Holstein, Barnhart, Maynard, G. Ward, Hanna, Mazzocchi and Rohrbach:

H. B. 4516 - "A Bill to amend and reenact §16-5Y-6 of the Code of West Virginia, 1931, as amended, relating to requiring written policies of medication-assisted treatment programs"; to the Committee on Political Subdivisions then Health and Human Resources.

By Delegates Steele, Foster and Kessinger:

H. B. 4517 - "A Bill to repeal §61-8E-1, §61-8E-2, and §61-8E-3 of the Code of West Virginia, 1931, as amended, all relating to the repealing requirements to display video ratings"; to the Committee on Government Organization.

By Delegates Pritt, Phillips, Keaton, Kimes, Holstein, Hott, Foster, Martin and G. Ward:

H. B. 4518 - "A Bill to amend and reenact §3-2-13 of the Code of West Virginia, 1931, as amended, relating to prohibit an agency of state or local government, including an employer, or contractor, from automatically registering to vote any eligible person without first obtaining an explicit, written consent to be registered to vote, and an appropriate state or federal registration form"; to the Committee on the Judiciary.

By Delegates Steele, Foster and Kessinger:

H. B. 4519 - "A Bill to amend and reenact §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, and §61-14-8 of the Code of West Virginia, all relating to increasing criminal penalties for human trafficking; establishing limitations on parole; and

providing immunity from criminal liability for juvenile victims"; to the Committee on the Judiciary.

By Delegates Toney, Fast, Dean, Paynter, Steele, Bates, McGeehan, Ellington and Statler:

H. B. 4520 - "A Bill to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating to providing that when a registered owner or lessee of a motor vehicle that is involved in the overtaking and passing of a stopped school bus is charged for a violation and misdemeanor offense, the state is not relieved of its burden of proof"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Rohrbach, Rowan, Sypolt, Zukoff, Graves, Mandt, Forsht, Toney, Haynes and Boggs:

H. B. 4521 - "A Bill to amend and reenact §30-29-5a of the Code of West Virginia, 1931, as amended, relating to criminal justice training for law-enforcement officers and correction officers regarding individuals with Alzheimer's and dementias; development of course instruction; defining terms; providing for training in appropriate interactions with individuals with Alzheimer's and dementias; and authorizing the Law-Enforcement Professional Standards Subcommittee to develop guidelines for law-enforcement and correction officer response to individuals experiencing Alzheimer's and dementias who are victims or witnesses to a crime, or suspected or convicted of a crime"; to the Committee on Health and Human Resources then the Judiciary.

Special Calendar

Second Reading

Com. Sub. for H. B. 4111, Relating to the prescriptive authority of advance practice registered nurses; on second reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

(NOTE: Com. Sub. for H. B. 4111 had been reprinted to include the language with strike-throughs and the underscoring of new language.)

Com. Sub. for H. B. 4311, Creating criminal penalties for illegal voting activity; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third 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:

S. B. 435, Awarding service weapon to retiree from Division of Protective Services,

Com. Sub. for S. B. 437, Providing for early discharge of parolees,

Com. Sub. for S. B. 449, Relating to Nonviolent Offense Parole Program,

Com. Sub. for H. B. 4003, Relating generally to commercial benefit of substances removed from waters of the state by the treatment of mine drainage,

And,

H. B. 4296, To revise outdated provisions within Chapter 23 of the West Virginia Code, which pertains to workers' compensation.

Remarks by Members

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Skaff

- Delegate Rowe

- Delegate Doyle

- Delegate McGeehan

- Delegate Hanna

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. 2550: Delegate Hansen;

H. B. 2908: Delegate Linville;

H. B. 4040: Delegate Young;

H. B. 4054: Delegate Young;

H. B. 4055: Delegate Young;

H. B. 4072: Delegate Young;

H. B. 4084: Delegate Young;

H. B. 4332: Delegate Young;

H. B. 4345: Delegate Young;

H. B. 4382: Delegates Barach and Doyle;

H. B. 4392: Delegate Crouse;

H. B. 4397: Delegate Young;

H. B. 4409: Delegate Haynes;

H. B. 4423: Delegate Haynes;

H. B. 4425: Delegate Wamsley;

H. B. 4426: Delegates Espinosa and Hott;

H. B. 4428: Delegates Lovejoy and Young;

H. B. 4467: Delegate Young;

H. B. 4477: Delegates Capito, Crouse, Ferrell, Keaton, Pack, Pritt and Skaff;

And,

H. B. 4490: Delegate Mandt.

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

H. B. 4406: Delegate Steele;

H. B. 4407: Delegate Steele;

H. B. 4422: Delegate Reynolds;

And,

H. B. 4455: Delegate Steele.

At 12:08 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 3, 2022.

Thursday, February 3, 2022

TWENTY-THIRD DAY

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

The House of Delegates met at 11:00 a.m., and 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, February 2, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 4355, Relating to the disclosure by state institutions of higher education of certain information regarding textbooks and digital courseware and certain charges assessed for those items,

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

Delegate Queen, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

H. B. 4418, Relating to the Small Business Supplier Certification Assistance Program,

And reports the same back with the recommendation that it do pass, 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. 4418) was referred to the Committee on Government Organization.

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. 4467, Requiring early childhood classroom assistant teacher in certain grade levels and enrollment levels in said grade levels,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4467) was referred to the Committee on Finance.

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. 4105, Relating to service employees with National Association for Pupil Transportation Certifications,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4105 - "A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §18A-4-23, relating to providing minimum experience requirement for director or coordinator of services class title involving school transportation; providing eligibility for candidates for professional employee positions involving supervision of a county transportation department; making any service employee who is certified as a Director or Supervisor of

Pupil Transportation by the National Association for Pupil Transportation Certification; and requiring county boards to consider such candidates,"

With the recommendation that the committee substitute do pass.

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. 4380, Relating to transportation of athletic teams,

And reports back a committee substitute therefor, with the new title, as follows:

Com. Sub. for H. B. 4380 - "A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to the transportation of students and passengers for extracurricular activities; increasing the number of ten-passenger vehicles which may be used for any school-sponsored activity; and clarifying that busses shall be used to transport eighteen or more passengers,"

And,

H. B. 4389, Relating to repealing school innovation zones provisions superseded by Innovation in Education Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4389 - "A Bill to repeal §18-5B-1, §18-5B-2, §18-5B-3, §18-5B-4, §18-5B-5, §18-5B-6, §18-5B-7, §18-5B-8, §18-5B-9, §18-5B-11, §18-5B-12, §18-5B-13 and §18-5B-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5B-10 of said code; and to amend and reenact §18-5E-3 of said code, all relating to repealing school innovation zones provisions superseded by Innovation in Education Act; updating exceptions to statutes granted to schools to reflect changes in underlying circumstances; updating provisions related to granted exceptions to accommodate exceptions which may be granted to

innovation in education schools and school systems; and clarifying process for state board and legislative oversight commission on education accountability to approve and recommend exceptions to statutes,"

With the recommendation that the committee substitutes each do pass.

Delegate Steele, 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. 436, Correcting code citation for authority of State Fire Marshal,

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

Delegate Steele, 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. 4370, Clarifying that the Statewide Interoperability Executive Committee is responsible to develop, update, and implement policies regarding the Statewide Interoperable Radio Network,

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. 4370) was referred to the Committee on Finance.

Delegate Steele, 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. 3036, Sunsetting the Board of Sanitarians,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3036 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-17-20, relating to sunsetting the Board of Sanitarians by June 30, 2023,"

With the recommendation that the committee substitute do pass.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 4087, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage,

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. 4087) was referred to the Committee on Government Organization.

Delegate Kessinger, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

H. B. 2083, Relating to age verification requirements for delivery sales of tobacco,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2083) was referred to the Committee on Health and Human Resources.

Delegate Zatezalo, 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. 4242, Authorizing the Division of Labor to promulgate a legislative rule relating to Child Labor,

And reports the same back with the recommendation that it do pass, 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. 4242) was referred to the Committee on Government Organization.

Delegate Zatezalo, 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. 4366, Relating to the modernization of West Virginia's wage and payment laws,

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. 4366) was referred to the Committee on the Judiciary.

Delegate Kessinger, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

H. B. 3080, Relating to making the Bureau of Behavioral Health the certifying agency for recovery residences,

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 Health and Human Resources.

Pursuant to House Rule 80, the Speaker referred H. B. 3080 to the Committee on Health and Human Resources.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 4153, Authorizing the Insurance Commission to promulgate a legislative rule relating to Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters,

H. B. 4154, Authorizing the Insurance Commission to promulgate a legislative rule relating to adoption of Valuation Manual,

H. B. 4155, Authorizing the Insurance Commission to promulgate a legislative rule relating to Pharmacy Auditing Entities and Pharmacy Benefit Managers,

H. B. 4156, Authorizing the Insurance Commission to promulgate a legislative rule relating to Term and Universal Life Insurance Reserve Financing,

And,

H. B. 4157, Authorizing the Insurance Commission to promulgate a legislative rule relating to Bail Bondsmen in Criminal Cases,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4153, H. B. 4154, H. B. 4155, H. B. 4156 and H. B. 4157) were each referred to the Committee on Government Organization.

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. 4353, Relating to On Cycle Elections - Voter Turnout Act,

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. 4353) was referred to the Committee on the Judiciary.

Delegate Westfall, Vice Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 2nd day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 4, Repealing ban on construction of nuclear power plants.

Reports of Select Committees

Delegate Dean, Chair of the Select Committee on Coalfield Communities, submitted the following report, which was received:

Your Select Committee on Coalfield Communities has had under consideration:

H. B. 4479, Establishing the Coalfield Communities Grant Facilitation Commission,

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. 4479) was referred to the Committee on Finance.

Messages from the Executive

A communication from His Excellency, the Governor, advised that on February 2, 2022, he approved **S. B. 8** and **S. B. 191.**

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

Com. Sub. for S. B. 138 - "A Bill to amend and reenact §30-3-5 of the Code of West Virginia, 1931, as amended, relating to West Virginia Board of Medicine composition; decreasing the number of board members; and removing a podiatric position from the board"; which was referred to the Committee on Government Organization.

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

Com. Sub. for S. B. 262 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-15, relating generally to financial institutions engaged in boycotts of energy companies; defining terms;

authorizing the State Treasurer to prepare, maintain, and publish a list of financial institutions engaged in boycotts of energy companies; requiring the Treasurer to post the list on his or her website and submit the list to certain public officials; setting forth sources of information on which the Treasurer may rely on preparing the list; requiring the Treasurer to send written notice to a financial institution of its inclusion on the list; requiring the Treasurer to remove a financial institution from the list if it presents information demonstrating that it is not engaged in a boycott of energy companies; authorizing the Treasurer to exclude financial institutions on the list from the selection process for state banking contracts; authorizing the Treasurer to refuse to enter into a banking contract with a financial institution on the list; authorizing the Treasurer to require, as a term of a banking contract, an agreement by the financial institution not to engage in a boycott of energy companies; and limiting liability of public officials, public employees, members or employees of financial institutions for actions taken in compliance with the new code section and exempting the Investment Management Board"; which was referred to the Committee on Banking and Insurance then Finance.

A message from the Senate, by

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

S. B. 492 - "A Bill to amend and reenact §17-16D-11 of the Code of West Virginia, 1931, as amended, relating to the electronic collection of tolls; and providing that nonrenewal of vehicle registration provisions shall become effective whenever a reciprocal enforcement agreement is entered into by the West Virginia Parkways Authority, the Commissioner of Motor Vehicles, and any state sharing a common border with this state"; which was referred to the Committee on Government Organization.

Resolutions Introduced

Delegates J. Jeffries, Mazzocchi, Linville, Holstein, Maynard, Dean, Paynter, Haynes and G. Ward offered the following

resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 44 - "Proclaiming and making the fiddle the official musical instrument of the State of West Virginia."

Whereas, The fiddle arrived in Appalachia in the 18th century with immigrants from the British Isles, bringing with them the musical traditions of their countries. These traditions consisted primarily of English and Scottish ballads, which were essentially unaccompanied narratives, and dance music, such as Irish reels, which were accompanied by a fiddle. The fiddle soon became a staple of life in West Virginia, being played in churches, in logging and mining camps, at weddings and summer picnics, and in the homes and on porches of many West Virginians. It has remained so ever since, being showcased in music festivals around the state, from the Augusta Festival in Elkins, the Vandalia Gathering held on the grounds at the State Capitol, and the Appalachian String Band Festival at Camp Washington-Carver in Clifftop, just to name a few. West Virginia has also produced some of the finest fiddlers in the nation, and continues to do so; and

Whereas, Fiddler Blind Alfred Reed was born on June 15, 1880, and was one of the artists who recorded at the Bristol Sessions in 1927, along with Jimmie Rogers and the Carter Family, which are the first recordings of traditional country music. He was raised in a very conservative family and acquired a violin at a young age. Later, he began performing at county fairs, in country schoolhouses, for political rallies and in churches. He even played on street corners for tips. He used to sell printed copies of his compositions for ten cents each. After the Bristol Sessions, Mr. Reed recorded his most famous song, that is still being sung today, "How Can a Poor Man Stand Such Times and Live". After 1929, he stopped recording, but continued to perform locally until 1937 when a law was passed prohibiting blind street musicians. He is buried in Elgood and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Edwin "Edden" Hammons was born in 1874 and is considered by many to have been one of the finest traditional West

Virginia fiddlers of all time, and tales of his musical exploits and eccentric lifestyle flourish among the inhabitants of mountainous east central West Virginia. Mr. Hammons was the youngest of four brothers and three sisters, and his musical abilities were soon recognized to be superior to that of his siblings. Family tradition holds that his ability was recognized and encouraged at an early age and that the boy was spared his share of the burdens of frontier living as a result. Mr. Hammons's first attempt in music was with a fiddle made from a gourd. He soon progressed and he secured a store-bought fiddle and there was no dispute that he could draw out exquisite harmonies from the instrument. Whether because of immaturity or musical passion, Mr. Hammons refused to lay his fiddle down "like most men did" as he grew older and was faced with supporting a family. Mr. Hammons's three-week marriage to Caroline Riddle in 1892 came to a head when Caroline demanded that Edden either quit playing fiddle and go to work or she would leave. Given the ultimatum, Mr. Hammons chose the fiddle. When he was older, Mr. Hammons participated in five to ten fiddle contests each year, and rarely came away with less than first prize. Perhaps Mr. Hammons's most distinguished contest adversary was Lewis "Jack" McElwain, regarded by many others at the time to be the premier fiddler in the State of West Virginia. Mr. McElwain's accomplishments included a first-place finish at the 1893 World's Fair in Chicago. At a contest in Marlinton in 1909, Mr. McElwain and Mr. Hammons tied for top honors. Later, there were disagreements about the selection of judges, and Mr. Hammons insisted that the judging be left to the attendees. Mr. Hammons usually won; and

Whereas, Fiddler Melvin Wine was born in Burnsville in 1909. At the age of nine, he began to play his first fiddle tunes by sneaking out his father's prized possession, the fiddle. Mr. Wine eventually gained the courage to inform his mother of the progress he had made with his father's fiddle. One evening his mother bravely shared this with his father. At the time, Mr. Wine believed he might receive a whipping for sneaking out the fiddle. But instead, from this point on, his father supported the young boy's efforts. Mr. Wine's father learned the fiddle tunes that he passed

on to Melvin from his father, Nels, Mr. Wine's grandfather. Mr. Wine passed away in 2003; and

Whereas, Mr. Clark Kessinger was born in Lincoln County on July 27, 1896. Mr. Kessinger began playing the banjo when he was five years old and two years later, he performed at local saloons with his father. He switched to fiddle and began performing at country dances. After serving in the Navy, Mr. Kessinger's reputation as a fiddler increased and he visited many local fiddling contests. He teamed up with his nephew Luches "Luke" Kessinger performing at various locations. In 1927 Mr. Kessinger and Luches Kessinger had their own radio show at the newly opened station WOBU in Charleston. On February 11, 1928, the Kessingers recorded twelve sides for the Brunswick-Balke-Collender recording company. In the late 1920s, the Kessingers records were best sellers, including "Wednesday Night Waltz", "Turkey in the Straw", "Hell Among Yearlings", "Tugboat" and "Salt River". Mr. Kessinger was also greatly influenced by classical violin players such as Fritz Kreisler, Joseph Szigeti and Jascha Heifetz. Following his last recording session on September 20, 1930, Mr. Kessinger retired as a recording artist. But in 1963 he was rediscovered and soon was competing at several fiddling contests. In August 1964, Mr. Kessinger formed a string band in Galax, Virginia, winning first prize in the string band category. In April 1971, he won the World's Champion Fiddle Prize at the 47th Old-time Fiddler's Convention in Union Grove, North Carolina. Three more albums followed on Kanawha Records. His albums were later reissued on Folkways and Country Roads. In 1971 Mr. Kessinger recorded 12 tracks for the newly formed Rounder Records. The record company had plans to record many albums with Kessinger but before they could initiate what they had planned, Mr. Kessinger had a stroke and collapsed on the scene at a fiddler's convention in Virginia. His left hand became numb, and he was unable to play the fiddle for the remainder of his life. Rounder released his recordings as "Clark Kessinger: Old-time Music with Fiddle and Guitar". He died in 1975 and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Ed Haley was born in 1885 and was one of the best-known fiddlers in his region of Appalachia. He traveled frequently and performed in a variety of venues and played over WLW in Cincinnati. He also made occasional studio recordings for friends, such as for Doc Holbrook in Greenup, Kentucky. He seldom recorded commercially because he was worried that record companies would take advantage of a blind man. Late in life, he made recordings for the family on a Wilcox-Gay disc-cutting machine brought home from the service by his stepson, Ralph. The recording featured Ed, Ella, Ralph (on guitar), and daughter Mona (vocals). Ralph eventually distributed the recordings among his five siblings. Eventually, about one-third to one-half of those recordings were released to Rounder Records, but it is estimated that two-thirds of Mr. Haley's recordings are still missing. Beginning in 1990, legendary bluegrass, folk musician and songwriter John Hartford began researching the story of Mr. Haley's life and music. Generally, Mr. Hartford spent the last years of his life promoting Mr. Haley and his significance in the world of music. He learned a number of Haley's tunes and recorded them on the Grammy-nominated album, "Wild Hog in the Red Brush" and "Speed of the Old Long Bow: A Tribute to Ed Haley". Mr. Hartford and Brandon Kirk, a Harts-area historian and genealogist, collaborated on a Haley book project from 1995 until Hartford's death in 2001. In March 2000, the "Smithsonian" magazine featured a story about their research. In October 2015, Ed Haley was inducted into the West Virginia Music Hall of Fame; and

Whereas, Tim O'Brien was born on March 16, 1954, in Wheeling and plays guitar, fiddle, mandolin, banjo, bouzouki, and mandocello. He has released more than ten studio albums, in addition, to charting a duet with Kathy Mattea entitled, "The Battle Hymn of Love", a No. 9 hit on the Billboard Hot Country charts in 1990. He eventually moved to Boulder, Colorado, in the 1970s and became part of the music scene there. In Colorado, he met guitarist Charles Sawtelle, banjoist Pete Wernick and bassist/vocalist Nick Forster with whom he formed Hot Rize in 1978. Over the next twelve years, the quartet earned recognition as one of America's most innovative and entertaining bluegrass bands. In 2005, O'Brien won a Grammy Award for Best Traditional Folk Album

for "Fiddler's Green". In 1993 and 2006, O'Brien was honored with the International Bluegrass Music Association's (IBMA)'s Male Vocalist of the Year award. His band Hot Rize was the IBMA's first Entertainer of the Year in 1990. In November 2013 he was inducted into the West Virginia Music Hall of Fame; and

Whereas, Glenville resident Buddy Griffin was born at Richwood on September 22, 1948, and recalling his Nicholas County childhood has said "Everybody in the family played music. It was never expected, it was never forced on us. Nobody ever handed us an instrument and said, 'You have to play this'. It was just trying to be part of what was going on, "cause there was always music at the house." Mr. Griffin was a part of his family's music from an early age. "The first instrument I ever touched was a bass fiddle. They kept it leaned up behind the couch. I'd stand up on the couch when I was about five, maybe six. I couldn't note it, but I could play the strings. So, if they'd play some old fiddle tune, I'd have all three chords to go with it. I'd stand there and just play the strings." He soon learned to play the guitar, mandolin, fiddle, and banjo. His parents were good singers especially in the style of the Carter Family, and they taught their children the older country music. The Griffin children, however, tended toward the faster, more modern bluegrass. Erma played the guitar and bass and sang harmony. Richard played guitar and fiddle, along with other instruments, and sang the lead. Richard's father, Joe Griffin, born in 1883, played the old claw hammer style of banjo. Joe traveled to logging camps in Roane, Lincoln, and Calhoun counties and played dances on Saturday nights with some of the local fiddlers, mostly Enoch Camp. Parts of Mr. Griffin's family tree can be traced to Revolutionary War times; some of his ancestors reportedly received land grants from General Washington. Mr. Griffin later became a staff musician at WWVA's Jamboree USA in Wheeling, played more than 200 times on the Grand Ole Opry, toured the country for more than 30 years with some of the biggest names in country and bluegrass music, appeared on more than 150 record albums, and established the world's first college degree program in bluegrass music at Glenville State College. In May 2011, he received the coveted Vandalia Award, recognizing his lifetime of devotion to entertainment and education; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature of West Virginia hereby proclaims and makes the fiddle the official musical instrument of the State of West Virginia; and, be it

Further Resolved, That the Legislature of West Virginia recognizes the importance and significance of the fiddle in West Virginia's history, traditions, and culture; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to Buddy Griffin; Tim O'Brien; Clark Kessinger's daughter; Frances Goad; the descendants of West Virginia's other great fiddle players, Blind Alfred Reed, Edwin Hammons, Melvin Wine, and Ed Haley; the West Virginia Music Hall of Fame; the Friends of Old Time Music and Dance (FOOTMAD) and Stan Bumgardner, Editor of "Goldenseal", the official state magazine of West Virginia traditional life.

Delegate Evans offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 45 - "Requesting the Division of Highways name bridge number 24-005/02-004.51 (24A031), (37.41379, -81.78366), locally known as Avondale Bridge, carrying CR 5/2 over Dry Fork in McDowell County, the 'U. S. Army SP4 Dennis Harvey Roberts Memorial Bridge'."

Whereas, U.S. Army Specialist Dennis Harvey Roberts was born on April 12, 1949, in McDowell County; and

Whereas, Specialist Roberts was a resident of Avondale, West Virginia for nearly 40 years. He was a well-respected member of the Avondale Community. He raised a family there, in the community he loved so much. "Ritter Hollow" as the locals call it, is home to Avondale. Specialist Roberts lived "up the hollow" for nearly 50 years. As a young man, he became a member of the United States Army. He was deployed to Vietnam, where he would spend 11 months and 15 days in the defense of our country. Specialist Roberts' last duty assignment was Troop A 2™

Squadron 1* Cavalry, 24 Armed Division, Fort Hood, Fourth Army. Specialist Roberts was a combat infantry man and was specially trained in auto mechanics, track, and vehicle mechanics; and

Whereas, Specialist Roberts was a highly decorated soldier, having been awarded the following commendations by the Army: National Defense Service Medal, Vietnam Campaign Medal, Vietnam Service Medal with one Bronze Star, Republic of Vietnam Campaign Medal, Marksman with Rifle bar, and Combat Infantry Badge; and

Whereas, Specialist Roberts was honorably discharged from the Army on April 1, 1975. He suffered from Post-Traumatic Stress Disorder (PTSD), a challenge he worked to overcome each day of his life. He also suffered a hearing loss in both ears, as result of his battlefield service. Specialist Roberts lost his struggle with PTSD and his life on June 18, 2016. Specialist Roberts demonstrated many hours of community service to not only Avondale, but to McDowell County. He has given countless hours of support to community activities such as local school groups and activities; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army Specialist Dennis Harvey Roberts and his contributions to our country and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 24-005/02-004.51 (24A031), (37.41379, -81.78366), locally known as Avondale Bridge, carrying CR 5/2 over Dry Fork in McDowell County, the "U. S. Army SP4 Dennis Harvey Roberts Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army SP4 Dennis Harvey Roberts Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegates Householder, Summers, Espinosa, Linville, Criss, Graves, Riley, Rowan, Gearheart, Hott and Ellington:

H. B. 4007 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-4g; to amend and reenact §11B-2-20 of said code; and to amend said code by adding thereto a new section, designated §11B-2-33, all relating to reducing personal income tax rates generally; reducing rates by certain amounts after December 31, 2022; creating stabilization and future economic reform fund from which expenditures may be made only upon appropriation of the Legislature and solely for the purpose of reducing the rates of personal income tax in accordance with this and future Acts of the Legislature; and directing the secretary of revenue to annually cause to be deposited into the stabilization and future economic reform fund the first 50 percent of all surplus revenues, if any, determined to have accrued during the fiscal year just ended instead of directing the secretary of revenue to annually of causing those surplus revenues to be deposited into the revenue shortfall reserve fund"; to the Committee on Finance.

By Delegates Barrett, Dean, Linville, Steele, Pack and Wamsley:

H. B. 4010 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt; to amend said code by adding there to a new section, designated §8-12-5h; to amend and reenact §24-3-5 of said code; to amend and reenact §31D-1-125, §31D-1-150, §31D-1-151, and §31D-1-152 of said code; to amend said code by adding thereto a new section, designated §31D-6-605; to amend and reenact §31D-6-625 of said code; to amend and reenact §31D-7-720 of said code; to amend and

reenact §31D-7-724 of said code; to amend and reenact §31D-7-730 of said code; to amend and reenact §31D-16-1601 and §31D-16-1603 of said code; to amend said code by adding thereto a new section, designated §31D-16-1607; to amend and reenact §31E-1-150, and §31E-1-151 of said code; to amend and reenact §31E-15-1501, and §31E-15-1503 of said code; to amend said code by adding thereto a new section, designated §31E-15-1507; to amend said code by adding thereto a new chapter, designated §31I-1-101, §31I-1-102, §31I-2-201, §31I-2-202, §31I-2-203, §31I-2-204, §31I-2-205, and §31I-2-206; to amend and reenact §32-4-401, and §32-4-402 of said code; to amend and reenact §32A-2-1, §32A-2-3, and §32A-2-22 of said code; to amend said code by adding thereto a new article, designated §39A-4-101, §39A-4-102, §39A-4-103, §39A-4-201, §39A-4-202, §39A-4-203, §39A-4-204, and §39A-4-205; to amend and reenact §46A-6-102 of said code; to amend and reenact §47-9-1 of said code; to amend said code by adding thereto a new section, designated §47-9-59a; to amend and reenact §47B-1-1 of said code; and to amend said code by adding thereto a new section, designated §47B-11-6, all relating to digital assets; recognizing virtual currency; prohibiting taxation of virtual currency by counties and municipalities; defining terms; prohibiting public utilities from charging fees or infringing upon the use of energy used in mining of digital or virtual currency; setting out duties of the Secretary of State; providing for the development of a blockchain filing system; providing for rulemaking; providing for notice requirements; setting out various effective dates; providing for use of blockchain by corporations and corporate shareholders; allowing for corporate shares may be issued by certificate tokens; providing for elements for use of data address in shareholder meetings and voting; providing for network signatures in corporate voting; allowing for corporate, nonprofit corporate, partnerships, limited partnerships, record keeping on an information storage device; providing for conversion of electronic records to writing; providing for admissibility of records as evidence; creating the Digital Assets Act; providing for a short title, setting our legislative findings; creating blockchain enabled institutions; providing blockchain institutions shall be established as a business corporation; setting powers and duties of blockchain institutions; providing for applicability of federal and state law;

providing for required disclosures of blockchain institutions; providing for continuing jurisdiction of blockchain institutions during liquidation or conservatorship; making the Consumer Credit Protection Act applicable to blockchain institutions; providing for voluntary dissolution of blockchain institutions; providing for exemptions from securities regulations in certain circumstances; exempting virtual currency from regulation as checks and money order sales, money transmission services, transportation and current exchange; creating the Utility Token Act; providing for legislative findings; defining terms; classifying blockchain tokens as intangible personal property; setting out requirements for a blockchain token facilitator; making willful failure to comply with the act an unlawful trade practice; allowing referral for investigation and prosecution by secretary of state; providing for classification of digital assets as intangible personal property in certain circumstance; providing for procedure for perfection of security interest in digital assets; allowing state chartered banks to provide custodial service of digital assets; setting out duties of a bank to act as a qualified custodian; requiring banks to have an independent accountant conduct an examination consistent with federal law; providing that digital assets held in custody are not depositor liabilities or assets of a bank; establishing nature of relationship between the customer and a bank in custodial arrangements; allowing rulemaking of the banking commissioner; providing for jurisdiction of courts with respect to digital assets; and making the Consumer Credit Protection Act applicable to custodial arrangements"; to the Committee on Banking and Insurance then the Judiciary.

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

H. B. 4523 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, State Road Fund, Lottery Net Profits, Other Funds (special), and federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, by increasing items of appropriation to the Executive, Governor's Office, fund 0101, fiscal year 2022, organization 0100; to the Executive, Governor's Office – Custodial Fund, fund 0102, fiscal

year 2022, organization 0100; to the Executive, Auditor's Office – General Administration, fund 0116, fiscal year 2022, organization 1200; to the Executive, Treasurer's Office, fund 0126, fiscal year 2022, organization 1300; to the Executive, Department of Agriculture, fund 0131, fiscal year 2022, organization 1400; to the Executive, West Virginia Conservation Agency, fund 0132, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – Meat Inspection Fund, fund 0135, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture, fund 0607, fiscal year 2022, organization 1400; to the Executive, Attorney General, fund 0150, fiscal year 2022, organization 1500; to the Department of Administration, Department of Administration – Office of the Secretary, fund 0186, fiscal year 2022, organization 0201; Department of Administration, Division of Finance, fund 0203, fiscal year 2022, organization 0209; to the Department of Administration, Division of General Services, fund 0230, fiscal year 2022, organization 0211; to the Department of Administration, Division of Purchasing, fund 0210, fiscal year 2022, organization 0213; to the Department of Administration, Travel Management, fund 0615, fiscal year 2022, organization 0215; to the Department of Administration, West Virginia Public Employees Grievance Board, fund 0220, fiscal year 2022, organization 0219; to the Department of Administration, Ethics Commission, fund 0223, fiscal year 2022, organization 0220; to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2022, organization 0221; Department of Administration, West Virginia Prosecuting Attorneys Institute, fund 0557, fiscal year 2022, organization 0228; to the Department of Administration, Real Estate Division, fund 0610, fiscal year 2022, organization 0233; to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2022, organization 0305; to the Department of Commerce, Geological and Economic Survey, fund 0253, fiscal year 2022, organization 0306; Department of Commerce, Division of Labor, fund 0260, fiscal year 2022, organization 0308; Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2022, organization 0310; Department of Commerce, Division of Miners' Health, Safety and Training, fund 0277, fiscal year 2022, organization 0314; to the Department of Commerce, Board of Coal Mine Health

and Safety, fund 0280, fiscal year 2022, organization 0319; to the Department of Commerce, Department of Commerce – Office of the Secretary, fund 0606, fiscal year 2022, organization 0327; to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services, fund 0310, fiscal year 2022, organization 0932; to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307; to the Department of Economic Development, Department of Economic Development – Office of Energy, fund 0612, fiscal year 2022, organization 0328; to the Department of Education, State Board of Education – School Lunch Program, fund 0303, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – Aid for Exceptional Children, fund 0314, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – State Aid to Schools, fund 0317, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – Vocational Division, fund 0390, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – West Virginia Schools for the Deaf and the Blind, fund 0320, fiscal year 2022, organization 0403; to the Department of Arts, Culture, and History, Division of Culture and History, fund 0293, fiscal year 2022, organization 0432; to the Department of Arts, Culture, and History, Library Commission, fund 0296, fiscal year 2022, organization 0433; to the Department of Arts, Culture, and History, Educational Broadcasting Authority, fund 0300, fiscal year 2022, organization 0439; to the Department of Environmental Protection, Environmental Quality Board, fund 0270, fiscal year 2022, organization 0311; to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2022, organization 0313; to the Department of Health and Human Resources, Department of Health and Human Resources – Office of the Secretary, fund 0400, fiscal year 2022, organization 0501; to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources,

Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Human Rights Commission, fund 0416, fiscal year 2022, organization 0510; to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2022, organization 0511; to the Department of Homeland Security, Department of Homeland Security – Office of the Secretary, fund 0430, fiscal year 2022, organization 0601; to the Department of Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2022, organization 0606; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612; to the Department of Homeland Security, Division of Protective Services, Fund 0585, fiscal year 2022, organization 0622; to the Department of Homeland Security, Division of Justice and Community Services, fund 0546, fiscal year 2022, organization 0623; to the Department of Homeland Security, Division of Administrative Services, fund 0619, fiscal year 2022, organization 0623; to the Department of Revenue, Office of the Secretary, fund 0465, fiscal year 2022, organization 0701; to the Department of Revenue, Tax Division, fund 0470, fiscal year 2022, organization 0702; to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2022, organization 0703; to the Department of Revenue, West Virginia Office of Tax Appeals, fund 0593, fiscal year 2022, organization 0709; to the Department of Transportation, State Rail Authority, fund 0506, fiscal year 2022, organization 0804; to the Department of Transportation, Aeronautics Commission, fund 0582, fiscal year 2022, organization 0807; to the Department of Veterans' Assistance, fund 0456, fiscal year 2022, organization 0613; to the Department of Veterans' Assistance, Department of Veterans' Assistance – Veterans' Home, fund 0460, fiscal year 2022, organization 0618;

to the West Virginia Council for Community and Technical College Education, West Virginia Council for Community and Technical College Education – Control Account, fund 0596, fiscal year 2022, organization 0420; to the West Virginia Council for Community and Technical College Education, Mountwest Community and Technical College, fund 0599, fiscal year 2022, organization 0444; to the West Virginia Council for Community and Technical College Education, New River Community and Technical College, fund 0600, fiscal year 2022, organization 0445; to the West Virginia Council for Community and Technical College Education, Pierpont Community and Technical College, fund 0597, fiscal year 2022, organization 0446; to the West Virginia Council for Community and Technical College Education, Blue Ridge Community and Technical College, fund 0601, fiscal year 2022, organization 0447; to the West Virginia Council for Community and Technical College Education, West Virginia University of Parkersburg, fund 0351, fiscal year 2022, organization 0464; to the West Virginia Council for Community and Technical College Education, Southern West Virginia Community and Technical College, fund 0380, fiscal year 2022, organization 0487; to the West Virginia Council for Community and Technical College Education, West Virginia Northern Community and Technical College, fund 0383, fiscal year 2022, organization 0489; to the West Virginia Council for Community and Technical College Education, Eastern West Virginia Community and Technical College, fund 0587, fiscal year 2022, organization 0492; to the West Virginia Council for Community and Technical College Education, BridgeValley Community and Technical College, fund 0618, fiscal year 2022, organization 0493; to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2022, organization 0441; to the Higher Education Policy Commission, West Virginia University – School of Medicine Medical School Fund, fund 0343, fiscal year 2022, organization 0463; to the Higher Education Policy Commission, West Virginia University – General Administrative Fund, fund 0344, fiscal year 2022, organization 0463; to the Higher Education Policy Commission, Marshall University – School of Medicine, fund 0347, fiscal year 2022, organization 0471; to the Higher

Education Policy Commission, Marshall University – General Administration Fund, fund 0348, fiscal year 2022, organization 0471; to the Higher Education Policy Commission, West Virginia School of Osteopathic Medicine, fund 0336, fiscal year 2022, organization 0476; to the Higher Education Policy Commission, Bluefield State College, fund 0354, fiscal year 2022, organization 0482; to the Higher Education Policy Commission, Concord University, fund 0357, fiscal year 2022, organization 0483; to the Higher Education Policy Commission, Fairmont State University, fund 0360, fiscal year 2022, organization 0484; to the Higher Education Policy Commission, Glenville State College, fund 0363, fiscal year 2022, organization 0485; to the Higher Education Policy Commission, Shepherd University, fund 0366, fiscal year 2022, organization 0486; to the Higher Education Policy Commission, West Liberty University, fund 0370, fiscal year 2022, organization 0488; to the Higher Education Policy Commission, West Virginia State University, fund 0373, fiscal year 2022, organization 0490; to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – West Virginia Network for Educational Telecomputing (WVNET), fund 0551, fiscal year 2022, organization 0495; to the Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2022, organization 0603; to the Department of Transportation, Division of Motor Vehicles, fund 9007, fiscal year 2022, organization 0802; to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803; to the Executive, Governor's Office – Minority Affairs Fund, fund 1058, fiscal year 2022, organization 0100; to the Executive, Auditor's Office – Land Operating Fund, fund 1206, fiscal year 2022, organization 1200; to the Executive, Auditor's Office – Local Government Purchasing Card Expenditure Fund, fund 1224, fiscal year 2022, organization 1200; to the Executive, Auditor's Office – Securities Regulation Fund, fund 1225, fiscal year 2022, organization 1200; to the Executive, Auditor's Office – Purchasing Card Administration Fund, fund 1234, fiscal year 2022, organization 1200; to the Executive, Auditor's Office – Chief Inspector's Fund, fund 1235, fiscal year 2022, organization 1200; to the Executive, Treasurer's Office – College Prepaid Tuition and Savings Program Administrative Account, fund 1301, fiscal year

2022, organization 1300; to the Executive, Department of Agriculture – Agriculture Fees Fund, fund 1401, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – West Virginia Rural Rehabilitation Program, fund 1408, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – General John McCausland Memorial Farm Fund, fund 1409, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – Farm Operating Fund, fund 1412, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – Donated Food Fund, fund 1446, fiscal year 2022, organization 1400; to the Executive, Attorney General – Preneed Burial Contract Regulation Fund, fund 1513, fiscal year 2022, organization 1500; to the Executive, Secretary of State – Service Fees and Collection Account, fund 1612, fiscal year 2022, organization 1600; to the Executive, Secretary of State – General Administrative Fees Account, fund 1617, fiscal year 2022, organization 1600; to the Department of Administration, Department of Administration – Division of Finance – Shared Services Section Fund, fund 2020, fiscal year 2022, organization 0209; to the Department of Administration, Division of Information Services and Communications, fund 2220, fiscal year 2022, organization 0210; to the Department of Administration, Division of Purchasing – Vendor Fee Fund, fund 2263, fiscal year 2022, organization 0213; to the Department of Administration, Division of Purchasing – Purchasing Improvement Fund, fund 2264, fiscal year 2022, organization 0213; to the Department of Administration, Fleet Management Division Fund, fund 2301, fiscal year 2022, organization 0216; to the Department of Administration, Division of Personnel, fund 2440, fiscal year 2022, organization 0222; to the Department of Administration, West Virginia Prosecuting Attorneys Institute, fund 2521, fiscal year 2022, organization 0228; to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund, fund 2531, fiscal year 2022, organization 0231; to the Department of Commerce, Division of Forestry – Timbering Operations Enforcement Fund, fund 3082, fiscal year 2022, organization 0305; to the Department of Commerce, Division of Labor – HVAC Fund, fund 3186, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor –

Elevator Safety Fund, fund 3188, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – Steam Boiler Fund, fund 3189, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – Crane Operator Certification Fund, fund 3191, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – Amusement Rides and Amusement Attraction Safety Fund, fund 3192, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – State Manufactured Housing Administration Fund, fund 3195, fiscal year 2022, organization 0308; Department of Commerce, Division of Labor – Bedding and Upholstery Fund, fund 3198, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources, fund 3200, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Natural Resources – Nongame Fund, fund 3203, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Natural Resources – Planning and Development Division, fund 3205, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Natural Resources – Whitewater Study and Improvement Fund, fund 3253, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Miners' Health, Safety and Training – Special Health, Safety and Training Fund, fund 3355, fiscal year 2022, organization 0314; to the Department of Commerce, Department of Commerce – Office of the Secretary – Marketing and Communications Operating Fund, fund 3002, fiscal year 2022, organization 0327; to the Department of Economic Development, Department of Economic Development – Office of the Secretary – Office of Coalfield Community Development, fund 3162, fiscal year 2022, organization 0307; to the Department of Education, School Building Authority, fund 3959, fiscal year 2022, organization 0404; to the Department of Arts, Culture, and History, Division of Culture and History – Public Records and Preservation Revenue Account, fund 3542, fiscal year 2022, organization 0432; to the Department of Environmental Protection, Solid Waste Management Board, fund 3288, fiscal year 2022, organization 0312; to the Department of Environmental Protection, Division of Environmental Protection – Hazardous Waste Management Fund, fund 3023, fiscal year 2022,

organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Air Pollution Education and Environment Fund, fund 3024, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Special Reclamation Fund, fund 3321, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Oil and Gas Reclamation Fund, fund 3322, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Oil and Gas Operating Permit and Processing Fund, fund 3323, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Mining and Reclamation Operations Fund, fund 3324, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Underground Storage Tank Administrative Fund, fund 3325, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Hazardous Waste Emergency Response Fund, fund 3331, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Solid Waste Reclamation and Environmental Response Fund, fund 3332, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Solid Waste Enforcement Fund, fund 3333, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Air Pollution Control Fund, fund 3336, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Environmental Laboratory Certification Fund, fund 3340, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Recycling Assistance Fund, fund 3487, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Mountaintop Removal Fund, fund 3490, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Oil and Gas Conservation Commission – Special Oil and Gas Conservation Fund, fund 3371, fiscal year

2022, organization 0315; to the Department of Health and Human Resources, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – The Health Facility Licensing Account, fund 5172, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, West Virginia Health Care Authority – Health Care Cost Review Fund, fund 5375, fiscal year 2022, organization 0507; to the Department of Health and Human Resources, West Virginia Health Care Authority – Certificate of Need Program Fund, fund 5377, fiscal year 2022, organization 0507; to the Department of Health and Human Resources, Division of Human Services – Health Care Provider Tax – Medicaid State Share Fund, fund 5090, fiscal year 2022, organization 0511; to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund, fund 5185, fiscal year 2022, organization 0511; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Parolee Supervision Fees, fund 6362, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority, fund 6675, fiscal year 2022, organization 0608; to the Department of Homeland Security, West Virginia State Police – Motor Vehicle Inspection Fund, fund 6501, fiscal year 2022, organization 0612; to the Department of Homeland Security, West Virginia State Police – Forensic Laboratory Fund, fund 6511, fiscal year 2022, organization 0612; to the Department of Homeland Security, West Virginia State Police – Central Abuse Registry Fund, fund 6527, fiscal year 2022, organization 0612; to the Department of Homeland Security, Fire Commission – Fire Marshal Fees, fund 6152, fiscal year 2022, organization 0619; to the Department of Homeland Security, Division of Administrative Services – WV Community Corrections Fund, fund 6386, fiscal year 2022, organization 0623; to the Department of Homeland Security, Division of

Administrative Services – Court Security Fund, fund 6804, fiscal year 2022, organization 0623; to the Department of Revenue, Division of Financial Institutions, fund 3041, fiscal year 2022, organization 0303; to the Department of Revenue, Tax Division – Cemetery Company Account, fund 7071, fiscal year 2022, organization 0702; to the Department of Revenue, Tax Division – Special Audit and Investigative Unit, fund 7073, fiscal year 2022, organization 0702; to the Department of Revenue, Tax Division – Wine Tax Administration Fund, fund 7087, fiscal year 2022, organization 0702; to the Department of Revenue, Tax Division – Local Sales Tax and Excise Tax Administration Fund, fund 7099, fiscal year 2022, organization 0702; to the Department of Revenue, Insurance Commissioner – Examination Revolving Fund, fund 7150, fiscal year 2022, organization 0704; to the Department of Revenue, Insurance Commissioner – Consumer Advocate, fund 7151, fiscal year 2022, organization 0704; to the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2022, organization 0704; to the Department of Revenue, Municipal Bond Commission, fund 7253, fiscal year 2022, organization 0706; to the Department of Revenue, Racing Commission – Administration and Promotion Account, fund 7304, fiscal year 2022, organization 0707; to the Department of Revenue, Racing Commission – General Administration, fund 7305, fiscal year 2022, organization 0707; to the Department of Revenue, Racing Commission – Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account, fund 7307, fiscal year 2022, organization 0707; to the Department of Revenue, Alcohol Beverage Control Administration, fund 7352, fiscal year 2022, organization 0708; to the Department of Transportation, Division of Motor Vehicles – Motor Vehicle Fees Fund, fund 8223, fiscal year 2022, organization 0802; to the Bureau of Senior Services, Bureau of Senior Services – Community Based Service Fund, fund 5409, fiscal year 2022, organization 0508; to the Higher Education Policy Commission, Higher Education Policy Commission – System – Tuition Fee Capital Improvement Fund (Capital Improvement and Bond Retirement Fund) Control Account, fund 4903, fiscal year 2022, organization 0442; to the Higher Education Policy Commission, West Virginia University – West Virginia

University Health Sciences Center, fund 4179, fiscal year 2022, organization 0463; to the Miscellaneous Boards and Commissions, Board of Barbers and Cosmetologists – Barbers and Beauticians Special Fund, fund 5425, fiscal year 2022, organization 0505; to the Miscellaneous Boards and Commissions, State Armory Board – General Armory Fund, fund 6057, fiscal year 2022, organization 0603; to the Miscellaneous Boards and Commissions, WV State Board of Examiners for Licensed Practical Nurses – Licensed Practical Nurses, fund 8517, fiscal year 2022, organization 0906; to the Miscellaneous Boards and Commissions, WV Board of Examiners for Registered Professional Nurses – Registered Professional Nurses, fund 8520, fiscal year 2022, organization 0907; to the Miscellaneous Boards and Commissions, Public Service Commission, fund 8623, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Public Service Commission – Gas Pipeline Division – Public Service Commission Pipeline Safety Fund, fund 8624, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Public Service Commission – Motor Carrier Division, fund 8625, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund, fund 8627, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Real Estate Commission – Real Estate License Fund, fund 8635, fiscal year 2022, organization 0927; to the Miscellaneous Boards and Commissions, WV Board of Examiners for Speech-Language Pathology and Audiology – Speech-Language Pathology and Audiology Operating Fund, fund 8646, fiscal year 2022, organization 0930; to the Miscellaneous Boards and Commissions, WV Board of Respiratory Care – Board of Respiratory Care Fund, fund 8676, fiscal year 2022, organization 0935; to the Miscellaneous Boards and Commissions, Massage Therapy Licensure Board – Massage Therapist Board Fund, fund 8671, fiscal year 2022, organization 0938; to the Miscellaneous Boards and Commissions, Board of Medicine – Medical Licensing Board Fund, fund 9070, fiscal year 2022, organization 0945; to the Miscellaneous Boards and Commissions, West Virginia Enterprise Resource Planning Board – Enterprise Resource Planning System Fund, fund 9080, fiscal year 2022, organization 0947; to the

Department of Tourism – Office of the Secretary, fund 3067, fiscal year 2022, organization 0304; to the Division of Natural Resources, fund 3267, fiscal year 2022, organization 0310; to the State Board of Education, fund 3951, fiscal year 2022, organization 0402; to the Division of Culture and History – Lottery Education Fund, fund 3534, fiscal year 2022, organization 0432; to the Higher Education Policy Commission – Lottery Education – Higher Education Policy Commission – Control Account, fund 4925, fiscal year 2022, organization 0441; to the Higher Education Policy Commission – Lottery Education – West Virginia University – School of Medicine, fund 4185, fiscal year 2022, organization 0463; Higher Education Policy Commission – Lottery Education – Marshall University – School of Medicine, fund 4896, fiscal year 2022, organization 0471; to the Bureau of Senior Services – Lottery Senior Citizens Fund, fund 5405, fiscal year 2022, organization 0508; to the Executive, Department of Agriculture, fund 8736, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – Meat Inspection Fund, fund 8737, fiscal year 2022, organization 1400; to the Executive, Attorney General – Medicaid Fraud Unit, fund 8882, fiscal year 2022, organization 1500; to the Department of Commerce, Division of Forestry, fund 8703, fiscal year 2022, organization 0305; to the Department of Commerce, Division of Labor, fund 8706, fiscal year 2022, organization 0308; to the Department of Commerce; Division of Natural Resources, fund 8707, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Miners' Health, Safety and Training, fund 8709, fiscal year 2022, organization 0314; to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services, fund 8734, fiscal year 2022, organization 0932; to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services – Disability Determination Services, fund 8890, fiscal year 2022, organization 0932; to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 8705, fiscal year 2022, organization 0307; to the Department of Economic Development, Department of Economic Development – Office of Energy, fund 8892, fiscal year 2022, organization 0328; to the Department of Education, State Board of Education – State Department of Education, fund

8712, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – Aid for Exceptional Children, fund 8715, fiscal year 2022, organization 0402; to the Department of Arts, Culture, and History, Division of Culture and History, fund 8718, fiscal year 2022, organization 0432; to the Department of Arts, Culture, and History, Commission for National and Community Service, fund 8841, fiscal year 2022, organization 0432; to the Department of Arts, Culture, and History, Library Commission, fund 8720, fiscal year 2022, organization 0433; to the Department of Environmental Protection, Division of Environmental Protection, fund 8708, fiscal year 2022, organization 0313; to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – Central Office, fund 8802, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Human Rights Commission, fund 8725, fiscal year 2022, organization 0510; to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2022, organization 0511; to the Department of Homeland Security, Division of Emergency Management, fund 8727, fiscal year 2022, organization 0606; to the Department of Homeland Security, West Virginia State Police, fund 8741, fiscal year 2022, organization 0612; to the Department of Homeland Security, Division of Administrative Services, fund 8803, fiscal year 2022, organization 0623; to the Department of Transportation, Division of Public Transit, fund 8745, fiscal year 2022, organization 0805; to the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 8858, fiscal year 2022, organization 0613; to the Department of Veterans' Assistance, Department of Veterans' Assistance – Veterans' Home, fund 8728, fiscal year 2022, organization 0618; to the Bureau of Senior Services, Bureau of Senior Services, fund 8724, fiscal year 2022, organization 0508; to the Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 8726, fiscal year 2022,

organization 0603; to the Miscellaneous Boards and Commissions, Public Service Commission – Motor Carrier Division, fund 8743, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Public Service Commission – Gas Pipeline Division, fund 8744, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, National Coal Heritage Area Authority, fund 8869, fiscal year 2022, organization 0941; to the Department of Economic Development – Office of the Secretary – Community Development, fund 8746, fiscal year 2022, organization 0307; to the WorkForce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2022, organization 0323; to the Division of Health – Maternal and Child Health, fund 8750, fiscal year 2022, organization 0506; to the Division of Health – Preventive Health, fund 8753, fiscal year 2022, organization 0506; to the Division of Health – Substance Abuse Prevention and Treatment, fund 8793, fiscal year 2022, organization 0506; to the Division of Health – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506; to the Division of Human Services – Energy Assistance, fund 8755, fiscal year 2022, organization 0511; to the Division of Human Services – Social Services, fund 8757, fiscal year 2022, organization 0511; to the Division of Human Services – Temporary Assistance for Needy Families, fund 8816, fiscal year 2022, organization 0511; and to the Division of Human Services – Child Care and Development, fund 8817, fiscal year 2022, organization 0511"; to the Committee on Finance.

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

H. B. 4524 - "A Bill to repeal §11A-3-5, §11A-3-5a, §11A-3-5b, §11A-3-6, §11A-3-7, §11A-3-14, §11A-3-15, §11A-3-16, §11A-3-17, §11A-3-18, §11A-3-19, §11A-3-20, §11A-3-21, §11A-3-22, §11A-3-23, §11A-3-24, §11A-3-25, §11A-3-26, §11A-3-27, §11A-3-28, §11A-3-29, §11A-3-30, and §11A-3-31 of the Code of West Virginia, 1931, as amended; to amend and reenact §11A-1-3, §11A-1-8, §11A-2-14, §11A-2-18, §11A-3-1, §11A-3-2, §11A-3-4, §11A-3-8, §11A-3-9, §11A-3-10, §11A-3-11, §11A-3-12, §11A-3-13, §11A-3-32, §11A-3-38, §11A-3-42, §11A-3-44, §11A-3-45, §11A-3-46, §11A-3-50, §11A-3-52,

§11A-3-54, §11A-3-56, §11A-4-3, §11A-4-4, §16-18-3, §31-18E-9, and §31-21-11; and to amend said code by adding thereto a new section, designated §31-18-20e, all relating to the tax sale process; reducing the rate of interest on delinquent property taxes; modifying the method by which notice is provided regarding the payment of property taxes; requiring a sheriff to accept credit cards as a form of payment for property taxes; allowing a sheriff to offer discounts on tax liability to taxpayers that pay with a credit card; modifying the deadline by which a sheriff must present delinquent lists to its county commission; modifying the deadline that a county commission certifies a delinquent list to the auditor; providing that a sheriff must provide a redemption receipt if property is redeemed prior to certification to the auditor; modifying the policy related to the sale of tax liens; modifying the process by which a sheriff provides its second notice of delinquent real estate; modifying the timing and payment of redemption for delinquent properties prior to certification to the auditor; providing that any property not redeemed to the sheriff is to be certified to the auditor; providing that the sheriff must prepare a list of all the tax liens on delinquent real estate redeemed prior to certification or certified to the auditor; providing that the sheriff must account for the proceeds from redemptions prior to certification; providing that a sheriff may modify its redemption and certification list within 30 days after the publication of such list; providing for the publication of such list; requiring sheriffs to keep separate accounts for redemptions moneys; reducing the interest rate on delinquent taxes on property certified to the auditor; identifying lands subject to sale by the deputy commissioner; relating to the obligation that the auditor certify and deliver a list of lands subject to sale by the deputy commissioner; addressing annual auctions held by the deputy commissioner and the publication of notice of public auctions held by the deputy commissioner; relating the requirements that a purchaser must satisfy before he or she can secure a deed; relating to the notice to redeem provided to a person entitled to redeem delinquent property; providing for certain delinquent taxpayers to redeem in incremental payments; addressing the right to set aside a tax deed improperly obtained or a tax deed obtained without sufficient notice; modifying certain definitions; creating a new special fund; relating to the right of certain entities to purchase

delinquent properties; and modifying certain obligations of the West Virginia Land Stewardship Corporation land bank program"; to the Committee on the Judiciary then Finance.

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

H. B. 4525 - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of $ 22,500,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund"; to the Committee on Finance.

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

H. B. 4526 - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022 in the amount of $125,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits"; to the Committee on Finance.

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

H. B. 4527 - "A Bill supplementing and amending the appropriations 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 Commerce, Department of Commerce – Office of the Secretary, fund 0606, fiscal year 2022, organization 0327, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 4528 - "A Bill supplementing and amending the appropriations 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 Administration, Office of Technology, fund 0204, fiscal year 2022, organization 0231, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the

budget bill for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 4529 - "A Bill supplementing and amending the appropriations 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 Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 4530 - "A Bill supplementing and amending the appropriations 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 Administration, Public Defender Services, fund 0226, fiscal year 2022, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 4531 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-6b; and to amend and reenact §17-27-3, §17-27-4, §17-27-5, §17-27-7, §17-27-8, §17-27-9, §17-27-11, §17-27-13, §17-27-14, §17-27-15, and §17-27-16 of said Code, all relating to encouraging public-private partnerships related to transportation facilities; providing coal severance tax escrow fund for the state portion of coal severance taxes paid on a public-private transportation facility; authorizing Division of Highways to repay collected tax in escrow to the private entities; cleaning up antiquated language; clarifying the roles of the division, public entities, and developers; simplifying the public-private partnership review process; clarifying that the Commissioner of the Division of Highways may

approve or modify the division's rankings, authorize negotiations and a comprehensive agreement with the highest ranking developer, or reject all proposals; providing that the division is not obligated to accept, consider or review unsolicited conceptual proposals, but may choose to do so; providing that no obligation or liability attach to either party if they are unable to reach an agreement; providing that the division may negotiate a comprehensive agreement with the next-highest-ranked developer if an agreement cannot be reached with the highest ranked developer; clarifying the extent to which the division may utilize condemnation if it is found the project serves a public purpose or the developer is in material default; and exempting public-private partnership agreements from statutory government construction contract requirements"; to the Committee on Government Organization then Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff:

H. B. 4532 - "A Bill to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended, related to computer science education in West Virginia schools; recognizing a need to provide coursework on computational thinking, block-based programming, text-based programming, network communication, computer architecture, and cyber security; requiring the board to update and build upon prior computer science education plans to include additional subject matter"; to the Committee on Education then Finance.

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

H. B. 4533 - "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-4-2 of said code; and to amend and reenact §18A-4-8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof, increasing annual salaries of public school teachers, increasing annual salaries of school service personnel, and providing an effective date for these increases"; to the Committee on Finance.

By Delegates Barrett, Steele, Reynolds, Foster, Smith and Wamsley:

H. B. 4534 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2D-8, relating to awarding the service weapon of a retiring Division of Protective Services member 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 member is totally physically disabled as a result of service with the Division of Protective Services; prohibiting the award of a service weapon to a retiring member whom the Division of Protective Services 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 Division of Protective Services member; 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 Veterans' Affairs and Homeland Security then Finance.

By Delegate Summers:

H. B. 4535 - "A Bill to repeal §18-8-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-2-3a of said code, all relating to motor vehicle licensing; removing school attendance and satisfactory progress as a condition of motor vehicle licensing; and modifying the compliance requirements for a graduated driver's license"; to the Committee on Government Organization.

By Delegates Graves, Linville, Barrett, Toney, Reynolds, Wamsley, Ferrell, Jennings and Rohrbach:

H. B. 4536 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-7A-26x, relating to one-time bonus payments for certain annuitants"; to the Committee on Pensions and Retirement then Finance.

By Delegate Fast:

H. B. 4537 - "A Bill to amend and reenact §62-12-18 of the Code of West Virginia, 1931, as amended, relating to the granting

of early discharge to parolees after a minimum of one year on parole; allowing the Commissioner of the Division of Corrections and Rehabilitation or designee to request early discharge of a parolee; and providing that the Chairperson of the Parole Board grant early discharge from parole for a parolee upon review of the request for early discharge"; to the Select Committee on Jails and Prisons then the Judiciary.

By Delegates Worrell, Toney, G. Ward, Bridges, J. Jeffries, Rohrbach, Dean, Wamsley, Storch, Lovejoy and Miller:

H. B. 4538 - "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to a one time raise in pay for certain members of the State Police"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Storch, Bates, Evans, Anderson and Gearheart:

H. B. 4539 - "A Bill to amend and reenact §5-10-14 and §5-10-30 of the Code of West Virginia, 1931, as amended, all relating to service credit, retroactive provisions and the refund of accumulated contributions for certain members of the West Virginia Public Employees Retirement System"; to the Committee on Pensions and Retirement then Finance.

By Delegates Storch, Evans, Bates, Anderson, Pethtel and Gearheart:

H. B. 4540 - "A Bill to amend and reenact §5-10-2, §5-10-27b and §5-10-44 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-2, §7-14D-7a and §7-14D-9b; to amend and reenact §8-22A-2, §8-22A-8a and §8-22A-11; to amend and reenact §15-2-25b, §15-2-45 and §15-2-54; to amend and reenact §15-2A-2, §15-2A-6b and §15-2A-23; to amend and reenact §16-5V-2, §16-5V-8a and §16-5V-13; to amend and reenact §18-7A-3, §18-7A-14c and §18-7A-28b; to amend and reenact §18-7B-2, §18-7B-12a and §18-7B-21; to amend and reenact §20-18-2, §20-18-9 and §20-18-14; and to amend and reenact §51-9-1a, §51-9-12b and §51-9-18, all relating to updating provisions of the retirement and pension benefits of the West Virginia Public Employees Retirement System, the Deputy Sheriffs' Retirement System, the Municipal Police and Firefighters Retirement System,

the State Police Death, Disability and Retirement Fund, the West Virginia State Police Retirement Fund, the Emergency Medical Services Retirement System, the Teachers Retirement System, the Teachers' Defined Contribution Retirement System, the Natural Resources Police Officers Retirement System and the Judges' Retirement Fund in order to comply with federal law; changing age threshold for plan members born after June 30, 1949; clarifying provisions regarding correction of errors; and amending definitions for each retirement system named here"; to the Committee on Pensions and Retirement then Finance.

By Delegate Fast:

H. B. 4541 - "A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to permitting a current or former employee of the Division of Corrections and Rehabilitation access to relevant juvenile records for purposes of pursuing a grievance; permitting the release of such records only after a hearing to determine relevancy by the Public Employees Grievance Board; providing for the sealing of such relevant records from public view and the redaction of any identifying information related to the juvenile; placing certain limitations on the grieving party's use of such records; permitting a grieving party's representative access to such records; requiring a court order for any further use of such records outside of the grievance proceeding; subjecting the grievant and grievance representative to criminal penalties for violations of the section; and making technical corrections"; to the Committee on the Judiciary.

By Delegate Fast:

H. B. 4542 - "A Bill to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating to adding additional members to the West Virginia Parole Board"; to the Committee on Government Organization.

By Delegates Graves, Linville, Haynes, Skaff, Pack, Hornbuckle, Storch, Pritt and Garcia:

H. B. 4543 - "A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to formerly incarcerated individuals voting rights by eliminating restrictions to voting rights for once an individual is released from incarceration

through probation, parole, or completion of a sentence"; to the Select Committee on Jails and Prisons then the Judiciary.

By Delegates Householder and Criss:

H. B. 4544 - "A Bill to amend and reenact §11-13J-10 of the Code of West Virginia, 1931, as amended, relating to the Neighborhood Investment Program, adding a sunset provision regarding the reporting requirement; and providing an effective date"; to the Committee on Finance.

By Delegates Haynes, Keaton, Pritt, Cooper, Maynor, Hanna, Honaker, Booth, G. Ward, Kessinger and Phillips:

H. B. 4545 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-9b, relating to requiring county school board to obtain annual inspections of schools within their jurisdiction"; to the Committee on Education.

By Delegates Hamrick, Dean, Haynes, Howell, Maynard, Paynter, Ferrell and Hanna:

H. B. 4546 - "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, and §11-13MM-3, all relating to the creation of the Headquarters Relocation Tax Credit; providing for a short title; providing for the establishment of the tax credit; listing certain conditions applicable to receiving the tax credit; providing for a carry forward procedure for the tax credit; forbidding carry back provisions; and providing for an effective date for the tax credit"; to the Committee on Finance.

By Delegates Pinson, Clark, Keaton, Burkhammer, Statler, Maynor, B. Ward, Brown and Smith:

H. B. 4547 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-3-14, relating to requiring that students in high school are required to pass a test on the United States Constitution in order to graduate from high school; providing that the State Board of Education shall create the test; providing that the test require a high passage rate; providing a mechanism for students to re-take the test if necessary;

and providing for an effective date"; to the Committee on Education.

By Delegates Hamrick, Dean, Martin, Haynes, Maynard, Paynter, Zukoff, Boggs and Ferrell:

H. B. 4548 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, §19-39-2, §19-39-3, §19-39-4, §19-39-5, §19-39-6, §19-39-7, §19-39-8, and §19-39-9, all relating to the establishment of the State Veterinary Blood Bank; providing for legislative findings and purpose; providing for definitions; establishing the State Veterinary Blood Bank; providing for liability; setting forth certain guidelines; providing that payment is prohibited; providing for coordination with other state agencies and boards; creating a reporting requirement; and defining violations"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate G. Ward:

H. B. 4549 - "A Bill to amend and reenact §16-2D-10 of the Code of West Virginia, 1931, as amended, relating to public health; and providing exemptions to certificates of need for certain health care facilities"; to the Committee on Health and Human Resources.

By Delegates Hamrick and Keaton:

H. B. 4550 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32; and to amend and reenact §55-7B-8 of said code, all relating to eliminating a specific dollar amount or a range for the jury to consider with respect to awards for noneconomic damages in civil litigation"; to the Committee on the Judiciary.

By Delegates Hamrick, Howell, Ellington, Ferrell, Statler, Toney, Horst, Bridges, Maynor and Keaton:

H. B. 4551 - "A Bill to amend and reenact §18B-2C-1 and §18B-2C-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18B-2C-8, all relating to creating the West Virginia Warranty on Worker (WVWOW) program to provide a warranty to community and technical college graduates and their employers that graduates are competent in the degree, diploma and technical certificate of

credit program for which they are trained; providing scope of warranty and identifying who may redeem; directing development of procedures; and setting forth an effective date"; to the Committee on Workforce Development then Education then Finance.

By Delegates Hamrick, Howell, Ellington, Ferrell, Barrett, Hardy, Statler, Toney, Storch, Linville and Riley:

H. B. 4552 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13MM-1, relating to a tax credit for certain employers who employ West Virginia community and technical college graduates; providing for the application to corporation net income taxes; and setting forth limitation"; to the Committee on Finance.

By Delegates Clark, Haynes, Anderson, Espinosa, Barrett and Riley:

H. B. 4553 - "A Bill to amend and reenact §8A-1-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8A-7-3 of said code; all relating to zoning requirements for exempt wholesale generators; providing for the definition of 'exempt wholesale generator'; and, providing that exempt wholesale generators are a permitted use in any zoning district"; to the Committee on the Judiciary.

By Delegates Phillips, Dean, Evans, Griffith, Hott, Paynter and B. Ward:

H. B. 4554 - "A Bill to repeal §19-1-10 and §19-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-13DD-3 of said code; to amend and reenact §19-1-4a and §19-1-11 of said code; to amend said code by adding thereto two new sections, designated §19-1-13 and §19-1-14; to amend and reenact §19-2C-1, §19-2C-6a, and §19-2C-10 of said code; to amend and reenact §19-9-7a of said code; to amend and reenact §19-12E-4 and §19-12E-5 of said code; to amend said code by adding thereto a new article, designated §19-14A-1, §19-14A-2, §19-14A-3, §19-14A-4, §19-14A-5, §19-14A-6, §19-14A-7, §19-14A-8, §19-14A-9, §19-14A-10, §19-14A-11, §19-14A-12, §19-14A-13, §19-14A-14, and §19-14A-15 of said code; to amend and reenact §19-15A-4 of said code; to amend and reenact §19-16-6 of said code; to

amend and reenact §19-16A-21 of said code; to amend and reenact §19-20C-3 of said code; and to amend and reenact §19-36-2 and §19-36-5 of said code, all relating generally to the 2022 Farm Bill; raising the West Virginia Farm to Food bank tax credit from $2,500 to $5,000; allowing for retroactive application of the tax credit; allowing the Commissioner of Agriculture to accept funds from various federal agencies; repealing requirement for Social Security numbers to be included on applications; removing reporting requirement to Joint Committee; requiring commissioner to report to the Legislature; authorizing commissioner to add interest to debts owed the department; authorizing department to file liens against persons who owe debts; modifying definitions; revising requirements for membership on the board of review; providing compensation for board members; clarifying advertising requirements; changing the National Animal Identification System to the Animal Disease Traceability Program; requiring license from state to produce industrial hemp; allowing commissioner to recognize hemp license issued by the USDA; creating the West Virginia Animal Remedy law; defining terms; establishing powers and duties of commissioner; providing exemptions; requiring registration of animal remedy products; providing commissioner authority to refuse, suspend, or revoke the registration of animal remedies; providing the right to hearing or appeal of decisions to suspend, refuse, or revoke applications; establishing labeling requirements; establishing when an animal remedy is adulterated; establishing when an item is misbranded; allowing commissioner to issue and enforce embargo orders, confiscate product, condemn, and seek injunction against violators; requiring commissioner keep trade secrets confidential; establishing prohibited acts; establishing criminal and civil penalties for violations; providing penalty for deviation in product; repealing publication requirement for West Virginia fertilizer law; removing requirement that commissioner published a report on the West Virginia seed law; allowing commissioner to deny, suspend, or modify license if applicant has violated, convicted, or assessed penalty under the federal insecticide, fungicide, and rodenticide act; Removing outdated reporting requirement provision; defining agritourism; and establishing that agritourism does not affect the zoning law"; to the

Committee on Agriculture and Natural Resources then the Judiciary then Finance.

By Delegates Hamrick, Dean, Paynter, Haynes and Howell:

H. B. 4555 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-13, relating to carrying and storing a handgun or handgun ammunition by a hotel guest; and defenses to prosecution"; to the Committee on the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 4311, Creating criminal penalties for illegal voting activity; 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. 75)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Diserio, Fleischauer, D. Jeffries, Maynard, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4311) passed.

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 third reading:

S. B. 435, Awarding service weapon to retiree from Division of Protective Services,

Com. Sub. for S. B. 437, Providing for early discharge of parolees,

And,

Com. Sub. for S. B. 449, Relating to Nonviolent Offense Parole Program.

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. 4003, Relating generally to commercial benefit of substances removed from waters of the state by the treatment of mine drainage,

Com. Sub. for H. B. 4111, Relating to the prescriptive authority of advance practice registered nurses,

And,

H. B. 4296, To revise outdated provisions within Chapter 23 of the West Virginia Code, which pertains to workers' compensation.

First Reading

Com. Sub. for H. B. 4084, Relating to advanced recycling; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4369, Update the telepsychology compact; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4424, Defining the operations of jail functions, was, in the absence of objection, referred to the Committee on Finance.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Diserio, Fleischauer, D. Jeffries, Maynard, Williams 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. 4010: Delegate Bates;

H. B. 4297: Delegate Pack;

H. B. 4438: Delegate Kimble;

And,

H. B. 4467: Delegates Clark and Tully.

At 11:49 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 7, 2022.

Monday, February 7, 2022

TWENTY-SEVENTH DAY

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

The House of Delegates met at 11:00 a.m., and 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, February 3, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Capito, Fluharty, Garcia, D. Kelly, Nestor, Pack, Pritt, Pushkin and Queen:

H. B. 4522 - "A Bill to amend and reenact §61-11-25 of the Code of West Virginia, 1931, as amended, relating to expungement of criminal records; making expungement of records for certain defendants acquitted of all criminal charges or against whom charges were dismissed with prejudice eligible for expungement without any action by the person; providing for a petition for expungement of persons not eligible for expungement without action by the person; providing for a petition for expungement of persons charged with a felony offense no sooner than one year after the person is held to answer in circuit court without an indictment or information having been returned or filed; clarifying that persons found not guilty by reason of mental illness, mental retardation or addiction are exempt from the provisions of the section; and clarifying that persons with prior felony convictions are not eligible for expungement."

Delegate Rohrbach, 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. 4012, Prohibiting the showing of proof of a COVID-19 vaccination,

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. 4012) was referred to the Committee on the Judiciary.

Delegate Rohrbach, 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. 4089, Require certain coverage and reimbursement for a person diagnosed with hypertension,

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

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 4089) to the Committee on Finance.

Delegate Rohrbach, 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. 4373, To exclude fentanyl test strips from the definition of drug paraphernalia,

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. 4373) was 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. 4480, Granting to the West Virginia Department of Environmental Protection Division of Air Quality the authority to invest the money held in certain funds,

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. 4480) was referred to the Committee on Finance.

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. 4098, Relating to Geothermal Energy Development,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4098 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-33-1, §22-33-2, §22-33-3, §22-33-4, §22-33-5, §22-33-6, §22-33-7, §22-33-8, and §22-33-9, all relating to geothermal energy development; defining terms; applying the article to geothermal resources at temperatures above a minimum temperature and a minimum volumetric flow rate as set forth by the Department of Environmental Protection; excepting heat pump

systems for private residential dwellings and farm buildings; clarifying and designating ownership rights to geothermal resources; providing findings and declaring geothermal resources as neither mineral nor water; defining the powers, duties, and limitations of the department; providing for rule making authority by the department; establishing permitting authority; setting parameters and parameter review and revisions; providing for waste disposal and reinjection of spent fluids; providing for plugging and reclamation; providing for cancellation or rejection of permits by the department under certain circumstances; providing for civil penalties and injunctions for violations of law, rules, or permits; assigning judicial jurisdiction for review; and establishing judicial relief,"

With the recommendation that the committee substitute do pass.

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. 4032, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4032 - "A Bill to amend and reenact §61-8D-3 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury and child abuse or neglect creating risk of injury; providing that a prior conviction under this section subjects a person to increased penalties; and providing a definition for a prior conviction,"

And,

H. B. 4297, To facilitate the sharing of information between the Department of Health and Human Resources and the State Auditor's office in order to investigate reports of financial abuse and neglect of a vulnerable adult,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4297 - "A Bill to amend and reenact §9-6-8 of the Code of West Virginia, 1931, as amended, relating to the coordination of efforts and sharing of information between the Department of Health and Human Resources and the State Auditor's Office for the purpose of conducting investigations of financial exploitation of a vulnerable adult,"

With the recommendation that the committee substitutes each do pass.

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. 4011, Establishing the Anti-Stereotyping Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4011) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 4165, Authorizing the State Tax Department to promulgate a legislative rule relating to the Exemption for Repair, Remodeling, and Maintenance of Aircraft,

And,

H. B. 4168, Authorizing the Tax Department to promulgate a legislative rule relating to the Corporation Net Income Tax,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4165 and H. B. 4168) were each referred to the Committee on Government Organization.

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

Your Committee on Finance has had under consideration:

H. B. 4234, Authorizing the Treasurer to promulgate a legislative rule relating to the Substitute Checks-Exceptional Items Fund,

H. B. 4235, Authorizing the Treasurer to promulgate a legislative rule relating to Procedures for Deposit of Moneys with the State Treasurer's Office by State Agencies,

H. B. 4236, Authorizing the Treasurer to promulgate a legislative rule relating to Selection of State Depositories for Disbursement Accounts Through Competitive Bidding,

H. B. 4237, Authorizing the Treasurer to promulgate a legislative rule relating to Selection of State Depositories for Receipt Accounts,

H. B. 4238, Authorizing the Treasurer to promulgate a legislative rule relating to Procedures for Processing Payments from the State Treasury,

H. B. 4240, Authorizing the Treasurer to promulgate a legislative rule relating to Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment,

And,

H. B. 4241, Authorizing the Treasurer to promulgate a legislative rule relating to Procedures for Providing Services to Political Subdivisions,

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. 4234, H. B. 4235, H. B. 4236, H. B. 4237, H. B. 4238, H. B. 4240 and H. B. 4241) were each referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 4239, Authorizing the Treasurer to promulgate a legislative rule relating to Reporting Debt,

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. 4239) was referred to the Committee on the Judiciary.

Delegate Westfall, Vice Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 3rd day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 244, Relating to appointment of judges to Intermediate Court of Appeals.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by

its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

Com. Sub. for S. C. R. 17 - "Requesting the Division of Highways name bridge number 02-032/00-001.22 (02A152), (39.40678, -78.02421), locally known as Tabler Station Overpass, carrying CR 32 over I-81 in Berkeley County, the 'U.S. Air Force SSGT Logan A. Young Memorial Bridge'."

Whereas, Logan Andrew Young was born in 1990, in Winchester, Virginia, the son of Steven B. Young and Beth A. Young. He grew up in Winchester, Virginia, where he graduated from Millbrook High School in 2008. He enlisted in the United States Air Force in 2011; and

Whereas, While serving on active duty in security forces, Logan A. Young was stationed at Kadena Air Base, Japan; RAF Alconbury, England; and Andrews Air Force Base, Maryland. He was deployed to the Middle East in 2012 and again in 2014. He joined the 167th Civil Engineering Squadron as a firefighter in 2018 and was a decorated Senior Airman with the 167th Airlift Wing of the West Virginia Air National Guard; and

Whereas, Senior Airman Logan A. Young, a nine-year veteran of the United States Air Force, lost his life in the line of duty while fighting a fire in the early morning hours of December 27, 2020, near Martinsburg, West Virginia; and

Whereas, Senior Airman Logan A. Young's military awards include the Air Force Outstanding Unit Award, Air Force Good Conduct Medal with one Oak Leaf Cluster, Air Reserve Forces Meritorious Service Medal, National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Air Force Overseas Ribbon Long with 1 Oak Leaf Cluster, Air Force Expeditionary Service Ribbon with Gold Border, Air Force Expeditionary Service Ribbon, Air Force Longevity Service, USAF NCO PME Graduate Ribbon, Small Arms Expert Marksmanship Ribbon (Rifle), and the Air Force Training Ribbon; and

Whereas, Senior Airman Logan A. Young was posthumously promoted to the rank of staff sergeant; and

Whereas, SSGT Logan A. Young exemplified being a devoted and selfless patriot who loved his country, community, family, and fellow man. He was patient, passionate, and dedicated. He enjoyed playing soccer, basketball, fishing, and riding ATVs and his motorcycle. He was an avid Pittsburgh Steelers fan. SSGT Logan A. Young also had a great love for sneakers and owned enough Nikes to wear a different pair every day of the year; and

Whereas, SSGT Logan A. Young is survived by his daughter, Leira Ann Young, who was born six months after his death; his fiancée, London Brown, and her daughter Jesslyn Wolf; his brother and sister-in-law, Nathan Young and Daffne; his sister and brother-in-law, Danielle Brosan and Mike; and many aunts, uncles, cousins, and friends; and

Whereas, SSGT Logan A. Young was a hero to many, loved by all, and missed by those who knew him. SSGT Logan A. Young is forever in the hearts of his family and friends, as well as his military and fire department. As someone once said, "A hero is someone who has given his life to something bigger than oneself"—SSGT Logan A. Young was a hero; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSGT Logan A. Young and his sacrifice to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 02-032/00-001.22 (02A152), (39.40678, -78.02421), locally known as Tabler Station Overpass, carrying CR 32 over I-81 in Berkeley County, the "U.S. Air Force SSGT Logan A. Young Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Air Force SSGT Logan A. Young Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways*;* a copy to the County Counsel of Berkeley County; two copies—one to his father Steven B. Young and a copy to his mother Beth A. Young; and to his daughter Leira Ann Young; his fiancée, London Brown; his brother and sister-in-law, Nathan Young and Daffne; and to his sister and brother-in-law, Danielle Brosan and Mike.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

S. C. R. 21 - "Requesting the Division of Highways name bridge number 40-034/00-021.21 (40A162), (38.53214, -81.89558) locally known as Winfield 34 over pass, carrying 34 over 817 in Putnam County, the 'Putnam County Veterans Memorial Bridge'."

Whereas, Putnam County is home to approximately 4,000 veterans ranging from the Korean War to the War in Afghanistan and make up about nine percent of West Virginia's veteran population. Thousands of Putnam County residents have proudly served in the military from the Civil War to the War in Afghanistan and have received every commendation except the Medal of Honor. Putnam County is the home of three National Guard Units 111th Engineer Brigade,3664th Support Maintenance Company, B-Troop 1st of the 150th Armor, and a US Navy Reserve Center. Many of these guardsmen, women, and Naval Reservists are also veterans of the Gulf War and the wars in Iraq and Afghanistan. These men and women cross this bridge every day on their way to the armory; and

Whereas, Many of our veterans, when they return home, continue to serve their communities in Putnam County and surrounding areas as first responders, Sheriff of Putnam County, business owners, and elected officials. Putnam County Veterans

also continue to serve their communities and other veterans through The American Legion, Marine Corps League, and Veterans of Foreign Wars Veteran Organizations. The 231 members of The American Legion in Winfield have one of the best Honor Guards in the area. They were called upon to assist with the former Secretary of State Ken Hechler's Funeral, Charleston Veterans Day parade, and Pearl Harbor Day ceremony. They also hold several ceremonies within the county honoring veterans. The VFW Post has approximately 150 members and serves the Veterans of Putnam County with their Honor Guard and contributions to many organizations within the county. The Marine Corps League and it's 27 members is the newest veteran's organization in Putnam County forming in 2020. Since forming they have participated in several veteran ceremonies in the county, led parades in Hurricane and presented the Nations Colors at Hurricane High Schools Band Competition. They have also started an annual 5K/10K Race to fund a scholarship in honor of their Detachments name's sake CPL William B. Fulks. The veteran organizations teach our youth the history of our flag, how to take care of the flag, and what it takes to keep our country free. They also contribute thousands of dollars every year to veterans in need and other community organizations; and

Whereas, Putnam County has many memorials honoring those who have made the ultimate sacrifice. Eighty-nine Putnam County residents have made that sacrifice since World War II but have nothing to honor those who have proudly served our country. Everyday hundreds of Putnam County Veterans and/or their families cross over the overpass on Route 817, which is right beside the counties War Memorial, in Winfield. What better way to show the State and Putnam County's gratitude than to name this overpass in honor of all Putnam County Veterans; and

Whereas, It is fitting that an enduring memorial be established to commemorate Putnam County Veterans and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 40-034/00-021.21 (40A162), (38.53214, -81.89558) locally known as Winfield 34 over pass, carrying 34 over 817 in Putnam County, the "Putnam County Veterans Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Putnam County Veterans Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

S. C. R. 23 - "Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the 'U.S. Marine Corps CPL Guy Maywood Edwards Memorial Bridge'."

Whereas, Guy Maywood Edwards was born on September 13, 1918, in Myra, West Virginia, to Hiram Otho Edwards and Elmyra Elizabeth Porter Edwards; and

Whereas, CPL Guy Maywood Edwards graduated from Hamlin High School, and enlisted in the Marines during the winter of 1942; and

Whereas, CPL Guy Maywood Edwards was serving with the Fourth Division of the Marines, and despite having been wounded in October 1944 on Saipan in the Mariana Islands, he landed on Iwo Jima on February 20, 1945, ready for duty. CPL Guy Maywood Edwards was killed in action six days later on February 26, 1945; and

Whereas, Corporal Edwards' brother, PFC Donald Edwards was also serving in the Fourth Marine Division on Iwo Jima and was wounded on February 28, 1945; and

Whereas, It is fitting that an enduring memorial be established to commemorate right CPL Guy Maywood Edwards and his sacrifice to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the "U.S. Marine Corps CPL Guy Maywood Edwards Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Marine Corps CPL Guy Maywood Edwards Memorial Bridge*"*; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Resolutions Introduced

Delegates Cooper, Toney, Haynes, Dean, Barrett, Paynter, Zatezalo, Reynolds and Rowan offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 46 - "Requesting the Division of Highways name Bridge Number: 45-003/00-014.90 (45A090), (37.63979,-80.80448) locally known as the Willow Wood Bridge, carrying WV 3 over Greenbrier River in Summers County, the 'U. S. Navy Seaman Donald Homer Wheeler Memorial Bridge'."

Whereas, Donald Homer Wheeler was born on February 23, 1942, in Hinton, West Virginia, to Shirley Ruth Wheeler; Donald

grew up just a short distance from the Willow Wood Bridge where he was raised along with his 10 brothers and sisters; and

Whereas, On July 17, 1959, at the age of 17, Donald joined the United States Navy; and

Whereas, After completing basic training, U. S. Navy Seaman Donald Homer Wheeler was assigned to the U.S.S. Boston, a guided missile cruiser upon which he proudly served his county until his untimely death on July 15, 1961, at the young age of 19; and

Whereas, On that day, U. S. Navy Seaman Donald Homer Wheeler fell from a pier and into the water below where he succumbed to drowning; the news of this tragic event was devastating to his family, friends and fellow sailors and to this day, Donald is sadly missed and remembered often; and

Whereas, On June 11, 1962, in a letter to Donald's mother, Rear Admiral R. H. Speck made this statement: "Donald's service is deeply appreciated and is no less important than that of others who have given their lives in battle in defense of the principles we hold so dear. I am honored to have had him under my command. His record of performance of duty is a great pride to me."; and

Whereas, U. S. Navy Seaman Donald Homer Wheeler's remaining siblings, Bill Wheeler, Linda Wheeler Cales, Ernie Wheeler, Jimmy Wheeler, Jerry Wheeler, Garry Wheeler, and John Wheeler would find it the upmost honor for the Willow Wood Bridge to be named in memory of their beloved brother; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Navy Seaman Donald Homer Wheeler and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 45-003/00-014.90 (45A090), (37.63979,-80.80448) locally known as the Willow Wood Bridge, carrying WV 3 over Greenbrier River in Summers County, the "U. S. Navy Seaman Donald Homer Wheeler Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Navy Seaman Donald Homer Wheeler Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Booth, Barnhart, Barrett, Bates, Bridges, Capito, Clark, Criss, Dean, Forsht, Griffith, Hanna, Hardy, Haynes, Holstein, Honaker, Horst, J. Jeffries, Jennings, Kessinger, Linville, Lovejoy, Mallow, Mandt, Martin, Maynard, Nestor, Paynter, Pethtel, Queen, Reed, Reynolds, Riley, Rohrbach, Smith, Statler, Steele, Toney, Wamsley, G. Ward and Westfall offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 47 - "Requesting the Division of Highways name Bridge Number: 50-037/00-030.06 (50A079), (38.11399,-82.32930) locally known as Lick Creek Bridge, carrying WV 37 over Lick Creek in Wayne County, the 'U. S. Army CPL Billy Earl Duty Memorial Bridge'."

Whereas, William Earl "Billy" Duty was born on October 6, 1925, in Logan, the son of Paul Bill Duty and Marie Osborn; and

Whereas, Billy Earl Duty lived in Logan until the age of four when the family moved to Whites Creek Wayne WV, where he attended Centerville School; and

Whereas, U. S. Army CPL Billy Earl Duty enlisted in the U.S. Army on April 18, 1946, and was honorably discharged on September 14, 1947; he received the World War II Victory Metal and the Army of Occupation Metal Japan for his service; and

Whereas, After his military service, U. S. Army CPL Billy Earl Duty worked out of Construction Labors 543, Local Teamsters Local 505, Operator's Local, and worked for many construction companies; he was dynamite foreman on several parts of I 64; and

Whereas, U. S. Army CPL Billy Earl Duty started his own construction company, Duty & Farley, in 1964; one of his first jobs was to provide fill at the 17th Street clover leaf to the 17th Street Bridge to Ohio; he also installed water lines for Hurricane WV; and

Whereas, U. S. Army CPL Billy Earl Duty won a bid for construction of the East Lynn Lake facilities to help build the campground, boat ramps and overlook at East Lynn Lake in Wayne County, and while working there on May 31, 1972, his bulldozer slid into the lake and he drowned; and

Whereas, U. S. Army CPL Billy Earl Duty was survived by his wife Joyce Ann Duty, and children, William Russell Duty, Mary Sue Duty, James David Duty, and Mark Lee Duty; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army CPL Billy Earl Duty and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 50-037/00-030.06 (50A079), (38.11399,-82.32930) locally known as Lick Creek Bridge, carrying WV 37 over Lick Creek in Wayne County, the "U. S. Army CPL Billy Earl Duty Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army CPL Billy Earl Duty Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Haynes, Kessinger, Fast, Booth and G. Ward offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 48 - "Requesting the Division of Highways name County Route 5 and County Route 82, known as Lansing-Edmond Road, from its intersection with US 19 to the intersection with County Route 7 in Fayette County, the 'WVSP Sgt John S. Syner Memorial Road'."

Whereas, John Scott Syner was born on April 23, 1969, in Miami-Dade, Florida; he was the son of the late Joseph Benton Syner and Linda Lee Berns Syner; and

Whereas, John Scott Syner was a man of many traits; he was a machinist for 20 years and a West Virginia state trooper for 18 years and had attained the rank of sergeant; more importantly, he was a full time "Pops"; and

Whereas, Trooper John Scott Syner loved boating and spending time on the lake with family and friends, cutting wood and playing golf; he loved taking the kids and grandkids fishing; and

Whereas, John Scott Syner was a Champion of Children Award recipient in 2018 by Just for Kids for his work on child abuse and neglect cases; in 2019, he was awarded the Superintendent's Award by the West Virginia State Police, the agency's highest award; he was also a Meritorious Service Award recipient; and

Whereas, Trooper John S. Syner was recently promoted to sergeant as a detachment commander at Marlinton; he was deeply respected by the communities he served and his brothers and sisters in law enforcement; and

Whereas, SGT John Scott Syner of Edmond passed Saturday, August 21. 2021, at his home in Edmond; those left co cherish his memory are his loving wife, Stephanie Ramsey Syner, daughter, Allison (Garrett) Thompson and their children, Bo and Jace of Edmond; son, Nathaniel (Brittany) Syner and their daughter, Mia of Prattville, Alabama; sister, Debbie (Paul) Fox of Edmond; and

two brothers, Joe (Kristi) Syner and Tommy (Shari) Syner, both of Edmond; and

Whereas, It is fitting that an enduring memorial be established to commemorate Sgt John S. Syner and his contributions to our state and country by naming the portion of the Lansing-Edmond Road as requested herein in his honor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name County Route 5 and County Route 82, known as Lansing-Edmond Road, from its intersection with US 19 to the intersection with County Route 7 in Fayette County, the "WVSP Sgt John S. Syner Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying that portion of the Lansing-Edmond Road as the "WVSP Sgt John S. Syner Memorial Road"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Haynes offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 49 - "Requesting the Division of Highways name Route 16 beginning at the Fayette County, West Virginia, line and ending at the intersection of Route 16 and Main Street in Mount Hope, Fayette County, West Virginia, by the Siltex Mine Memorial the 'Charles M. 'Charlie' Biggs Memorial Highway' in Prince Hill, Fayette County, West Virginia."

Whereas, Charles M. "Charlie" Biggs was born in Prince Hill, West Virginia on October 5, 1950, and resided in Oak Hill, West Virginia, where he passed away from COVID-19 complications on January 19, 2021; and

Whereas, Charlie was a lifelong resident of Oak Hill, West Virginia, a graduate of Mount Hope High School, and owned and operated Biggs Insurance Agency; and

Whereas, Charlie was a 41-year member of the Mount Hope Lions club for which he served in numerous leadership roles and received several awards for his service including the Melvin Jones Fellow Award, the Leonard Jarrett Award, and other accommodations; and

Whereas, Charlie was also a devoted Shriner, and member of the Moose Lodge, Masons, and he was a Turtle; and

Whereas, Fayette County and surrounding communities benefited greatly from Charlie's lifetime of selfless service to others; therefore let it be

Resolved by the Legislature of West Virginia:

That the Division of Highways name Route 16 beginning at the Fayette County, West Virginia, line and ending at the intersection of Route 16 and Main Street in Mount Hope, Fayette County, West Virginia, by the Siltex Mine Memorial the "Charles M. "Charlie" Biggs Memorial Highway" in Prince Hill, Fayette County, West Virginia.

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the roadway as the "Charles M. "Charlie" Biggs Memorial Highway"; and, be it

Further Resolved, That the Clerk of the House is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Haynes offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 50 - "Requesting the Division of Highways name the Route 61, locally known as the Fayette Pike Road, beginning at

38.1807020, -81.3175328 and ending at 38.1796852, -81.2266422, in Montgomery, West Virginia, the 'John Ellison Road' in honor of Willie John Ellison."

Whereas, Willie John Ellison was born to an impoverished family in a rural, coal mining community in West Virginia; and

Whereas, John Ellison began a difficult music career experiencing tremendous hardship and racism; and

Whereas, John Ellison traveled to Rochester, New York where he founded Soul Brothers Six; and

Whereas, In 1967 John Ellison wrote "Some Kind of Wonderful" which became one of the most famous songs in history; and

Whereas, In 1987 the book Sweet Soul Music named the Soul Brothers Six as a major influence on the sound of modern music; and

Whereas, John Ellison continued to write groundbreaking, hit songs including "I'll be Loving You", "Funky, Funky Way of Making Love", and "You Can Count on Me"; and

Whereas, John Ellison has received five lifetime achievement awards from BMI, was introduced into the West Virginia Music Hall of Fame in 2015, and has even won a lifetime musical achievement award in Canada, and

Whereas, John Ellison impresses with his music and voice and is one of the most influential musicians to come from West Virginia. He has made essential contributions to blues, gospel, soul and funk music in a time of great social change; therefore be it,

Resolved by the Legislature of West Virginia:

That the Division of Highways name the Route 61, locally known as the Fayette Pike Road, beginning at 38.1807020, -81.3175328 and ending at 38.1796852, -81.2266422, in

Montgomery, West Virginia, the "John Ellison Road" in honor of Willie John Ellison; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the roadway as the "John Ellison Road"; and, be it

Further Resolved, That the Clerk of the House is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

Delegates Burkhammer, Foster, Crouse, Keaton, Haynes, Martin, Kimble, Pritt, Maynor, Hardy and Pack:

H. J. R. 106 - "Proposing an amendment to the Constitution of the State of West Virginia amending section six, article XII thereof, relating to removing the requirement that elections for local school board members be nonpartisan and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Education then the Judiciary.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Mazzocchi, Ellington, Kimble, Statler, Bridges, Maynor, B. Ward, Kessinger, Toney, Ferrell and Longanacre:

H. B. 4556 - "A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to increasing monitoring of special education classrooms; adding that an audio recording device be present in the restroom of a self-contained classroom; requiring video and audio recordings be maintained for 26 weeks; requiring county to monitor school video and audio recordings for at least 60 minutes each month; requiring incidents or issues discovered in recordings be reported to school principal or administrator"; to the Committee on Education then Finance.

By Delegate Criss:

H. B. 4557 - "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, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, and §11-13MM-11, all relating to establishing a road or highway infrastructure improvement projects or coal production and processing facilities tax credit for taxpayers subject to the tax imposed by West Virginia code §11-13a-3; specifying a short title; specifying legislative findings and purpose for new credit; defining terms; specifying the amount of the credit, application of credit, and carry forward of unused credit; requiring filing of application for road or highway infrastructure improvement project credit as condition precedent to claiming credit, specifying procedure for application for certification, contents of application and limitation on maximum amount of credits which can be approved; specifying computation of qualified investment in coal production and processing facilities; allowing transfer of credits to successors; providing for forfeiture of unused tax credits and redetermination of credit allowed; providing penalties for failure to maintain records of qualified property; and establishing an effective date"; to the Committee on Energy and Manufacturing then Finance.

By Delegates Capito, Queen and Barrett:

H. B. 4558 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1 of said code, relating to creating a tax credit for the production of Esports events; defining terms; establishing qualifications for, and the amount of, the production credit; establishing that a pass through entity is a taxpayer; requiring certain information to claim the tax credit on return; requiring a refund of credit amount if it is greater than the tax imposed; providing a limitation on the amount of credit production company may receive; establish the department's reporting requirements; and mandating sunset of credit"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker), Steele and Lovejoy:

H. B. 4559 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-12-16, relating to the Office of the Chief Medical Examiner, providing for the final disposition of unidentified and unclaimed remains in the possession of the Office of the Chief Medical Examiner pursuant to legislative rule, and providing for emergency legislative rulemaking allowing for the final disposition of unidentified and unclaimed remains"; to the Committee on the Judiciary.

By Delegates Criss, Householder, Espinosa, Queen, Barrett, Skaff, Riley, Bates, Westfall and Lovejoy:

H. B. 4560 - "A Bill to amend and reenact §17A-6A-2, §17A-6A-3, §17A-6A-5, §17A-6A-8a, §17A-6A-10, §17A-6A-11, §17A-6A-12, §17A-6A-13, §17A-6A-15, §17A-6A-15a, §17A-6A-15c, and §17A-6A-18 of the Code of West Virginia, 1931, as amended, all relating generally to motor vehicle dealers, distributors, wholesalers and manufacturers; clarifying governing law; amending terms related to cancellations of dealer agreements; modifying circumstances not constituting good cause to cancel an agreement; clarifying the standard of proof in termination, cancellation and nonrenewal disputes; modifying compensation terms when contract is discontinued; setting interest rate where payments to dealers from manufacturers or distributors are untimely; increasing the notice period for dealers where a manufacturer or distributor does not approve a successor dealer or executive manager; clarifying provision related to determination of distance between dealerships; restricting manufacturer and distributor use of dealership property; modifying obligations under warranties; clarifying indemnity practices; identifying unlawful practices; and clarifying manufacturer performance standards"; to the Committee on the Judiciary.

By Delegate Hansen:

H. B. 4561 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2I-1, §24-2I-2, §24-2I-3 and §24-2I-4, all relating to establishing a community solar program for subscribers to gain credits against

their utility bills; providing legislative findings; defining terms; authorizing subscriber based solar projects that allow solar power production to be granted credit against electric power costs; providing that an authorized project is not deemed as a utility; providing conditions and terms for operation for a facility; providing for regulation of the program by the Public Service Commission; providing conditions for credits; providing requirements for subscriber organizations; and providing Public Service Commission rulemaking authority and directives"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Kessinger, Burkhammer, Maynor, Keaton and Pinson:

H. B. 4562 - "A Bill to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, as amended, relating generally to the suspension and dismissal of school personnel by board and the appeals process"; to the Committee on the Judiciary.

By Delegates Ellington, Howell, Hamrick, Statler, Householder, Smith, Gearheart, Toney, Rohrbach, Steele and Foster:

H. B. 4563 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6-10e, relating to providing a special motor vehicle registration plate for certain motor vehicles operated by an auto mechanic for purposes of repairing, servicing, testing, or diagnosing malfunctions of a motor vehicle"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Reed, Queen, Riley, Rowan, Mallow, Bates and Hardy:

H. B. 4564 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-29C-1, §8-29C-2, §8-29C-3, §8-29C-4, §8-29C-5, and §8-29C-6, all relating to derelict or abandoned aircraft; definitions; discovery and notification of owner or interested person; retention , trade, sale, or disposal of aircraft by airport authority; lien on derelict or abandoned aircraft by airport authority; proceeds of sale of aircraft; and person acquiring legal interest in aircraft"; to the Committee on the Judiciary.

By Delegates Statler, Ellington, Summers, G. Ward, Toney and Queen:

H. B. 4565 - "A Bill to amend and reenact §5-10B-2 and §5-10B-3a of the Code of West Virginia, 1931, as amended; to amend §18-25-1 of said code; and to amend §18A-4-12 of said code; all relating generally to the government employees deferred compensation plan; defining a term; exempting certain employees from the requirement of automatic enrollment into the plan; and removing outdated language to align with federal law"; to the Committee on Education then Finance.

By Delegates Hanshaw (Mr. Speaker), McGeehan, Steele, Rohrbach, Anderson, J. Kelly, Toney and D. Kelly:

H. B. 4566 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22C-1-6a, relating generally to additional powers of the West Virginia Water Development Authority; providing for the creation of the Economic Enhancement Grant Fund; establishing regulations for the fund; establishing a matching grant subaccount; providing a purpose for the fund and the subaccount; authorizing the Water Development Authority to enter into certain grant agreements; and allowing for an audit process"; to the Committee on Finance.

By Delegates Steele, Foster, Householder, Criss, Kimes, Hanshaw (Mr. Speaker), Kessinger, Hardy, Barrett, Hott and Ellington:

H. B. 4567 - "A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to business and occupation or privilege tax; prohibiting a municipality from imposing its business and occupation or privilege tax on any business activity or occupation when the basis of the tax is derived from products being shipped into or sold in the municipality, requiring that imposition of the municipal business and occupation or privilege tax on the business of selling automobiles is limited to used automobiles only, and stating that any sales proceeds from the sale of new automobiles that have never been registered in the name of an individual are exempt from the municipal business and occupation or privilege tax"; to the Committee on Finance.

By Delegates Barrett, Householder, Storch, Criss, Espinosa, Linville, Ellington, Rowan, Riley, Graves and Hardy:

H. B. 4568 - "A Bill to amend and reenact §11-24-23a of the Code of West Virginia, 1931, as amended, relating to tax credits for qualified rehabilitation expenditures for certified historic structures; elimination of certain limitations on and allocations of tax credits allowed against corporation net income tax and personal income tax per year and per rehabilitation of a certified historic structure; elimination of allocation of portion of limited tax credits for certified rehabilitation projects with proposed tax credits of $500,000; authorizing phased rehabilitations of certified historic structures; tax credit certificates for completed phases of a phased rehabilitation; providing for recapture of tax credits; removing provisions providing for guarantee of tax credits; and requiring issuance of tax credit certificates based on issuance of Phase Advisory Determination"; to the Committee on Finance.

By Delegates Walker, Skaff, Fluharty, Garcia, Hansen, Griffith, Evans, Doyle, Barach, Pethtel and Hornbuckle:

H. B. 4569 - "A Bill amending the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-15, relating to establishing the misdemeanor crime of obstructing access to medical facilities; prohibiting the use of force, physical detention, obstruction, or other physical hinderance of another person to prevent that person from entering or exiting a medical facility; defining the term medical facility; providing certain exceptions and limitations; and establishing criminal penalties"; to the Committee on Health and Human Resources then the Judiciary.

Special Calendar

Third Reading

S. B. 435, Awarding service weapon to retiree from Division of Protective Services; 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. 76)**, and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Clark, Horst, J. Jeffries, Martin, Nestor and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 435) passed.

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

On this question, the yeas and nays were taken **(Roll No. 77)**, and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Clark, Horst, J. Jeffries, Martin, Nestor and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 435) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 437, Providing for early discharge of parolees; 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. 78)**, and there were—yeas 92, nays 2, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Jennings and Kimes.

Absent and Not Voting: Clark, Horst, J. Jeffries, Martin, Nestor and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 437) passed.

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

On this question, the yeas and nays were taken **(Roll No. 79)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Horst, J. Jeffries, Martin, Nestor and Zukoff.

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 S. B. 437) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 449, Relating to Nonviolent Offense Parole Program; 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. 80)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Horst, J. Jeffries, Martin, Nestor and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 449) passed.

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

On this question, the yeas and nays were taken **(Roll No. 81)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Horst, J. Jeffries, Martin, Nestor and Zukoff.

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 S. B. 449) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for H. B. 4003, Relating generally to commercial benefit of substances removed from waters of the state by the treatment of mine drainage; on third reading, coming up in regular order, was read a third time.

Delegate Zatezalo requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegate did not have a direct financial interest and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 82)**, and there were, including pairs—yeas 94, nays 1, absent and not voting 5, with the paired, the nays and the absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Clark Nay: Fluharty

Absent and Not Voting: Horst, J. Jeffries, Martin, Nestor and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4003) passed.

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

Com. Sub. for H. B. 4111, Relating to the prescriptive authority of advance practice registered nurses; on third reading, coming up in regular order, was read a third time.

Delegate Tully requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 83)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Horst, J. Jeffries, Martin, Nestor and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4111) passed.

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

H. B. 4296, To revise outdated provisions within Chapter 23 of the West Virginia Code, which pertains to workers' compensation; 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. 84)**, and there were—yeas 94, nays none,

absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Horst, J. Jeffries, Martin, Nestor and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4296) passed.

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. 4084, Relating to advanced recycling,

And,

Com. Sub. for H. B. 4369, Update the telepsychology compact.

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. 436, Correcting code citation for authority of State Fire Marshal,

Com. Sub. for H. B. 3036, Sunsetting the Board of Sanitarians,

Com. Sub. for H. B. 4105, Relating to service employees with National Association for Pupil Transportation Certifications,

H. B. 4355, Relating to the disclosure by state institutions of higher education of certain information regarding textbooks and digital courseware and certain charges assessed for those items,

Com. Sub. for H. B. 4380, Relating to transportation of athletic teams,

And,

Com. Sub. for H. B. 4389, Relating to repealing school innovation zones provisions superseded by Innovation in Education Act.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Clark, Horst, J. Jeffries, Martin, Nestor and Zukoff.

Miscellaneous Business

Delegate Bates noted to the Clerk that he was absent when the vote was taken on S. B. 435, and had he been present, he would have voted "Yea" thereon.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Keaton regarding Com. Sub. for H. B. 4003

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 3080: Delegate Pack;

H. B. 4382: Delegate Young;

H. B. 4344: Delegate Pack;

H. B. 4438: Delegate Fast;

And,

H. B. 4544: Delegate Bates.

At 11:48 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 8, 2022.

Tuesday, February 8, 2022

TWENTY-EIGHTH DAY

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

The House of Delegates met at 11:00 a.m., and 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 Monday, February 7, 2022, being the first order of business, when the further reading thereof was dispensed with, and the same approved.

Committee Reports

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 4406, To establish the West Virginia Military Hall of Fame,

And reports the same back with the recommendation that it do pass, 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. 4406) was referred to the Committee on Government Organization.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 4141, Authorizing the Governor's Committee Crime, Delinquency and Correction to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards,

And reports the same back with the recommendation that it do pass, 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. 4141) was referred to the Committee on Government Organization.

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. 4114, H. B. 4115, H. B. 4116, H. B. 4117,

H. B. 4114, Authorizing the Ethics Commission to promulgate a legislative rule relating to Use of Office for Private Gain, Including Nepotism,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4114 - "A Bill to amend and reenact §64-2-1 *et. seq*. of the Code of West Virginia, 1931, as amended, all relating generally, to authorizing certain agencies of the Department of Administration to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Ethics Commission to promulgate a legislative rule relating to use of office for private gain, including nepotism; authorizing the Division of Personnel to promulgate a legislative rule relating to the Administrative rule of the West Virginia Division of Personnel; authorizing the Office of Technology to promulgate a legislative rule relating to the Chief Information Officer review; and

authorizing the Office of Technology to promulgate a legislative rule relating to cyber reporting,"

With the recommendation that the committee substitute do pass.

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. 2160, Issuing identification documents to homeless individuals residing at homeless shelters,

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. 2160) was referred to the Committee on Finance.

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. 4438, Applying current requirements for certain voting systems to be independent and non-networked to all voting systems that seek certification in West Virginia,

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

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:

Com. Sub. for S. B. 279, Authorizing DEP to promulgate legislative rules,

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

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

Your Committee on Finance has had under consideration:

H. B. 4007, To reduce personal income tax rates,

And,

S. B. 451, Updating definitions of WV Corporation Net Income Tax Act,

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

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

Your Committee on Finance has had under consideration:

S. B. 450, Updating definitions of WV Personal Income Tax Act,

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

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

Your Committee on Finance has had under consideration:

H. B. 4162, Authorizing the Tax Department to promulgate a legislative rule relating to Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes,

And reports the same back with the recommendation that it do pass, 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. 4162) was referred to the Committee on Government Organization.

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

Your Committee on Finance has had under consideration:

H. B. 4167, Authorizing the Tax Department to promulgate a legislative rule relating to On-line Bingo and Raffles,

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. 4167) was referred to the Committee on Government Organization.

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

Your Committee on Finance has had under consideration:

H. B. 4158, Authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery State Lottery Rules,

H. B. 4159, Authorizing the Lottery Commission to promulgate a legislative rule relating to the West Virginia Lottery Limited Video Lottery Rule,

H. B. 4160, Authorizing the Racing Commission to promulgate a legislative rule relating to Thoroughbred Racing,

H. B. 4161, Authorizing the Racing Commission to promulgate a legislative rule relating to Pari-Mutuel Wagering,

H. B. 4163, Authorizing the State Tax Department to promulgate a legislative rule relating to West Virginia Tax Credit

for Federal Excise Tax Imposed upon Small Arms and Ammunition Manufacturers,

H. B. 4164, Authorizing the Tax Department to promulgate a legislative rule relating to the Sales Tax Holiday,

And,

H. B. 4166, Authorizing the Tax Department to promulgate a legislative rule relating to Vendor Absorption or Assumption of Sales and Use Tax,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4158, H. B. 4159, H. B. 4160, H. B. 4161, H. B. 4163, H. B. 4164 and H. B. 4166) were each referred to the Committee on Government Organization.

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

Your Committee on Finance has had under consideration:

H. B. 4186, Authorizing the Auditor to promulgate a legislative rule relating to Accountability Requirements for State Funds and Grants,

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. 4186) 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. 4466, Relating to School Building Authority's review of school bond applications,

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. 4466) was referred to the Committee on Finance.

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. 4420, To modify definitions of school bus operators,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4420 - "A Bill to amend and reenact §18A-2-4 of the Code of West Virginia, 1931, as amended, relating to eligibility requirements of school bus operators diagnosed with diabetes mellitus requiring insulin; providing that the eligibility requirements are also applicable to a school bus operator candidate; clarifying that the operator must also be issued a school bus endorsement for his or her commercial driver's license; and specifying that the school bus operator must remain in compliance with the eligibility stipulations and grounds as per applicable state and federal rules,"

With the recommendation that the committee substitute do pass.

Delegate Steele, 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. 4535, Repeal section relating to school attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle,

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

Delegate Steele, 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. 4295, To transfer the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4295 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-20b; to amend and reenact §33-2-23 of said code; and to amend and reenact §33-3-14 and §33-3-14a of said code, all relating to the State Office of the National Flood Insurance Program; transferring the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management; authorizing the director of the Division of Emergency Management to employ staff for the State Office of the National Flood Insurance Program; providing that state-owned property in any nonparticipating community shall be governed by appropriate rules promulgated by the Division of Emergency Management; requiring the State Office of the National Flood Insurance Program and floodplain managers to develop a strategic plan to meet goals and objectives, which plan shall be reviewed and approved by the State Resiliency Officer and State Resiliency Board; requiring the State Office of the National Flood Insurance Program to establish floodplain management guidelines in special hazard areas which are in conformity with federal regulations; providing the State Office of the National Flood Insurance Program shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; transferring the assets of the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of

Emergency Management; and requiring the state treasurer to distribute funds from the flood insurance tax fund to finance the operations and responsibilities of the State Office of the National Flood Insurance Program,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 23, Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. C. R. 23) was referred to the Committee on Rules.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 6, Elmer Galford Memorial Road,

H. C. R. 8, U.S. Army Private Elmo Davis Memorial Road,

H. C. R. 10, Lance CPL Leonard Joe Zelaski Memorial Bridge,

H. C. R. 15, Thomas Brothers Memorial Bridge,

H. C. R. 16, World War II Veterans Toothman Brothers Memorial Bridge,

H. C. R. 17, Daniel Okey Cunningham Memorial Bridge,

H. C. R. 28, Cpt. Billy Jake Smith Memorial Bridge,

H. C. R. 30, To name the U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge,

H. C. R. 34, U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge,

H. C. R. 37, U.S. Army Corporal Charles William "Bill" Knight Memorial Bridge,

H. C. R. 38, To name the "Dale Shaheen and George H. Hooker Memorial Bridge",

H. C. R. 40, To name the USMC Cpl Guy Maywood Edwards Memorial Bridge,

S. C. R. 1, US Army PFC Billy Keith Ford Memorial Bridge,

S. C. R. 3, USMC CAPT Dempsey Stowers Memorial Bridge,

Com. Sub. for S. C. R. 5, US Marine Corps CPL James "Bud" Cox Memorial Bridge,

S. C. R. 6, Holden 22 Coal Miners Memorial Bridge,

S. C. R. 9, Haynie Family Veterans Memorial Bridge,

Com. Sub. for S. C. R. 11, Dennis E. Davis Veterans Nursing Home,

Com. Sub. for S. C. R. 13, US Army PFC Joseph Stanley McKinney Memorial Bridge,

And,

S. C. R. 15, US Army PVT Shirley E. Bailey Memorial Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 6, H. C. R. 8, H. C. R. 10, H. C. R. 15, H. C. R. 16, H. C. R. 17, H. C. R. 28, H. C. R. 30, H. C. R. 34, H. C. R. 37, H. C. R. 38, H. C. R. 40, S. C. R. 1, S. C. R. 3, Com. Sub. for S. C. R. 5, S. C. R. 6, S. C. R. 9, Com. Sub. for S. C. R. 11, Com. Sub. for S. C. R. 13 and S. C. R. 15) were each referred to the Committee on Rules.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4282, Relating to establishing next generation 911 services in this state,

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. 4282) was referred to the Committee on Government Organization.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2950, 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, 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. 2950) was referred to the Committee on Government Organization.

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

H. B. 4430, Relating to definitions of base salary and overtime for police and firemen pensions,

H. B. 4431, Relating to electors of trustees for certain pension and relief funds,

H. B. 4432, Relating to holding certain pensions in abeyance in some instances,

H. B. 4433, Providing that retirement benefits are not subject to execution,

And,

H. B. 4462, Relating to Deferred Retirement Option Plan evaluations,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4430, H. B. 4431, H. B. 4432, H. B. 4433 and H. B. 4462) were each referred to the Committee on Finance.

Delegate Steele, 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. 4517, Relating to the repealing requirements to display video ratings,

And reports the same back with the recommendation that it 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

Com. Sub. for S. B. 7 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; providing that increased risk of disease is not a compensable basis for damages or other relief in any civil action; and establishing requirements for an order for payment of medical monitoring expenses"; 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. 481 - "A Bill to amend and reenact §22-15A-3a of the Code of West Virginia, 1931, as amended, relating to the Adopt-A-Stream Program; requiring volunteers 17 years of age or younger be accompanied by an adult; changing streams eligible for participation in program; altering process for selecting stream participation in program; allowing department to approve or deny applications at its discretion; expanding sources of funding to support program; lengthening period of stream participation from one to three years; altering method of collection of stream litter; and requiring one cleanup of the river prior to road signs being erected"; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

Resolutions Introduced

Delegate Graves offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 12 - "A resolution supporting the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan), strengthening the sisterhood partnership between the State of West Virginia and Taiwan, and reaffirming support for Taiwan's meaningful participation and contributions in international organizations."

Whereas, The Republic of China (Taiwan) and the United States have enjoyed a longstanding partnership and share the common values of freedom, democracy and human rights. In 2021, Taiwan was ranked as the 2nd freest country in Asia by Freedom House, and was ranked 6th among 178 world economies in terms of economic freedom by the Heritage Foundation, showcasing Taiwan as a beacon of democracy in East Asia. The West Virginia Legislature supports more democratic countries, such as Lithuania, to pursue closer and greater cooperation with Taiwan; and

Whereas, The State of West Virginia is proud of the sisterhood partnership it has enjoyed with Taiwan since August 4, 1980, marked by strong bilateral trade, investment, educational and cultural exchanges. In 2022, the State of West Virginia celebrates the 42nd anniversary of the sisterhood partnership with Taiwan and looks forward to an even closer relationship between West Virginia and Taiwan in the future; and

Whereas, The United States and Taiwan have forged ever stronger economic relations over the last four decades; with the United States now Taiwan's 2nd largest trading partner and with Taiwan now the 8th largest trading partner of the United States, West Virginia welcomes all opportunities to enhance an even closer economic partnership and supports Taiwan's efforts to secure the signing of a U.S.-Taiwan Bilateral Trade Agreement (BTA) to increase West Virginia exports to Taiwan; and

Whereas, In 2020, the trade volume between West Virginia and Taiwan amounted to nearly $90 million and Taiwan is our 3rd largest source of import and 7th largest export market in Asia, demonstrating that Taiwan is a remarkable trading partner of West Virginia. West Virginia looks forward to reopening its trade office in Taiwan to bring in more Taiwanese investment such as the $34 million project initiated by the Far Eastern New Century Corporation in 2018; and

Whereas, In December, 2020, the United States and Taiwan signed an MOU on International Education Cooperation, aiming at enhancing the bilateral cooperation on international education, particularly in the area of language education. West Virginia encourages U.S. universities to partner and work with Taiwan and Taiwanese universities in order to promote a positive learning environment and to enhance comprehensive Mandarin language education for American students, as Taiwan has proven itself to be a valuable center of learning for international students; and

Whereas, Taiwan has proven to be a very valuable contributor in a broad range of global issues, and it is necessary for Taiwan to be granted meaningful participation in various intergovernmental organizations and mechanisms such as the World Health Organization (WHO), International Civil Aviation Organization (ICAO), United Nation Framework Convention on Climate Change (UNFCCC), and International Criminal Police Organization (INTERPOL); therefore, be it

Resolved by the House of Delegates:

That the West Virginia House of Delegates supports Taiwan's efforts to secure the signing of a BTA with the United States; commends Taiwan's vibrant full-fledged democracy; reaffirms its commitment to strengthen and deepen the sisterhood partnership with Taiwan; and continues to support Taiwan's meaningful participation and contributions in the above-mentioned and other international organizations which help safeguard the health, safety and well-being of its people, and supports its aspiration to make more contributions in the international community; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to Governor James C. Justice, II of West Virginia, and another sent to Ms. Bi-khim Hsiao, Representative of the Taipei Economic and Cultural Representative Office in the United States.

Delegate Haynes offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 51 - "Requesting the Division of Highways name a portion of CR19/1, known as Maple Avenue, from its intersection with Laurel Street to its intersection with Lively Street, in Fayette County, the 'U. S. Army 1LT James A. Murdock, Jr. Memorial Road'."

Whereas, James A. Murdock, Jr. was born on September 26, 1947, to James Murdock, Sr. and Gracealee Bowyer Murdock in Scarbro, WV; and

Whereas, Jim was born and raised in Fayette County; he was a graduate of Collins High School in Oak Hill in 1965, and resided in Fayetteville, WV for the past 35 years; and

Whereas, U. S. Army 1LT James A. Murdock, Jr. served on active duty in the U.S. Army from 1969 to 1973, serving in Vietnam, first as a Sergeant, and was field commissioned a Lieutenant; he was awarded the Combat Infantry Badge and was also awarded the Bronze Star for his exemplary service; and

Whereas, U. S. Army 1LT James A. Murdock, Jr. was President of W. R. Murdock & Sons, Inc. which produces couplings, fittings, hydraulic equipment and tube fittings; and

Whereas, U. S. Army 1LT James A. Murdock, Jr. was also very active in the Fayette County community; the love of his community led to one of his proudest accomplishments, serving as Mayor of Fayetteville; he was converted from an Oak Hill fan to a die-hard Fayetteville Pirate fan, and he truly bled green and white; he was a faithful member of the Oak Hill Church of the Nazarene, member of the Gideons International (Fayette county camp), where he was

most recently serving as treasurer and was a previous president; he served on the Fayette County Republican Executive Committee and was a previous Chairman; he also enjoyed volunteering at the Beckley VA Hospital and Beckley Vet Center; and

Whereas, Known as "Papaw Jim", "Uncle Jimmy", and "Jim" to many, U. S. Army 1LT James A. Murdock, Jr. was passionate about God, his family, his country, and supporting law enforcement.

Whereas, U. S. Army 1LT James A. Murdock, Jr. passed away at the age of 74, on December 23, 2021, surrounded by his family; he is survived by his wife, Barbara Clinebell Murdock, sons, James Murdock III & Matthew Jarvis, daughter, Jodi Frantz, sons-in-law Kevin Mealer & Tim Frantz, daughter-in-law Erika Jarvis, and grandchildren Logan Frantz, Cloey Frantz, James Murdock IV, Daniel Mealer, Jacob Mealer, Samuel Mealer, Chase Jarvis, and Mia Jarvis; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army 1LT James A. Murdock, Jr. and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of CR19/1, known as Maple Avenue, from its intersection with Laurel Street to its intersection with Lively Street, in Fayette County, the "U. S. Army 1LT James A. Murdock, Jr. Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U. S Army 1LT James A. Murdock, Jr. Memorial Road"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Diserio, Queen, Westfall, Storch, McGeehan, Capito, Anderson and Linville offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 52 - "Requesting the Division of Highways to name a portion of Commerce Street; beginning at the corner of 12th and Commerce Streets and ending at the Department of Highways facility located just north of Kroger in Wellsburg, in Brooke County, the 'U. S. Army SGT Roy E. Givens Memorial Road'."

Whereas, U. S. Army SGT Roy E. Givens was born April 27, 1929, in Wellsburg, Brooke County; and

Whereas, U. S. Army SGT Roy E. Givens served the 2nd District of West Virginia in the West Virginia House of Delegates for a total of 24 years. During that time, he served with seven governors, five House speakers and secured approximately $60 million for a variety of projects, including the growth of the Brooke County Public Library, the creation of the Brook Pioneer Trail, assisting the Brook County 4-H, Brooke County Senior Center and local police and fire departments and the expansion of state Route 2. He was also instrumental in establishing the West Virginia Veterans Nursing facility in Clarksburg, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army SGT Roy E. Givens and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Commerce Street; beginning at the corner of 12th and Commerce Streets and ending at the Department of Highways facility located just north of Kroger in Wellsburg, in Brooke County, the "U. S. Army SGT Roy E. Givens Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying

the portion of road as the "U. S. Army SGT Roy E. Givens Memorial Road"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

Delegates Mallow, Haynes, Barnhart, Conley, Miller, Holstein, Reynolds, Summers and Mandt:

H. J. R. 107 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Hamrick, Howell, Paynter, Dean and Pack:

H. B. 4570 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-10-24 of this code, all relating to telehealth services; defining terms; establishing requirements for the practice of telehealth; establishing requirements to form a veterinarian-client-patient relationship; providing for renewal of registration; establishing standard of care; and requiring telehealth providers provide certain information for patients"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Hamrick, Hanshaw (Mr. Speaker), Toney, Ellington, Statler, Pack, Smith and Maynor:

H. B. 4571 - "A Bill to amend and reenact §18-9A-7, of the Code of West Virginia, 1931, as amended, relating to including electric-powered school busses in the county foundation

allowance; and increasing by 5% the allowance for school bus systems manufactured in the state of West Virginia"; to the Committee on Education then Finance.

By Delegates Cooper, Haynes, Barrett, Dean, Paynter, Zatezalo, Reynolds and Rowan:

H. B. 4572 - "A Bill to amend and reenact §16-2D-10 of the Code of West Virginia, 1931, as amended, relating to exemption for certificate of need for a long-term health care facility that increases the number of beds by five percent for occupation by veterans"; to the Committee on Health and Human Resources.

By Delegates Pushkin, Rohrbach, Hanna, Keaton and Thompson:

H. B. 4573 - "A Bill to repeal §16-5Y-12 of the Code of West Virginia, 1931, as amended, relating to removing the Certificate of Need moratorium on opioid treatment facilities"; to the Committee on Health and Human Resources.

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

H. B. 4574 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, and §29-33-4, all relating to creating the 'West Virginia Workforce Resiliency Act;' establishing the West Virginia Workforce Resiliency Office in the Office of the Governor; establishing the position of the West Virginia Workforce Resiliency Officer; setting forth the authority and duties of the West Virginia Workforce Resiliency Officer; and allowing for the West Virginia Workforce Resiliency Officer to hire staff"; to the Committee on Government Organization.

By Delegate Westfall:

H. B. 4575 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §36-13-1,§36-13-2, §36-13-3, §36-13-4, §36-13-5, §36-13-6, §36-13-7, §36-13-8, §36-13-9, §36-13-10, §36-13-11, §36-13-12, and §36-13-13, all relating to implementing the Uniform Partition of Heirs Property Act; providing for the partition of heirs property, alternatives to partition, and conditions to be applied in an action

for partition; creating short title; defining terms; specifying applicability in relation to other law; defining the time of effect; providing for certain forms of notice; requiring court appointed commissioners to be disinterested, providing methods for determination of value of property and parcels thereof; allowing a cotenant to buy out other tenants; outlining procedure and conditions for court-ordered sale of property; requiring report from broker of sale; mandating application in uniform manner, and specifying limits of the application of the federal Electronic Signatures in Global and National Commerce Act to the provisions of this article"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Griffith, Ellington, Hornbuckle, Young, Evans, Ferrell and Thompson:

H. B. 4576 - "A Bill to amend and reenact §18-7A-38 of the Code of West Virginia, 1931, as amended, relating to providing that the Consolidated Public Retirement Board may not set forth in a rule a maximum number of days in which a retired teacher may accept employment prior to having his or her retirement benefit reduced that is less than 180 days"; to the Committee on Pensions and Retirement then Finance.

By Delegates Hamrick, Paynter, Dean, Zukoff, Griffith, Thompson and Pushkin:

H. B. 4577 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-6b, relating to creating the Compassion for Community Cats Fund; and providing that the fund is administered by the Commissioner of Agriculture; providing definitions; the source of funds; and how the funds are to be used"; to the Committee on Agriculture and Natural Resources then the Judiciary then Finance.

By Delegate Capito:

H. B. 4578 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-56, relating to authorizing the superintendent to administer the Handle with Care program"; to the Committee on the Judiciary.

By Delegates Clark, Ellington, Ferrell, Longanacre, Thompson, Bridges, Mazzocchi, Horst, Maynor, Jennings and Hanna:

H. B. 4579 - "A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18A-2-3a; and to amend and reenact §18A-4-10 and §18A-4-14 of said code, all relating to public school personnel; prohibiting regular classroom teachers and special education classroom teachers required to participate an individualized education program committee from being required to prepare or reduce to writing the individualized education program plan; providing for contracted employment of substitute teachers for 180 instructional days; requiring employment in schools of certain size and describing duration, nature, qualifications and daily rate of pay of 180 day contract substitute teacher; increasing number of personal leave days an employee may use without regard to the cause for the absence; and requiring state board rule providing uniform procedure, prohibition, form and benefit regarding a teacher's voluntary exchange of duty-free lunch recess to perform duties at the school"; to the Committee on Education then Finance.

By Delegates Graves, Toney, Clark, Ferrell, Barnhart and Nestor:

H. B. 4580 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-15a, relating to reemployment of retired bus operators; providing for legislative findings; providing for definitions; explaining the purpose of the section; defining the framework for when these individuals may work as needed; and providing for an expiration date"; to the Committee on Education then Finance.

By Delegates Tully, Horst, J. Jeffries, Dean, Fast, Haynes, Ferrell, Maynor, D. Jeffries, Linville and Honaker:

H. B. 4581 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-17-5, §21-17-6, and §21-17-7, all relating to establishing a nurse staffing and safe harbor peer review process; defining safe harbor; establishing protections for

nurse licensure under safe harbor; providing for invocation of safe harbor protections; establishing a withdrawal of request for safe harbor nursing review; establishing a Safe Harbor Peer Review committee and providing for the makeup and composition of the committee; providing when to invoke safe harbor and refuse nursing assignments; defining protection from civil or criminal liability under safe harbor; and defining CNOs/Nurse Practitioners"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Barnhart:

H. B. 4582 - "A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-8 of said code, all relating to modifying the definition of 'e-bikes' in West Virginia generally; defining a Class 2 electric bicycle; and clarifying where an individual is permitted to operate a Class 2 electric bicycle"; to the Committee on the Judiciary.

By Delegate Criss:

H. B. 4583 - "A Bill to amend and reenact §39B-1-106 of the Code of West Virginia, 1931, as amended, relating to the validity of a power of attorney; clarifying the definition of 'incapacity'; and providing that criminal incarceration or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney"; to the Committee on the Judiciary.

By Delegates Rohrbach, D. Jeffries, Summers, Pack, Reed, Worrell, Bates, Rowan, Barnhart, Tully and Miller:

H. B. 4584 - "A Bill to amend and reenact §61-12-3, §61-12-4, §61-12-5, §61-12-6, §61-12-7, §61-12-10, §61-12-10a, §61-12-11, §61-12-12, §61-12-13, §61-12-14 and §61-12-15 of the Code of West Virginia, 1931, as amended, all relating to Office of the Chief Medical Examiner and the disposition of unidentified and unclaimed remains; authorizing the Office of the Chief Medical Examiner to locate lands suitable for use as a cemetery; authorizing the Office of the Chief Medical Examiner to determine the appropriate length of time a decedent may be kept prior to burial or cremation; establishing burial for certain conditions; establishing cremation of certain conditions; authorizing the Chief

Medical Officer or a designee to return a decedent's remains to next of kin and remove a decedent from the cemetery; and prohibiting any cause of action against the Office of the Medical Examiner"; to the Committee on Health and Human Resources then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 4084, Relating to advanced recycling; 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. 85)**, and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Horst, J. Jeffries, Kessinger, Martin, McGeehan and Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4084) passed.

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

Com. Sub. for H. B. 4369, Update the telepsychology compact; 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. 86)**, and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Horst, J. Jeffries, Kessinger, Martin, McGeehan and Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4369) passed.

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

On this question, the yeas and nays were taken **(Roll No. 87)**, and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Horst, J. Jeffries, Kessinger, Martin, McGeehan and Nestor.

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. 4369) takes effect from its passage.

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

Second Reading

S. B. 436, Correcting code citation for authority of State Fire Marshal; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 3036, Sunsetting the Board of Sanitarians; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4105, Relating to service employees with National Association for Pupil Transportation Certifications; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4355, Relating to the disclosure by state institutions of higher education of certain information regarding textbooks and digital courseware and certain charges assessed for those items; on

second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4380, Relating to transportation of athletic teams; on second reading, coming up in regular order, was read a second time.

Delegate Evans moved to amend the bill on page three, section thirteen, line seventy, following the semi-colon, by striking out the word "and" and inserting in lieu thereof, the following:

"(iv) First aid kits and fire extinguishers; and"

And,

Renumbering paragraph (iv) on line seventy-seven of page four accordingly.

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

The yeas and nays having been ordered, they were taken **(Roll No. 88)**, and there were—yeas 23, nays 69, absent and not voting 8, with the yeas and the absent and not voting being as follows:

Yeas: Anderson, Barach, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Clark, Horst, J. Jeffries, Kessinger, Martin, McGeehan, Nestor and Storch.

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4389, Relating to repealing school innovation zones provisions superseded by Innovation in Education Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third 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. 4032, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse,

Com. Sub. for H. B. 4098, Relating to Geothermal Energy Development,

Com. Sub. for H. B. 4297, To facilitate the sharing of information between the Department of Health and Human Resources and the State Auditor's office in order to investigate reports of financial abuse and neglect of a vulnerable adult,

And,

H. B. 4522, Relating to the expungement of criminal records.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Clark, Horst, J. Jeffries, Kessinger, Martin, McGeehan and Nestor.

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. 4100: Delegate Fast;

H. B. 4108: Delegate Fast;

H. B. 4406: Delegate Linville;

H. B. 4477: Delegate Walker;

H. B. 4483: Delegate Howell;

And,

H. J. R. 107: Delegate Booth.

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. 4483: Delegate Hott.

At 11:58 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 9, 2022.

Wednesday, February 9, 2022

TWENTY-NINTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, February 8, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 4105, on Third Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4027, Relating to increasing the limit on value of agricultural products under the Farm-To-Food Bank Tax Credit,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4027) was referred to the Committee on Finance.

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4050, Defining terms related to livestock trespassing,

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. 4050) was referred to the Committee on the Judiciary.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4248, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to Public Shooting Ranges,

H. B. 4249, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to General Hunting,

H. B. 4250, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to Commercial Sale of Wildlife,

And,

H. B. 4251, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to Lifetime Hunting, Trapping, and Fishing Licenses,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4248, H. B. 4249, H. B. 4250 and H. B. 4251) were each referred to the Committee on Government Organization.

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. 4483, Relating to establishing term limits to certain real property interests and registration requirements associated with carbon offset agreements,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4483 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-12-4b and §36-4-20; all relating to real property and registration requirements associated with carbon offset agreements and term limits therefor; defining terms; requiring certain parties to current and new carbon offset agreements to register with the State Tax Department; specifying required registration information and authorizing the State Tax Department to create registration forms through rule-making; requiring periodic updates to registration; requiring reports by Division of Forestry and specifying the minimum content thereof; authorizing disclosure of information by the Tax Commissioner to Division of Forestry; providing legislative findings and declarations; providing that any covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document, which is executed or recorded after the effective date, which effectively prohibits or restricts the development of land and the harvesting of timber from forests for the purposes of forest carbon capture, carbon offset, and carbon sequestration is void and unenforceable, unless said covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document is for a maximum term of 40 years or less; and providing that options to renew or continue such arrangements beyond the maximum term

of 40 years shall be valid only if the consideration is required to be renegotiated to exercise the option,"

With the recommendation that the committee substitute 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 (Com. Sub. for H. B. 4483) to the Committee on Finance was abrogated.

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. 2257, Relating to extended supervision for certain drug offenders,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2257 - "A Bill to amend the Code of West Virginia, as amended, by adding thereto a new section, designated §62-12-30, relating to extended supervision for certain drug offenders; specifying that the section shall apply to a person with a second or subsequent conviction; establishing supervised release penalty of up to 10 years for certain drug offenders; establishing when period of supervised release begins; providing for supervision by multijudicial circuit probation officers; clarifying terms of supervised release same as those for probation; establishing a fee for supervised release; establishing that court may modify or revoke supervised release; providing court required probation officer provide written conditions; providing for supervised release following revocation; providing for delayed revocation,"

With the recommendation that the committee substitute do pass.

On motion for leave a bill was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it do pass, but that it first be referred to the

Committee on Government Organization), which was read by its title, as follows:

By Delegates Rohrbach, Summers, Longanacre, D. Jeffries and Criss:

H. B. 4621 - "A Bill to repeal §30-4-9 and §30-4-11, of the Code of West Virginia, 1931, as amended; to repeal §30-3E-10a, §30-3E-11, and §30-3E-12 of said code; to repeal §30-4-9 and §30-4-11 of said code; to repeal §30-5-10 and §30-5-12 of said code; to repeal §30-7-15, §30-7-15a, §30-7-15b, §30-7-15c and §30-7-15e of said code; to repeal §30-8-9, §30-8-14 and §30-8-15 of said code; to repeal §30-10-9 and §30-10-11 of said code; to repeal §30-16-18 of said code; to repeal §30-20-9 of said code; to repeal §30-20A-5 of said code; to repeal §30-23-10, §30-23-11, §30-23-16, §30-23-18 and §30-23-21 of said code; to repeal §30-30-11, §30-30-13 and §30-30-15 of said code; to repeal §30-32-13 and §30-32-14 of said code; to repeal §30-36-13 of said code; to amend said code by adding thereto a new section, designated §30-1-27; to amend and reenact §30-1A-2 and §30-1A-3 of said code; to amend and reenact §30-8-6 and §30-8-14 of said code; to amend and reenact §30-28-4 of said code; and to amend and reenact §30-34-2 of said code; all relating to scope of practice."

Pursuant to House Rule 80, the Speaker referred the bill to the Committee on Government Organization.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 6, Elmer Galford Memorial Road,

H. C. R. 8, U.S. Army Private Elmo Davis Memorial Road,

H. C. R. 10, Lance CPL Leonard Joe Zelaski Memorial Bridge,

H. C. R. 16, World War II Veterans Toothman Brothers Memorial Bridge,

H. C. R. 17, Daniel Okey Cunningham Memorial Bridge,

H. C. R. 28, Cpt. Billy Jake Smith Memorial Bridge,

H. C. R. 30, To name the U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge,

H. C. R. 34, U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge,

H. C. R. 37, U.S. Army Corporal Charles William "Bill" Knight Memorial Bridge,

H. C. R. 38, To name the "Dale Shaheen and George H. Hooker Memorial Bridge.",

H. C. R. 40, To name the USMC Cpl Guy Maywood Edwards Memorial Bridge,

And,

H. R. 6, Urging the Army Corps of Engineers to support hydroelectric power generation at the Summersville Dam,

And reports the same back with the recommendation that they each be adopted.

Messages from the Executive

A communication from His Excellency, the Governor, advised that on February 8, 2022, he approved **S. B. 4**.

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 2325, Removing the requirement of continuing education for barbers and cosmetologists.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4067, To make certain agency reports electronic or eliminating certain agency reports altogether.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate, with further amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 11B. PREGNANT WORKERS FAIRNESS ACT.

§5-11B-7. Reports.

The Commission shall ~~annually~~ on October 1 of each year report to the Joint Committee on Government and Finance on the number of complaints filed under this article during the previous year and their resolution. The report shall be transmitted to the members of the committee electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 6C. WEST VIRGINIA CYBER INCIDENT REPORTING.

§5A-6C-4. Cybersecurity Office annual report.

(a) On or before December 31 of each year, and when requested by the Legislature, the Cybersecurity Office shall provide a report to the Joint Committee on Government and Finance containing the number and nature of incidents reported to it during the preceding calendar year. The report shall be transmitted to the members of the committee electronically and shall be sent to the legislative librarian to be posted on the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

(b) The Cybersecurity Office shall also make recommendations, if any, on security standards or mitigation that should be adopted.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 13C. MUNICIPAL TAX IN LIEU OF BUSINESS AND OCCUPATION TAX; AND MUNICIPAL TAXES APPLICABLE TO PENSION FUNDS; ADDITIONAL AUTHORITIES RELATING TO PENSIONS AND BOND ISSUANCE.

§8-13C-13. Study.

[Repealed.]

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 7. JOBS INVESTMENT TRUST FUND.

§12-7-12. Reports of board; report of housing development fund.

(a) The board shall prepare annually, or more frequently if deemed necessary by the board, a report of its operations and the performance of the various investments administered by it. A copy thereof shall be furnished to the Governor, the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, to any legislative committee. Such report shall be kept available for inspection by any citizen of this state.

(b) The West Virginia housing development fund shall prepare annually and submit to the ~~president~~ President of the Senate, the ~~speaker~~ Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee, a report on the performance of the board and the quality of its investments for the preceding year.

(c) The report shall be transmitted to the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.

ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.

§14-2A-21. Annual report of West Virginia Legislative Claims Commission.

The West Virginia Legislative Claims Commission shall prepare and transmit annually to the Governor and the Legislature a report of the activities of the West Virginia Legislative Claims Commission under this article. The report shall include the number of claims filed, the number of awards made, ~~and~~ the amount of each award, and a statistical summary of claims and awards made and denied; the balance in the Crime Victims Compensation Fund with a listing by source and amount of the moneys that have been deposited in the fund; the amount that has been withdrawn from the fund, including separate listings of the administrative costs incurred by the West Virginia Legislative Claims Commission, compensation of commissioners and commission personnel, and the amount awarded as attorneys' fees. The report shall be transmitted to the Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard

copy of the report shall be issued; however, upon request a hard copy shall be provided.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-21. Creation of Diabetes Action Plan.

[Repealed]

ARTICLE 33. BREAST AND CERVICAL CANCER PREVENTION AND CONTROL ACT.

§16-33-6. Annual report.

The director shall submit an annual report to the Governor and the Legislature concerning the operation of the breast and cervical cancer detection and education program including available data and assessment. Such report shall also include any recommendations for additional action to respond to the high incidence of breast and cervical cancer in this state. The report shall be transmitted to Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

ARTICLE 41. ORAL HEALTH IMPROVEMENT ACT.

§16-41-6. Reporting requirements.

[Repealed.]

CHAPTER 18. EDUCATION.

ARTICLE 10L. RON YOST PERSONAL ASSISTANCE SERVICES ACT.

§18-10L-7. Report.

[Repealed.]

CHAPTER 22A. MINERS' HEALTH, SAFETY AND TRAINING.

ARTICLE 6. BOARD OF COAL MINE HEALTH AND SAFETY.

§22A-6-11. **Study of methane detecting shut off devices.**

[Repealed.]

§22A-6-12. **Study of whistleblower protections.**

[Repealed.]

§22A-6-13. **Study of ingress and egress to bleeder and gob areas of longwall panels and pillar.**

[Repealed.]

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-7a. Report on a centralized personnel system.

[Repealed.]

CHAPTER 31. CORPORATIONS.

ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.

§31-15A-17b. Infrastructure lottery revenue bonds for watershed compliance projects.

(a)(1) The Chesapeake Bay has been identified as an impaired water body due to excessive nutrients entering the bay from various sources in six states, including wastewater facilities in West Virginia. To restore the Chesapeake Bay, the states have agreed to reduce their respective nutrient contributions to the Chesapeake Bay.

(2) The Greenbrier River Watershed in southeastern West Virginia which encompasses approximately 1,646 square miles, the majority of which lies within Pocahontas, Greenbrier, Monroe, and Summers counties, has been identified as an impaired water body due to excessive levels of fecal coliform and phosphorus entering the watershed from various sources, including wastewater facilities in West Virginia. To restore the Greenbrier River Watershed, the state agrees to reduce the fecal coliform and phosphorus contributions to the Greenbrier River Watershed.

(b) Notwithstanding any other provision of this code to the contrary, the Water Development Authority may issue, in accordance with the provisions of §31-15A-17 of this code, infrastructure lottery revenue bonds payable from the West Virginia Infrastructure Lottery Revenue Debt Service Fund created by §31-15A-9 of this code and such other sources as may be legally pledged for such purposes other than the West Virginia Infrastructure Revenue Debt Service Fund created by §31-15A-17 of this code.

(c) The council shall direct the Water Development Authority to issue bonds in one or more series when it has approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects with an authorized permitted flow of 400,000 gallons per day or more. The proceeds of the bonds shall be used solely to pay costs of issuance, fund a debt service reserve account, capitalize interest, pay for security instruments necessary to market the bonds, and to make grants to governmental instrumentalities of the state for the construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects. To the extent funds are available in the West Virginia Infrastructure Lottery Revenue Debt Service Fund that are not needed for debt service, the council may direct the Water Development Authority to make grants to project sponsors for the design or construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects: *Provided*, That the council shall direct the Water Development Authority to provide from moneys in the Lottery Revenue Debt Service Fund not needed to pay debt

service in fiscal year 2013, a grant of $6 million to a Chesapeake Bay watershed compliance project which opened bids on December 28, 2011, and further provided that such Chesapeake Bay watershed compliance project shall receive no further grant funding under this section after receipt of the $6 million grant.

(d) No later than June 30, 2012, each publicly owned facility with an authorized permitted flow of 400,000 gallons per day or more that is subject to meeting Chesapeake Bay compliance standards or Greenbrier River watershed compliance standards shall submit to the council a 10-year projected capital funding plan for Chesapeake Bay watershed compliance projects or Greenbrier River watershed compliance projects, as the case may be, including a general project description, cost estimate, and estimated or actual project start date and project completion date, if any. The council shall timely review the submitted capital funding plans and forward approved plans to the Water Development Authority for further processing and implementation pursuant to this article. If the council finds a plan to be incomplete, inadequate, or otherwise problematic, it shall return the plan to the applicant with comment on the plan shortcomings. The applicant may then resubmit to council an amended capital funding plan for further consideration pursuant to the terms of this subsection.

(e) Upon approval, each proposed Chesapeake Bay watershed compliance project or Greenbrier River watershed compliance project, or portion of a larger project, which portion is dedicated to compliance with nutrient standards, or fecal coliform and phosphorus standards, established for the protection and restoration of the Chesapeake Bay or the Greenbrier River watershed, as the case may be, shall be eligible for grant funding by funds generated by the infrastructure lottery revenue bonds described in subsection (b) of this section. At the request of the applicant, the remaining percentage of project funding not otherwise funded by grant under the provisions of this article may be reviewed as a standard project funding application.

~~(f) No later than December 1, 2012, the Water Development Authority shall report to the Joint Committee on Government and Finance the total cost of Chesapeake Bay watershed compliance~~

~~projects and the Greenbrier River watershed compliance projects and the proposed grant awards for each eligible project. From the proceeds of bonds issued under subsection (b) of this section, the council shall direct the Water Development Authority to make grants to eligible projects ready to proceed to construction and those grant awards shall be pro rated to an equal percentage of total eligible costs among all applicants for each eligible project as certified by the Water Development Authority in its report to the Joint Committee on Government and Finance dated November 26, 2012: *Provided*, That the final project, and its financing, is consistent with the scope of the eligible project included in the council's approval on December 5, 2012~~

~~(g)~~ (f) Eligible projects that have obtained project financing prior to December 31, 2012, may apply to the council for funding under the provisions of this section. These applications shall be processed and considered as all other eligible projects, and a grant funding awarded shall, to the extent allowed by law, be dedicated to prepay all or a portion of debt previously incurred by governmental instrumentalities of the state for required Chesapeake Bay nutrient removal projects or Greenbrier River watershed fecal coliform and phosphorus removal projects, subject to the bond covenants and contractual obligations of the borrowing governmental entity. However, any private portion of funding provided by agreement between a political subdivision and one or more private entities, either by direct capital investment or debt service obligation, shall not be eligible for grant funding under the provisions of this article.

ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.

§31-18-24. Annual audit; reports to Joint Committee on Government and Finance; information to joint committee or legislative auditor.

The Housing Development Fund shall cause an annual audit to be made by an independent certified public accountant of its books, accounts, and records, with respect to its receipts, disbursements, contracts, mortgages, leases, assignments, loans, and all other

matters relating to its financial operations, including those of the Operating Loan Fund, the Land Development Fund, and the Mortgage Finance Bond Insurance Fund. The person performing such audit shall furnish copies of the audit report to the commissioner of finance and administration, where they shall be placed on file and made available for inspection by the general public. The person performing such audit shall also furnish copies of the audit report to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses. The audit report shall be transmitted to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the audit report shall be issued; however, upon request a hard copy shall be provided.

In addition to the foregoing annual audit report, the Housing Development Fund shall also render every six months to the Joint Committee on Government and Finance a report setting forth in detail a complete analysis of the activities, indebtedness, receipts, and financial affairs of such fund and the Operating Loan Fund, the Land Development Fund, Affordable Housing Fund, and the Mortgage Finance Bond Insurance Fund. Upon demand, the Housing Development Fund shall also submit to the Joint Committee on Government and Finance or the Legislative Auditor any other information requested by such committee or the Legislative Auditor. The report shall be available electronically only, and no hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

CHAPTER 33. INSURANCE.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-35. Rural health maintenance organizations.

[Repealed.]"

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4067 - "A Bill to repeal §8-13C-13 of the Code of West Virginia, 1931, as amended; to repeal §16-1-21 of said code; to repeal §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §22A-6-11, §22A-6-12, and §22A-6-13 of said code; to repeal §29-6-7a of said code; to repeal §33-25A-35 of said code; to amend and reenact §5-11B-7; to amend and reenact §5A-6C-4 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of said code; to amend and reenact §16-33-6 of said code; to amend and reenact §31-15A-17b of said code; and to amend and reenact §31-18-24 of said code, all relating to making certain reports electronic rather than in printed hard-copy form; providing for hard copies to be furnished upon request; and eliminating the reporting requirement entirely for those agencies whose reports are no longer needed or whose deadlines have passed with reports already submitted."

With the further amendment, sponsored by Delegate Summers, being as follows:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 11B. PREGNANT WORKERS FAIRNESS ACT.

§5-11B-7. REPORTS.

The Commission shall ~~annually~~ on October 1 of each year report to the Joint Committee on Government and Finance on the

number of complaints filed under this article during the previous year and their resolution. The report shall be transmitted to the members of the committee electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 6C. WEST VIRGINIA CYBER INCIDENT REPORTING.

§5A-6C-4. Cybersecurity Office annual report.

(a) On or before December 31 of each year, and when requested by the Legislature, the Cybersecurity Office shall provide a report to the Joint Committee on Government and Finance containing the number and nature of incidents reported to it during the preceding calendar year. The report shall be transmitted to the members of the committee electronically and shall be sent to the legislative librarian to be posted on the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

(b) The Cybersecurity Office shall also make recommendations, if any, on security standards or mitigation that should be adopted.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 13C. MUNICIPAL TAX IN LIEU OF BUSINESS AND OCCUPATION TAX; AND MUNICIPAL TAXES APPLICABLE TO PENSION FUNDS; ADDITIONAL AUTHORITIES RELATING TO PENSIONS AND BOND ISSUANCE.

§8-13C-13. Study.

[Repealed.]

CHAPTER 9. HUMAN SERVICES.

ARTICLE 4A. MEDICAID UNCOMPENSATED CARE FUND.

§9-4A-2b. Expansion of coverage to children and terminally ill.

(a) It is the intent of the Legislature that steps be taken to expand coverage to children and the terminally ill and to pay for this coverage by fully utilizing federal funds. To achieve this intention, the Department of Health and Human Resources shall undertake the following:

(1) The department shall provide a streamlined application form, which shall be no longer than two pages, for all families applying for medical coverage for children under any of the programs set forth in this section; and

(2) The department shall provide the option of hospice care to terminally ill West Virginians who otherwise qualify for Medicaid. ~~The department shall provide quarterly reports to the Legislative Oversight commission on health and human resources accountability created pursuant to section four, article twenty-nine-e, chapter sixteen of this code regarding the program provided for in this subdivision. The report shall include, but not be limited to, the total number, by age, of newly eligible clients served, the average annual cost of coverage per client and the total cost, by provider type, to serve all clients.~~

(3) The department shall accelerate the Medicaid option for coverage of Medicaid to all West Virginia children whose family income is below one hundred percent of the federal poverty guideline. ~~The department shall provide quarterly reports to the Legislative Oversight commission on health and human resources accountability regarding the program acceleration provided for in this subdivision. The report shall include, but not be limited to, the number of newly eligible clients, by age, served as a result of the acceleration, the average annual cost of coverage per client and the total cost of all clients served by provider type.~~

(b) Notwithstanding the provisions of §9-4A-2a of this code, the accruing interest in the medical services trust fund may be

utilized to pay for the programs specified in subsection (a) of this section: *Provided,* That to the extent the accrued interest is not sufficient to fully fund the specified programs, the disproportionate share hospital funds paid into the medical services trust fund after June 30, 1994, may be applied to cover the cost of the specified programs.

(c) Annually on January 1, the department shall report to the Governor and to the Legislature information regarding the number of children and elderly covered by the programs in subdivisions (2) and (3) of subsection (a), the cost of services by type of service provided, a cost-benefit analysis of the acceleration and expansion on other insurers and the reduction of uncompensated care in hospitals as a result of the programs.

ARTICLE 4C. HEALTH CARE PROVIDER MEDICAID ENHANCEMENT ACT.

§9-4C-7. Powers and duties.(a) Each board created pursuant to this article shall:

(1) Develop, recommend, and review reimbursement methodology where applicable, and develop and recommend a reasonable provider fee schedule, in relation to its respective provider groups, so that the schedule conforms with federal Medicaid laws and remains within the limits of annual funding available to the single state agency for the Medicaid program. In developing the fee schedule the board may refer to a nationally published regional specific fee schedule, if available, as selected by the secretary in accordance with §9-4C-8 of this code. The board may consider identified health care priorities in developing its fee schedule to the extent permitted by applicable federal Medicaid laws, and may recommend higher reimbursement rates for basic primary and preventative health care services than for other services. In identifying basic primary and preventative health care services, the board may consider factors, including, but not limited to, services defined and prioritized by the basic services task force of the health care planning commission in its report issued in December of the year 1992; and minimum benefits and coverages for policies of insurance as set forth in and minimum benefits and

coverages for policies of insurance as set forth in ~~section fifteen, article fifteen,~~ chapter thirty-three of this code ~~and section four, article sixteen-c of said chapter~~ and rules of the Insurance Commissioner promulgated thereunder. If the single state agency approves the adjustments to the fee schedule, it shall implement the provider fee schedule;

(2) Review its respective provider fee schedule on a quarterly basis and recommend to the single state agency any adjustments it considers necessary. If the single state agency approves any of the board's recommendations, it shall immediately implement those adjustments ~~and shall report the same to the Joint Committee on Government and Finance on a quarterly basis~~;

(3) Assist and enhance communications between participating providers and the Department of Health and Human Resources;

(4) Meet and confer with representatives from each specialty area within its respective provider group so that equity in reimbursement increases or decreases may be achieved to the greatest extent possible and when appropriate to meet and confer with other provider boards; and

(5) Appoint a chairperson to preside over all official transactions of the board.

(b) Each board may carry out any other powers and duties as prescribed to it by the secretary.

(c) Nothing in this section gives any board the authority to interfere with the discretion and judgment given to the single state agency that administers the state's Medicaid program. If the single state agency disapproves the recommendations or adjustments to the fee schedule, it is expressly authorized to make any modifications to fee schedules as are necessary to ensure that total financial requirements of the agency for the current fiscal year with respect to the state's Medicaid plan are met and shall report such modifications to the Joint Committee on Government and Finance on a quarterly basis. The purpose of each board is to assist and enhance the role of the single state agency in carrying out its

mandate by acting as a means of communication between the health care provider community and the agency.

(d) In addition to the duties specified in subsection (a) of this section, the ambulance service provider Medicaid board shall develop a method for regulating rates charged by ambulance services.

~~(e) On a quarterly basis, the single state agency and the board shall report the status of the fund, any adjustments to the fee schedule and the fee schedule for each health care provider identified in section two of this article to the Joint Committee on Government and Finance.~~

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 7. JOBS INVESTMENT TRUST FUND.

§12-7-12. Reports of board; report of housing development fund.

(a) The board shall prepare annually, or more frequently if deemed necessary by the board, a report of its operations and the performance of the various investments administered by it. A copy thereof shall be furnished to the Governor, the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, to any legislative committee. Such report shall be kept available for inspection by any citizen of this state.

(b) The West Virginia housing development fund shall prepare annually and submit to the ~~president~~ President of the Senate, the ~~speaker~~ Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee, a report on the performance of the board and the quality of its investments for the preceding year.

(c) The report shall be transmitted to the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee electronically. Further, the report shall be provided to the

legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.

ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.

§14-2A-21. Annual report of West Virginia Legislative Claims Commission.

The West Virginia Legislative Claims Commission shall prepare and transmit annually to the Governor and the Legislature a report of the activities of the West Virginia Legislative Claims Commission under this article. The report shall include the number of claims filed, the number of awards made, ~~and~~ the amount of each award, and a statistical summary of claims and awards made and denied; the balance in the Crime Victims Compensation Fund with a listing by source and amount of the moneys that have been deposited in the fund; the amount that has been withdrawn from the fund, including separate listings of the administrative costs incurred by the West Virginia Legislative Claims Commission, compensation of commissioners and commission personnel, and the amount awarded as attorneys' fees. The report shall be transmitted to the Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-21. Creation of Diabetes Action Plan.

[Repealed]

ARTICLE 3B. PERTUSSIS.

§16-3B-4. DATA COLLECTION ON PERTUSSIS VACCINE ADMINISTRATION.

(a) By guideline, the department shall establish a system, sufficient for the purposes of subsections (b) and (c) of this section, to collect data from the local health officers, from public and private health care providers and from parents on the incidence of pertussis and major adverse reactions to pertussis vaccine.

(b) On the basis of information collected under this subsection and of other information available, the department shall periodically revise and update the information required by and the guidelines adopted under §16-3B-2 of this code.

(c)~~(1)~~ The department shall report to the United States Centers for Disease Control and Prevention all information collected under this section, including that received under §16-3B-3 of this code.

~~(2) The department shall report annually to the Legislature on the incidence of pertussis and of adverse reactions to pertussis vaccine.~~

ARTICLE 33. BREAST AND CERVICAL CANCER PREVENTION AND CONTROL ACT.

§16-33-6. Annual report.

The director shall submit an annual report to the Governor and the Legislature concerning the operation of the breast and cervical cancer detection and education program including available data and assessment. Such report shall also include any recommendations for additional action to respond to the high incidence of breast and cervical cancer in this state. The report shall be transmitted to Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

ARTICLE 41. ORAL HEALTH IMPROVEMENT ACT.

§16-41-6. Reporting requirements.

[Repealed.]

CHAPTER 18. EDUCATION.

ARTICLE 10L. RON YOST PERSONAL ASSISTANCE SERVICES ACT.

§18-10L-7. Report.

[Repealed.]

CHAPTER 22A. MINERS' HEALTH, SAFETY AND TRAINING.

ARTICLE 6. BOARD OF COAL MINE HEALTH AND SAFETY.

§22A-6-11. Study of methane detecting shut off devices.

[Repealed.]

§22A-6-12. Study of whistleblower protections.

[Repealed.]

§22A-6-13. Study of ingress and egress to bleeder and gob areas of longwall panels and pillar.

[Repealed.]

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-7a. Report on a centralized personnel system.

[Repealed.]

CHAPTER 31. CORPORATIONS.

ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.

§31-15A-17b. Infrastructure lottery revenue bonds for watershed compliance projects.

(a)(1) The Chesapeake Bay has been identified as an impaired water body due to excessive nutrients entering the bay from various sources in six states, including wastewater facilities in West Virginia. To restore the Chesapeake Bay, the states have agreed to reduce their respective nutrient contributions to the Chesapeake Bay.

(2) The Greenbrier River Watershed in southeastern West Virginia which encompasses approximately 1,646 square miles, the majority of which lies within Pocahontas, Greenbrier, Monroe, and Summers counties, has been identified as an impaired water body due to excessive levels of fecal coliform and phosphorus entering the watershed from various sources, including wastewater facilities in West Virginia. To restore the Greenbrier River Watershed, the state agrees to reduce the fecal coliform and phosphorus contributions to the Greenbrier River Watershed.

(b) Notwithstanding any other provision of this code to the contrary, the Water Development Authority may issue, in accordance with the provisions of §31-15A-17 of this code, infrastructure lottery revenue bonds payable from the West Virginia Infrastructure Lottery Revenue Debt Service Fund created by §31-15A-9 of this code and such other sources as may be legally pledged for such purposes other than the West Virginia Infrastructure Revenue Debt Service Fund created by §31-15A-17 of this code.

(c) The council shall direct the Water Development Authority to issue bonds in one or more series when it has approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects with an authorized permitted flow of 400,000 gallons per day or more. The proceeds of the bonds shall be used solely to pay costs of issuance, fund a debt service reserve account, capitalize interest, pay for security instruments

necessary to market the bonds, and to make grants to governmental instrumentalities of the state for the construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects. To the extent funds are available in the West Virginia Infrastructure Lottery Revenue Debt Service Fund that are not needed for debt service, the council may direct the Water Development Authority to make grants to project sponsors for the design or construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects: *Provided*, That the council shall direct the Water Development Authority to provide from moneys in the Lottery Revenue Debt Service Fund not needed to pay debt service in fiscal year 2013, a grant of $6 million to a Chesapeake Bay watershed compliance project which opened bids on December 28, 2011, and further provided that such Chesapeake Bay watershed compliance project shall receive no further grant funding under this section after receipt of the $6 million grant.

(d) No later than June 30, 2012, each publicly owned facility with an authorized permitted flow of 400,000 gallons per day or more that is subject to meeting Chesapeake Bay compliance standards or Greenbrier River watershed compliance standards shall submit to the council a 10-year projected capital funding plan for Chesapeake Bay watershed compliance projects or Greenbrier River watershed compliance projects, as the case may be, including a general project description, cost estimate, and estimated or actual project start date and project completion date, if any. The council shall timely review the submitted capital funding plans and forward approved plans to the Water Development Authority for further processing and implementation pursuant to this article. If the council finds a plan to be incomplete, inadequate, or otherwise problematic, it shall return the plan to the applicant with comment on the plan shortcomings. The applicant may then resubmit to council an amended capital funding plan for further consideration pursuant to the terms of this subsection.

(e) Upon approval, each proposed Chesapeake Bay watershed compliance project or Greenbrier River watershed compliance project, or portion of a larger project, which portion is dedicated to

compliance with nutrient standards, or fecal coliform and phosphorus standards, established for the protection and restoration of the Chesapeake Bay or the Greenbrier River watershed, as the case may be, shall be eligible for grant funding by funds generated by the infrastructure lottery revenue bonds described in subsection (b) of this section. At the request of the applicant, the remaining percentage of project funding not otherwise funded by grant under the provisions of this article may be reviewed as a standard project funding application.

~~(f) No later than December 1, 2012, the Water Development Authority shall report to the Joint Committee on Government and Finance the total cost of Chesapeake Bay watershed compliance projects and the Greenbrier River watershed compliance projects and the proposed grant awards for each eligible project. From the proceeds of bonds issued under subsection (b) of this section, the council shall direct the Water Development Authority to make grants to eligible projects ready to proceed to construction and those grant awards shall be pro rated to an equal percentage of total eligible costs among all applicants for each eligible project as certified by the Water Development Authority in its report to the Joint Committee on Government and Finance dated November 26, 2012: *Provided*, That the final project, and its financing, is consistent with the scope of the eligible project included in the council's approval on December 5, 2012~~

~~(g)~~ (f) Eligible projects that have obtained project financing prior to December 31, 2012, may apply to the council for funding under the provisions of this section. These applications shall be processed and considered as all other eligible projects, and a grant funding awarded shall, to the extent allowed by law, be dedicated to prepay all or a portion of debt previously incurred by governmental instrumentalities of the state for required Chesapeake Bay nutrient removal projects or Greenbrier River watershed fecal coliform and phosphorus removal projects, subject to the bond covenants and contractual obligations of the borrowing governmental entity. However, any private portion of funding provided by agreement between a political subdivision and one or more private entities, either by direct capital investment or debt

service obligation, shall not be eligible for grant funding under the provisions of this article.

ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.

§31-18-24. Annual audit; reports to Joint Committee on Government and Finance; information to joint committee or legislative auditor.

The Housing Development Fund shall cause an annual audit to be made by an independent certified public accountant of its books, accounts, and records, with respect to its receipts, disbursements, contracts, mortgages, leases, assignments, loans, and all other matters relating to its financial operations, including those of the Operating Loan Fund, the Land Development Fund, and the Mortgage Finance Bond Insurance Fund. The person performing such audit shall furnish copies of the audit report to the commissioner of finance and administration, where they shall be placed on file and made available for inspection by the general public. The person performing such audit shall also furnish copies of the audit report to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses. <u>The audit report shall be transmitted to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the audit report shall be issued; however, upon request a hard copy shall be provided.</u>

In addition to the foregoing annual audit report, the Housing Development Fund shall also render every six months to the Joint Committee on Government and Finance a report setting forth in detail a complete analysis of the activities, indebtedness, receipts, and financial affairs of such fund and the Operating Loan Fund, the Land Development Fund, Affordable Housing Fund, and the Mortgage Finance Bond Insurance Fund. Upon demand, the Housing Development Fund shall also submit to the Joint Committee on Government and Finance or the Legislative Auditor

any other information requested by such committee or the Legislative Auditor. The report shall be available electronically only, and no hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

CHAPTER 33. INSURANCE.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-35. Rural health maintenance organizations.

[Repealed.]

CHAPTER 49. CHILD WELFARE

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-604. Program administration; implementation; procedures; annual evaluation; coordination; plans; grievances; reports.

(a) The administering agency for the family support program is the Department of Health and Human Resources.

(b) The Department of Health and Human Resources shall initially implement the family support program through contracts with an agency within four of the state's behavioral health regions, with the four regions to be determined by the Department of Health and Human Resources in consultation with the state family support council. These regional family support agencies of the family support program will be responsible for implementing this article and subsequent policies for the families of persons with developmental disabilities residing within their respective regions.

(c) The Department of Health and Human Resources, in conjunction with the state family support council, shall adopt policies and procedures regarding:

(1) Development of annual budgets;

(2) Program specifications;

(3) Criteria for awarding contracts for operation of regional family support programs and the role of regional family support councils;

(4) Annual evaluation of services provided by each regional family support agency, including consumer satisfaction;

(5) Coordination of the family support program and the use of its funds, throughout the state and within each region, with other publicly funded programs, including Medicaid;

(6) Performance of family needs assessments and development of family service plans;

(7) Methodology for allocating resources to families within the funds available; and

(8) Resolution of grievances filed by families pertaining to actions of the family support program.

~~(d) The Department of Health and Human Resources shall submit a report to the Governor and the Legislature on the family support program by September 15, of every year so long as the program is funded.~~"

And,

The further title amendment, sponsored by Delegate Summers, amending the title of the bill to read as follows:

H. B. 4067 – "A Bill to repeal §8-13C-13 of the Code of West Virginia, 1931, as amended; to repeal §16-1-21 of said code; to repeal §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §22A-6-11, §22A-6-12, and §22A-6-13 of said code; to repeal §29-6-7a of said code; to repeal §33-25A-35 of said code; to amend and reenact §5-11B-7 of said code; to amend and reenact §5A-6C-4 of said code; to amend and reenact §9-4A-2b of said code; to amend and reenact §9-4C-7 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of

said code; to amend and reenact §16-3B-4 of said code; to amend and reenact §16-33-6 of said code; to amend and reenact §31-15A-17b of said code; to amend and reenact §31-18-24 of said code; and to amend and reenact §49-2-604 of said code, all relating to making certain reports electronic rather than in printed hard-copy form; providing for hard copies to be furnished upon request; and eliminating the reporting requirement entirely for those agencies whose reports are no longer needed or whose deadlines have passed with reports already submitted."

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken **(Roll No. 89)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Clark, Hamrick, Horst, Kessinger and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4067) passed.

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

On this question, the yeas and nays were taken **(Roll No. 90)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Clark, Hamrick, Horst, Kessinger and Worrell.

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. 4067) 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.

A message from the Senate, by

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

Com. Sub. for S. B. 2 - "A Bill to amend and reenact §21A-2D-2 of the Code of West Virginia, 1931, as amended, as contained in Chapter 273, Acts of the Legislature, Regular Session, 2021; to amend said code by adding thereto a new section, designated §21A-2D-2a; to amend and reenact §21A-2D-3 of said code; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; and to amend and reenact §21A-6-10 of said code, all relating to indexing unemployment benefits based on the state average unemployment rate; modifying methodology for calculating maximum benefit rate; modifying benefit table consistent with adoption of indexing; requiring Workforce West Virginia Commissioner take certain actions to verify unemployment insurance claim program integrity; requiring commissioner to review suspicious or potentially improper claims under certain circumstances; defining "state average unemployment rate"; limiting the maximum duration of unemployment benefits based on the "state average unemployment rate"; requiring Workforce West Virginia to promulgate legislative rules; establishing an internal effective date; reducing maximum benefit for each wage class; and removing chart column made incorrect by adoption of indexing"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 3 - "A Bill to amend and reenact §21A-6-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for unemployment benefits; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating

submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; and setting effective date"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 264 - "A Bill to amend and reenact §19-21A-1, §19-21A-2, §19-21A-3, §19-21A-4, §19-21A-6, and §19-21A-8 of the Code of West Virginia, 1931, as amended, all relating to conservation districts; providing for a short title of the article to be known as the Conservation Districts Law of West Virginia; restating legislative determinations and declaration of policy in clear and concise language; adding definitions for "agriculture" and "urban agriculture"; conferring additional powers and duties upon State Conservation Committee; providing for term of office of district supervisor to begin on July 1, immediately following primary election; providing procedure to fill office of district supervisor if no candidate seeks office; modifying candidate qualifications for election of district supervisor; modifying process for filling vacancies in office of district supervisor; and conferring additional powers and duties upon conservation districts and supervisors"; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2022, and requested the concurrence of the House of Delegates in the passage, of

S. B. 493 - "A Bill to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring each county board of education to ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website, and recorded with a link to the recording also available through an internet link on its website; providing exception for executive session; allowing each county board to make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend; requiring adoption of procedures to ensure delegations and speakers are treated equally; and requiring the county board to ensure that any person expressing an interest in speaking has the opportunity in compliance with adopted procedures"; which was referred to the Committee on Education then the Judiciary.

A message from the Senate, by

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

S. B. 499 - "A Bill to amend and reenact §18-9D-21 of the Code of West Virginia, 1931, as amended, relating to authorizing legislative rules for the School Building Authority regarding Funding School Building Authority Projects"; which was referred to the Committee on Education.

Resolutions Introduced

Pursuant to House Rule 109, Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk:

H. R. 13 - "Relating to the creation of a Select Committee on Tourism and Economic Diversification."

Whereas, The welfare of the citizens and the economic and geopolitical security of the nation depends on the affordability, reliability and resilience of the electric power using abundant, domestic fuel supplies and supply chains; and

Whereas, The State of West Virginia has made considerable progress in the past decade in creating and developing a new economy to provide high-quality job opportunities for all West Virginians; and

Whereas, Economic diversification and the advancement of public policy to facilitate recruitment, retention, and expansion of new industries in the State of West Virginia are key priorities for the House of Delegates; and

Whereas, The tourism industry in West Virginia plays a critical part in creating an overall environment advantageous to the State for recruitment, retention, and expansion of economic activity in the State of West Virginia; and

Whereas, The announcement of recent economic development investments in the State of West Virginia has made examination of our State's approach to tourism, economic development, and economic diversification more important than ever; therefore, be it

Resolved by the House of Delegates:

That for the remainder of the 85th Legislature, there is hereby created a Select Committee on Tourism and Economic Diversification, consisting of not more than eleven members of the House of Delegates, to be appointed by the Speaker. Notwithstanding the provisions of any House rule to the contrary, the Select Committee hereby created shall receive testimony, consider legislation, and recommend action to the Speaker of the House regarding all issues relating to tourism and economic diversification in the State of West Virginia; and, be it

Further resolved, That the rules of the House governing Standing Committees shall govern the actions and proceedings of this Select Committee insofar as applicable.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 13) to a committee was dispensed with, and it was taken up for immediate consideration, and adopted.

Delegates Holstein, Horst, Bridges, Mazzocchi, Sypolt, Graves, Nestor, Jennings, Storch, Phillips, J. Jeffries and Barnhart offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 53 - "Requesting the Division of Highways name Bridge Number: 03-003/00-033.48 (03A202), (38.06307,-81.57196) locally known as WV 3 WHITE OAK BRIDGE, carrying WV 3 over WHITE OAK CREEK in Boone county, the 'U.S. Army Sergeant Theron Turner Memorial Bridge'."

Whereas, Theron Turner was born September 19, 1940, at Pine Knob, West Virginia; and

Whereas, Theron Turner joined the United States Army at age 18. He served eight years, attaining the rank of Sergeant, with his final year of duty in Vietnam; and

Whereas, Sergeant Turner, while home during his military service, married Dorothy Hall. They had three daughters. It was during this time that Sergeant Turner started a career as a coal miner. In 1985, the couple divorced. In 1988 Sergeant Turner married Gloria Williams, moving to Rock Creek, West Virginia, where they resided for 21 years. Sergeant Turner continued to work as coal miner until 1991 when he became disabled. He suffered from blindness, diabetes, and kidney failure due to Agent Orange exposure while in Vietnam; and

Whereas, Sergeant Turner; was an avid outdoorsman as a youth. He was a musician, playing mostly gospel music. He was

also a collector of guitars, firearms, knives, and fishing equipment; and

Whereas, U.S. Army Sergeant Theron Turner lost his battle with diabetes on April 14, 2010; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army Sergeant Theron Turner and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 03-003/00-033.48 (03A202), (38.06307,-81.57196) locally known as WV 3 WHITE OAK BRIDGE, carrying WV 3 over WHITE OAK CREEK in Boone county, the "U.S. Army Sergeant Theron Turner Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army Sergeant Theron Turner Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Barrett offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 54 - "Requesting the Division of Highways name Bridge Number: 02-009/56-000.25 (02A166), (39.46467,-77.96611) locally known as Raleigh Street over Winchester and Western RR South, carrying CR 9/56 over Winchester & Western RR in Berkeley County, the 'Mayor George Karos Bridge'."

Whereas, George Karos, Mayor of Martinsburg, West Virginia was born on September 10, 1931, in Martinsburg, West Virginia. He attended local schools, graduating from Martinsburg High School. After high school, he attended Shepherd College and

received his Bachelor of Science Degree in Pharmacy from the Medical College of Virginia, School of Pharmacy in Richmond, Virginia. Before receiving his degree, he served in the United States Navy as a hospital corpsman and attained the rank of PO3; and

Whereas, Mayor George Karos was the previous owner and operator of Patterson's Drug Store, Inc. and is now retired, since June, 2015. He has received numerous awards for his devotion to civic and church activities, including the Sam Walton Wal-Mart Business Leadership Award for Service to the Customer; the West Virginia A.H. Robin's Award for Outstanding Service to the Community and to Pharmacies in West Virginia, and the West Virginia School of Pharmacy Honorary Alumnus Award; and

Whereas, George Karos has served the City of Martinsburg for more than four decades, including five terms as Mayor; and

Whereas, During his tenure, Mayor Karos was part of numerous multiple public capital-improvement and economic development projects, including the construction of the current city hall building, in the mid-1980s, the development of the Foxcroft Avenue commercial district, annexation of more than 700 acres west of Interstate 81, construction of the Caperton Train Station and the redesign of the town square, gateway signage and police department-municipal court building projects, as well as the extension of North Raleigh Street, from West Race Street to Edwin Miller Boulevard; and

Whereas, Mayor George Karos is also the recipient of "Who's Who in West Virginia Business", presented by the West Virginia State Journal, and has received the honor of "Distinguished Citizenship Award — Lodge #778" by the Grand Lodge Elks USA. Mr. Karos was awarded the "Paul Harris Fellow Award for Humanity" from the Martinsburg International Rotary Club as well as the Chamber of Commerce "C. Leslie Golliday Award for Small Businessman of the Year"; and

Whereas, In August 2007, Mayor George Karos received the "2007 Mayor of the Year" award, presented by the West Virginia

Municipal League. He was awarded "Man of the Year 2008-2009" by the Berkeley County Chamber of Commerce sponsored by the Journal and in May 2009 Main Street Martinsburg bestowed the honor of "Public Official of the Year" on Mayor Karos. George Karos has also been listed in the "Top 25 Most Influential People in the Eastern Panhandle" as chosen by the Journal; and

Whereas, Professional affiliations of Mayor George Karos include president of the West Virginia Board of Pharmacy; member of the Chamber of Commerce; Berkeley County Development Authority; Berkeley County Health Department, the Eastern Panhandle Builders Association, the Rotary and Elks Clubs, Martinsburg/Berkeley County Library, the West Virginia and Virginia Pharmaceutical Association, the American Pharmaceutical Association and Eastern Panhandle Academy of Pharmacy; director of City National Bank; past president of Martinsburg/Berkeley County Chamber of Commerce; past Senior Warden of Trinity Episcopal Church; past member, officer and director of Berkeley County War Memorial Park and past member of Martinsburg Planning and Zoning Commission. He is also a member of the Equality Lodge #144 AF&M; Martinsburg Scottish Rite 32; Osiris Temple A.A.O.N.M.S., Wheeling, WV and Royal Order of Jesters #117, Cumberland, MD; and

Whereas, Mayor George Karos is also a member of the Governor's Advisory Council on Substance Abuse, President and Director of Kings Daughter Housing, Inc. and Associates for Community Development, as well as a member of the Board of Directors for the Eastern WV Community Foundation; and

Whereas, Mayor George Karos is married to M. Renee Burkhart and has two children by his late wife, Sophia M. Karos: his daughter, Maria K. Karos, and his son, George K. Karos; and

Whereas, It is fitting that an Tenduring tribute be established to commemorate Mayor George Karos and his contributions to the City of Martinsburg, our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 02-009/56-000.25 (02A166), (39.46467,-77.96611) locally known as Raleigh Street over Winchester and Western RR South, carrying CR 9/56 over Winchester & Western RR in Berkeley County, the "Mayor George Karos Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Mayor George Karos Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the commissioner of the Division of Highways.

Delegate Forsht offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 55 - "Requesting the Division of Highways name Bridge Number: 02-032/00-001.22 (02A152), (39.40678, -78.02421) locally known as TABLERS STATION OVERPASS, carrying County Route 32 over I 81 (X) in Berkeley County, the 'Deputy CPL Scott D. Myers Memorial Bridge'."

Whereas, Scott Douglas Myers was born on September 13, 1961, in Martinsburg WV, the second of six children of Cecil A. Myers and Virginia Ann Myers (Willen). Growing up, Scott lived his life in the area of Poor House Road in Martinsburg and attended Musselman High School; and

Whereas, Scott D. Myers met his wife Penny D. Myers (Brining) on May 16, 1987, and they married May 16, 1997; and

Whereas, Scott D. Myers was enlisted in the military with the 157th Army National Guard (Jan. 1981-Jan.1987); and

Whereas, Scott D. Myers had his own business called S&D plumbing (1990-1995), was an employee of Roach Oil Company from 1995 until 2002 when he became a deputy sheriff for the Berkeley County Sheriff's Dept. in Martinsburg WV; and

Whereas, Deputy CPL Scott D. Myers, during his years with the Berkeley County Sheriff's Department, was promoted to Deputy CPL; however, he unfortunately had to medically retire due to being diagnosed with cancer in 2009 and underwent surgery in 2013, ending his career; and

Whereas, Deputy CPL Scott D. Myers was a very notable and respected man within the community of Berkeley County. He volunteered with the South Berkeley Fire Department and the Berkeley County Deputy Reserves as a K-9 Handler; and

Whereas, Many children in Berkeley County were very well influenced by Deputy CPL Scott D. Myers as well. He was a role model and a mentor to many as a coach and referee, and for several years, coached baseball in Berkeley County Little League as well as Martinsburg Girls Softball; and

Whereas, Deputy CPL Scott D. Myers served on the Berkeley County Civil Service Commission; he also was a Republican candidate for Berkeley County Sheriff in 2012 as well as a candidate for the Martinsburg City Council in 2020, and remained on the ballot even after his passing; and

Whereas, Deputy CPL Scott D. Myers was a notable deputy; he was recognized by the M.A.D.D organization for his outstanding ability to remove drunk drivers off the road; as a deputy reserve, Deputy CPL Scott D. Myers has found many missing persons, from the Appalachian trail up to Sleepy Creek; and

Whereas, Deputy CPL Scott D. Myers passed away, due to cancer, at his home on July 7 2020, surrounded by all of his loved ones. He is survived by his wife, Penny (Brining) Myers; one daughter, Erin J. Myers; two sons, Corey Gano and wife, Cindy, and James Gano; grandchildren, Jaidyn, Carmyn, Logan, Claire and J.G.; two brothers, Jeff Myers, and Dwayne Myers and wife, Brittany; three sisters, Mary Myers, Lisa Dawson, and Sandy Hess and husband, David; and numerous nieces and nephews; and

Whereas, It is fitting that an enduring memorial be established to commemorate the life of Deputy CPL Scott D. Myers and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 02-032/00-001.22 () (02A152), (39.40678, -78.02421) locally known as TABLERS STATION OVERPASS, carrying County Route 32 over I 81 (X) in Berkeley County, the "Deputy CPL Scott D. Myers Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Deputy CPL Scott D. Myers Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 56 - "Requesting the Division of Highways name a bridge bearing the bridge number: 08-036/01-000.04 (08A063), (38.55377,-81.12988) locally known as Laurel Fork Bridge, carrying CR 36/1 over Laurel Fork of Camp Run in Clay County, West Virginia as the 'Roy Lee Shamblin Memorial Bridge'."

Whereas, Roy Lee Shamblin was born on January 26, 1917, in Blue Knob, West Virginia to Melvin and Addie Drake Shamblin, into a family of three boys and six girls; and

Whereas, Roy Lee Shamblin and his family moved to Wallback, West Virginia in 1918; and

Whereas, Roy Lee Shamblin, as a young boy, spent his time helping his family on the farm taking care of the farm animals and working the gardens and hay field in the summer; and

Whereas, Roy Lee Shamblin attended school in a one-room schoolhouse with coal burning stoves for heat; and

Whereas, Roy Lee Shamblin married Balance Rogers on March 24, 1940, and they were the parents of six children; and

Whereas, Roy Lee Shamblin was drafted into the United States Army on December 27, 1943, during World War II as a Military Duty Soldier III 590, receiving his Basic Training at Fort Meade, Maryland, and then onto Gainesville Florida for Advanced Infantry Training (AIT), with qualifications including the MKM M1 Rifle before being deployed overseas; and

Whereas, Roy Lee Shamblin began his entry into Active Service on January 14, 1944, as a Technician Fifth Grade with the 790th Engineer Petroleum Distribution Company under the direction of Lt. Col. AGD Richard C. O'Connell; and

Whereas, Roy Lee Shamblin, as part of his battalion, was stationed in Rome, Southern France, and Germany in Central Europe; and

Whereas, Roy Lee Shamblin, during his time in service, received the Good Conduct Medal, European African Middle Eastern Theater Ribbon, and the World War II Victory Ribbon; and

Whereas, Roy Lee Shamblin was discharged from the United States Army on January 1, 1946, at the Separation Center Fort George G. Meade in Maryland; and

Whereas, Roy Lee Shamblin returned to his home in Wallback, West Virginia, where he worked in the coal mines for many years, then ended his working career as a Clay County, West Virginia school bus driver with over 20 years of service; and

Whereas, Sadly, Roy Lee Shamblin passed away on January 26, 1996, at the age of 79 years old, and was buried at the Moore Cemetery, Wallback, West Virginia with Veterans of Foreign Wars military honors; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Roy Lee Shamblin; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a bridge bearing the bridge number: 08-036/01-000.04 (08A063), (38.55377,-81.12988) locally known as Laurel Fork Bridge, carrying CR 36/1 over Laurel Fork of Camp Run in Clay County, West Virginia as the "Roy Lee Shamblin Memorial Bridge;" and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "Roy Lee Shamblin Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways and to the family of Mr. Shamblin.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

Delegates Holstein, Wamsley and Barnhart

H. J. R. 108 - "Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof, relating to exempting honorably discharged veterans of the Armed Forces of the United States who have been determined to have a one hundred percent or lesser disability from ad valorem property taxation on the full amount of assessed value of a primary residence and all personal property; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

Petitions

Delegate Hanna presented a petition from more than 900 petitioners regarding replacing the Nicholas County Schools

Superintendent; which was referred to the Committee on Government Organization.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Steele and Rohrbach:

H. B. 4585 - "A Bill to amend and reenact §60A-9-4 of the Code of West Virginia, 1931, as amended, relating to controlled substance monitoring; and removing a dispensing prohibition"; to the Committee on Health and Human Resources.

By Delegates Sypolt, Crouse, Jennings, Holstein, Steele, Kimes, Forsht, Tully, Graves and Mallow:

H. B. 4586 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21A-6-18, relating to permitting those persons who made the decision to not take the COVID-19 vaccine to be able to collect unemployment benefits dated back to their original date of termination"; to the Committee on Workforce Development then Finance.

By Delegates Pushkin, Fluharty, Skaff, Bates, Dean, McGeehan, Steele and Smith:

H. B. 4587 - "A Bill to amend and reenact §16A-2-1 of the Code of West Virginia, 1931, as amended; and to further amend §16A-11-1 of said code, all relating to certification of a patient's eligibility for medical cannabis; amending a definition; and revising eligibility qualifications for patients to receive medical cannabis"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Worrell, Dean, Paynter, Diserio, G. Ward and Storch:

H. B. 4588 - "A Bill to repeal §21-3C-14 of the Code of West Virginia, 1931, as amended; to repeal §21-16-11 of said code; to amend and reenact §21-3D-1, §21-3D-2, §21-3D-3, §21-3D-4, §21-3D-5, §21-3D-6, §21-3D-7, §21-3D-8, and §21-3D-9 of said code; 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 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 Delegates Haynes, Wamsley, Barrett, Hamrick, Hanshaw (Mr. Speaker), Bates, Pack, Pinson, Queen and Graves:

H. B. 4589 - "A Bill to repeal §17A-10-3C of the Code of West Virginia, 1931, as amended, relating to removing the $200 fee for electric vehicle registration and the $100 fee for hybrid vehicle registration"; to the Committee on Finance.

By Delegates Worrell, Dean, Paynter, Diserio, G. Ward and Storch:

H. B. 4590 - "A Bill 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 of the Code of West Virginia, 1931,as amended; to amend and reenact §5-11A-3a of said code; 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; and to amend and reenact §21A-10-11 of said code, 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 Delegates Hardy, Barrett, Haynes, Kessinger, Householder, Forsht, Bates, Foster and Hanna:

H. B. 4591 - "A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax"; to the Committee on Finance.

By Delegate Pack:

H. B. 4592 - "A Bill to amend and reenact §8-28-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-29-1, §8-29-2, §8-29-3, §8-29-4, §8-29-5, §8-29-6, §8-29-8, §8-29-9, §8-29-12, §8-29-17, and §8-29-20 of said code; and to amend and reenact §8-29B-2, §8-29B-3, and §8-29B-5 of said code, all relating to defining abandoned aircraft and providing for the disposal of such abandoned aircraft; to increasing the cost of violations for pedestrian traffic near airports and airport rules and regulations; updating certain terms and definitions; adding the term 'international airport' and 'vertiport' to certain areas of the code; adding to the authority of airports; and updating retirement information"; to the Committee on Government Organization then the Judiciary.

By Delegates Kimble, G. Ward, Mazzocchi, Pritt, Conley, Phillips, McGeehan, Pinson, Burkhammer, Sypolt and Fast:

H. B. 4593 - "A Bill to amend and reenact §3-1A-6 of the Code of West Virginia, 1931, as amended, relating to requiring the Secretary of State to refer potential election fraud to the Attorney General for prosecution instead of a county prosecuting attorney";

to the Committee on Political Subdivisions then Government Organization then the Judiciary.

By Delegate Walker:

H. B. 4594 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-27-8c, relating to providing the Board of Barbers and Cosmetologists the authority to establish an apprenticeship program for cosmetologists; providing for licensing requirements and fees; and authorizing rulemaking"; to the Committee on Government Organization.

By Delegates Booth, Reed, Statler and Riley:

H. B. 4595 - "A Bill to amend and reenact §17C-6-1 and §17C-6-7a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17C-6-7b, all relating to establishing a program for camera assisted speed enforcement in active work zones in this state; authorizing the Commissioner of Highways to set speed limits in work zones on public highways; establishing use of work zone speed control systems as an exception to the prohibition against photo monitoring devices for traffic law enforcement; establishing duty of vehicle owners to ensure lawful operation of their vehicles on public highways; defining terms; authorizing the use of work zone speed control systems for enforcement of speed restrictions in active work zones; specifying lawful uses of equipment and setting conditions upon their operation; specifying qualifications of system operators; establishing specification and restrictions for machine functions; providing for administration of enforcement program by contractor; requiring written notice of violations to be provided to vehicle owners, with specification for contents and manner of delivery; establishing civil penalties for violations and limiting the effect and use of admissions and assessments; establishing response options for owner and the owner's obligation to respond; providing for default for owner's failure to respond and suspension of vehicle registration; authorizing collection of delinquent penalties; providing for administrative hearing, notice of hearing, and judicial review of decisions; restricting the use of images and providing an exception from the Freedom of

Information Act; requiring the proposal and acceptance of legislative rules; correcting references to other sections; and requiring the submission of annual reports"; to the Committee on the Judiciary then Finance.

By Delegates Barrett, Haynes, Fast, Barnhart, Holstein, Hanna, Dean, Phillips, Paynter, Bridges and McGeehan:

H. B. 4596 - "A Bill to amend and reenact §15A-7-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-29-1 of said code; to amend and reenact §49-4-719 of said code; to amend and reenact §61-7-11a of said code; to amend and reenact §62-11B-7a of said code; to amend and reenact §62-12-5, of said code; and to amend and reenact §62-12-6 of said code, all relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act; clarifying that home confinement supervisors, state adult probation officers, juvenile probation officers, and state parole officers are, by virtue of their duties, qualified law enforcement officers who may carry a concealed firearm nationwide, as authorized by the federal Law-Enforcement Officers Safety Act; exempting certain persons from prohibition for carrying deadly weapons on the premises of educational facilities; providing the statutory authority to give home confinement supervisors, state probation officers, juvenile probation officers, and parole officers the option to carry firearms pursuant to applicable federal law; requiring annual firearm training pursuant to federal law; removing inconsistent language relating to probation officers; clarifying that supervisory entities retain sole discretion as to authorizing participation of qualified officers in such program; providing for training to enable home confinement supervisors, state probation officers, juvenile probation officers, and state parole officers to fully qualify as law-enforcement officers if they have not previously done so; setting forth the duties of supervising authorities as to participation of home confinement supervisors, state probation officers, juvenile probation officers, and state parole officers, and removing a duplicative reference to probation officers in code"; to the Committee on the Judiciary.

By Delegates Dean, Paynter, Haynes, Bridges, Worrell, Toney, Barrett, Fleischauer, Boggs, Diserio and Zukoff:

H. B. 4597 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §23-4D-1, §23-4D-2, §23-4D-3, §23-4D-4, §23-4D-5, and §23-4D-6, all relating to creating the West Virginia Black Lung Program; granting entitlement for pain and suffering for occupational pneumoconiosis; providing that 10 years' exposure as a miner is a conclusive presumption of entitlement to pain and suffering benefits; calculating benefits; providing tax credit for benefits; imposing additional severance tax and tax on generation of electricity by solar and wind devices; creating the State Black Lung Fund; requiring the Governor and Legislature to cooperate with other states to attempt to recoup the federal excise tax on coal; and proposing rules by the Insurance Commissioner and Tax Commissioner"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Evans, Pushkin, Garcia, Paynter, Worrell, Toney, Dean, Bridges, Zukoff, Haynes and Fluharty:

H. B. 4598 - "A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-26, all relating to occupational pneumoconiosis; eliminating the prohibition on permanent partial disability awards based solely on a diagnosis of occupational pneumoconiosis; declaring that an employee with occupational pneumoconiosis without measurable pulmonary impairment shall be paid certain benefits; and requiring certain claimants to receive permanent partial disability awards that may later be offset from a future disability award"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Riley:

H. B. 4599 - "A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating to reducing the composition, and modifying the membership of the Emergency Medical Services Advisory Council to provide for 12 members appointed by the Governor with advice and consent of the Senate, to provide for ex-officio, nonvoting membership by the Secretary

of the Department of Health and Human Resources or his or her designee; providing for staggered terms, setting term limits, and establishing an effective date of July 1, 2022"; to the Committee on Government Organization.

By Delegates Mazzocchi, Ellington, Kimble, Bridges, Maynor, Kessinger, Toney, Ferrell, Longanacre, Holstein and Capito:

H. B. 4600 - "A Bill to amend and reenact §61-2-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8D-5a and §61-8D-11 of said code, all relating to penalties for assault, battery, and verbal abuse of a child; creating the offense of assault of a child by a person in a position of trust and specifying penalties; creating the offense of assault of a child by a person in a position of trust and specifying penalties; creating the offense of battery assault of a child by a person in a position of trust and specifying penalties; and creating the offense of failure of a mandatory reporter to report and specifying penalties"; to the Committee on the Judiciary.

By Delegate Rohrbach:

H. B. 4601 - "A Bill to amend and reenact §30-8A-1 of the Code of West Virginia, 1931, as amended, relating to extending expiration date of an optometrist's prescription"; to the Committee on Health and Human Resources.

By Delegates Young, Clark, Kessinger, Wamsley, Ferrell, Statler and Hornbuckle:

H. B. 4602 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40a; and to amend and reenact §18B-1B-7 of said code, all relating to student suicide prevention; requiring suicide prevention phone numbers be printed on student identification cards for students in grades 6-12 in public schools that issue student identification cards; and requiring suicide prevention phone numbers be printed on student identification cards for students in a public or private institution of higher education that issues student identification cards"; to the Committee on Education then Finance.

By Delegates Young, Fluharty, Garcia, Pushkin, Thompson, Kessinger and Steele:

H. B. 4603 - "A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-20-1, §55-20-2, §55-20-3, §55-20-4, §55-20-5, §55-20-6, §55-20-7, §55-20-8, §55-20-9, and §55-20-10, all relating to permitting civil remedies for the unauthorized disclosure of intimate images; providing for a short title; defining terms; providing for a civil action; providing exceptions to liability; providing for plaintiff's privacy; providing for remedies; creating a statute of limitations; providing for construction; providing for uniformity of application and construction; and addressing the effective date"; to the Committee on the Judiciary.

By Delegates Ellington, Statler, Smith, Mazzocchi, Longanacre, Hanna, Tully, Maynor and Hamrick:

H. B. 4604 - "A Bill to amend and reenact §18B-3D-2 of the Code of West Virginia, 1931, as amended, relating to abolishing the Workforce Development Initiative Program advisory council"; to the Committee on Finance.

By Delegates Fleischauer, Statler, Hansen, Evans, Williams, Dean, Phillips, Walker, Griffith, Sypolt and Rowe:

H. B. 4605 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33c, relating to West Virginia University Rifle Team electronic application donation program; including solicitation for voluntary donation to West Virginia University Rifle Team on electronic application for hunting or fishing license; providing opportunity to designate donation in any amount; creating special account; establishing funding sources; specifying terms for expenditures; authorizing disbursements and administrative fee; and requiring annual reports"; to the Committee on Finance.

Special Calendar

Third Reading

S. B. 436, Correcting code citation for authority of State Fire Marshal; 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. 91)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Clark, Hamrick, Horst, Kessinger and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 436) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for H. B. 3036, Sunsetting the Board of Sanitarians; 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. 92)**, and there were—yeas 76, nays 18, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Evans, Fleischauer, Fluharty, Griffith, Hansen, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, G. Ward, Williams, Young and Zukoff.

Absent and Not Voting: Boggs, Clark, Hamrick, Horst, Kessinger and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3036) passed.

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

H. B. 4355, Relating to the disclosure by state institutions of higher education of certain information regarding textbooks and

digital courseware and certain charges assessed for those items; 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. 93)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Clark, Hamrick, Horst and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4355) passed.

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

H. B. 4355 – "A Bill to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended, all relating to the sale of educational materials, books, stationary, and other school and office supplies generally carried in college bookstores; requiring the disclosure by state institutions of higher education of certain information regarding textbooks and digital courseware; requiring disclosure of courses using open education resource materials; requiring disclosure of automatic charges assessed by an institution for required educational materials; establishing the standards to which an institution must adhere when entering into an automatic billing agreement with an entity; prohibiting institutions from entering into automatic billing agreements that would deny a student access to educational materials for refusing to allow the use of that student's data; and providing definitions."

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

Com. Sub. for H. B. 4380, Relating to transportation of athletic teams; 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. 94)**, and there were—yeas 72, nays 23, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Barach, Brown, Diserio, Doyle, Evans, Ferrell, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Paynter, Pethtel, Pushkin, Rowe, Skaff, Thompson, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Boggs, Clark, Hamrick, Horst and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4380) passed.

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

Com. Sub. for H. B. 4380 – "A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to the transportation of students and passengers for extracurricular activities; increasing the number of ten-passenger vehicles which may be used for any school-sponsored activity; and clarifying that busses shall be used to transport nineteen or more passengers."

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

Com. Sub. for H. B. 4389, Relating to repealing school innovation zones provisions superseded by Innovation in Education Act; 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. 95)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Clark, Hamrick, Horst and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4389) passed.

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. 4032, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse,

Com. Sub. for H. B. 4098, Relating to Geothermal Energy Development,

Com. Sub. for H. B. 4297, To facilitate the sharing of information between the Department of Health and Human Resources and the State Auditor's office in order to investigate reports of financial abuse and neglect of a vulnerable adult,

And,

H. B. 4522, Relating to the expungement of criminal records.

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 S. B. 279, Authorizing DEP to promulgate legislative rules,

S. B. 450, Updating definitions of WV Personal Income Tax Act,

S. B. 451, Updating definitions of WV Corporation Net Income Tax Act,

H. B. 4007, To reduce personal income tax rates ,

Com. Sub. for H. B. 4114, Authorizing certain agencies of the Department of Administration to promulgate legislative rules,

Com. Sub. for H. B. 4295, To transfer the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management,

Com. Sub. for H. B. 4420, To modify definitions of school bus operators.,

H. B. 4438, Applying current requirements for certain voting systems to be independent and non-networked to all voting systems that seek certification in West Virginia.,

H. B. 4517, Relating to the repealing requirements to display video ratings,

And,

H. B. 4535, Repeal section relating to school attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Clark, Hamrick, Horst and Kessinger.

Remarks by Members

Speaker Pro Tempore Howell in the Chair

Delegate Hanna asked unanimous consent that the remarks by Delegate Tully be printed in the Appendix to the Journal, which consent was not granted, objection being heard.

Delegate Hanna then so moved.

On this question, the yeas and nays were demanded, which demand was not sustained.

Delegate J. Jeffries arose to a point of order regarding there being a motion to adjourn pending.

The Speaker Pro Tempore replied that the Delegate was correct and no other motions were in order.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Fluharty

- Delegate Jennings

- Delegate Sypolt

- Delegate Walker

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. 2095: Delegate Ferrell;

And,

H. B. 4010: Delegate Capito.

At 1:02 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 10, 2022.

Thursday, February 10, 2022

THIRTIETH DAY

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

The House of Delegates met at 11:00 a.m., and 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, February 9, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Queen, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

H. B. 4502, Establishing the BUILD WV Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4502) was referred to the Committee on Finance.

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. 4264, Change name of Glenville State College to "Glenville State University",

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

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. 2084, Amend section providing for waiver of tuition and fees for older persons auditing certain college classes,

H. B. 4357, Expanding the Learn And Earn Program to baccalaureate institutions,

And,

H. B. 4565, To exempt temporary employees and employees of the Higher Education Policy Commission from automatic enrollment into the state's 457 (b) plan,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2084, H. B. 4357 and H. B. 4565) were each referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

H. B. 4307, Increase some benefits payable from Crime Victims Compensation Fund,

H. B. 4396, Reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads paid electronically,

And,

H. B. 4410, Specifying allocation, apportionment and treatment of income of flow-through entities,

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

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

Your Committee on Finance has had under consideration:

H. B. 4008, Relating to Higher Education Policy Commission funding formula,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4008 - "A Bill to amend and reenact §18B-1B-4 of the Code of West Virginia, 1931, as amended, relating to powers and duties of the Higher Education Policy Commission generally; directing the Higher Education Policy Commission, in conjunction with the West Virginia Council for Community and Technical College Education, to propose rules to establish a funding formula model governing its appropriation request to the Legislature regarding distribution of general revenue to the state's institutions of higher education; setting forth parameters for the formula and minimum requirements for the rule; revising and removing certain related commission powers and duties; clarifying the commission and council's responsibilities, in conjunction with the West Virginia Network, to support systemwide technology needs; revising provisions for rulemaking regarding transfers of credits and obtaining academic credit or advanced placement standing based on experience; authorizing commission to promulgate rules, and exercise powers and duties, governing student loans, scholarships, state aid as provided in Chapter 18C of the code; removing requirements to provide education about certain disease; and making non-substantive technical cleanup corrections and clarifying changes,"

H. B. 4461, Relating to the consolidation of all administrative fees collected by the agency into the existing "Tax Administration Services Fund",

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4461 - "A Bill to amend and reenact §11-10-27 of the Code of West Virginia, 1931, as amended, relating to the consolidation of all administrative fees collected by the Tax Division into the existing 'Tax Administration Services Fund'; removing the $3 million cap on the fund; providing that excess amounts in this Fund are not converted into the General Fund; consolidating the balances of moneys in various funds collected as fees by, and administered for, the Tax Division of the Department of Revenue; reducing the amount of the fee that may be retained for the state administration of local sales and use taxes; and providing an effective date,"

And,

H. B. 4484, Declaring certain claims against agencies of the state to be moral obligations of the state,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4484 - "A Bill recognizing and declaring certain claims against agencies of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof,"

With the recommendation that the committee substitutes each do pass.

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. 4126, H. B. 4127, H. B. 4128, H. B. 4129, H. B. 4130, H. B. 4131, H. B. 4132, H. B. 4133, H. B. 4134, H. B. 4135, H. B. 4136, H. B. 4137, H. B. 4138, H. B. 4139, H. B. 4140,

H. B. 4126, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Methods and Standards for Chemical Tests for Intoxication,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4126 - "A Bill to amend and reenact §64-5-1 et. seq. of the Code of West Virginia, 1931, as amended, all relating to generally authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to methods and standards for chemical tests for intoxication; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to childhood lead screening; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food manufacturing facilities; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to sewage treatment and collection system design standards; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clinical laboratory practitioner licensure and certification; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clandestine drug laboratory remediation; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to maternal risk screening; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to expedited partner therapy; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment - opioid treatment programs; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to syringe services program licensure; authorizing the Health Care Authority to promulgate a legislative rule relating to certificate of need; authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to an all-

payer claims database- data submission requirements; and authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to an all-payer claims database- privacy and security requirements,"

With the recommendation that the committee substitute do pass.

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. 4280, To increase the amount of money given to jurors per day,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4280) was referred to the Committee on Finance.

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. 4004, Relating to limiting an abortion to fifteen week's gestation,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4004 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to prohibiting an abortion after 15 weeks' gestation; defining terms; providing exceptions; requiring the determination of probable gestational; requiring reports; providing professional discipline; providing criminal penalties; clarifying this law does not prohibit other causes of actions; and prohibiting penalizing a patient,"

And,

H. B. 4005, Relating to fetal body parts,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4005 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-17, relating to fetal body parts; defining terms; prohibiting buying, selling, receiving, transferring, acquiring or transporting of fetal body parts resulting from an induced abortion; providing exceptions; and providing criminal penalties,"

With the recommendation that the committee substitutes each do pass.

Delegate Steele, 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. 3122, Relating to the establishment and operation of regional water, wastewater and stormwater authorities,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3122 - "A Bill to amend and reenact §16-13D-1, §16-13D-2, §16-13D-3, §16-13D-4, §16-13D-5, §16-13D-6, §16-13D-8, §16-13D-9, §16-13D-10, §16-13D-11, §16-13D-12, §16-13D-13, §16-13D-14, §16-13D-15, §16-13D-17, and §16-13D-21,of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-13D-22, all relating to the establishment and operation of regional water, wastewater, and stormwater authorities,"

H. B. 4087, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4087 - "A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to requiring the State Fire Commission to propose rules relating to sprinkler protection, providing that buildings commencing construction after July 1, 2022, housing emergency fire, rescue, or ambulance services shall be protected throughout by approved automatic sprinkler systems; and exempting emergency services buildings meeting certain criteria that only house equipment and do not have sleeping areas or quarters within them from the requirement,"

H. B. 4262, Relating to licensure for polygraph examiners,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4262 - "A Bill to repeal §21-5-5c of the Code of West Virginia, 1931, as amended, and to amend and reenact §21-5-5d of said code; all relating to licensure for polygraph examiners, removing state licensure requirements for polygraph examiners; and updating criminal penalties associated with removing state licensure,"

H. B. 4282, Relating to establishing next generation 911 services in this state,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4282 - "A Bill to amend and reenact §24-6-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-6-15, all relating to establishing next generation 911 services in this state; providing for expanded definitions; establishing a commission to study next generation 911 services; establishing commission membership and travel rates for meetings; prescribing the duties of the commission; requiring a preliminary report be provided to the Joint Committee on Government and Finance and to the Governor; and establishing an effective date and termination date of the commission,"

And,

H. B. 4418, Relating to the Small Business Supplier Certification Assistance Program,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4418 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18, relating to the Small Business Supplier Certification Assistance Program; establishing a pilot program for the verification and certification of small business enterprises participating in the government contracting and procurement process; authorizing the Department of Economic Development to collaborate with Marshall University for purposes of establishing the pilot program; requiring a master plan for the pilot program; and establishing a deadline and reporting requirements for the pilot program,"

With the recommendation that the committee substitutes each do pass.

Delegate Zatezalo, 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. 4080, To create an apprenticeship program for students and local companies in West Virginia to increase hiring and retention,

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. 4080) was referred to the Committee on Finance.

Delegate Zatezalo, 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. 4551, To create the West Virginia Warranty of Workers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4551) was referred to the Committee on Education and then the Committee on Finance.

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. 2908, Relating to disclosure of information by online marketplaces to inform consumers,

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. 2908) was referred to the Committee on the Judiciary.

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. 4421, To ensure that municipalities cannot charge sewer rates for the filling of a swimming pool,

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. 4421) was referred to the Committee on Finance.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 4279, Relating generally to the distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments,

And,

H. B. 4416, Provide volunteer firemen free license plates and vehicle registration,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4279 and H. B. 4416) were each referred to the Committee on Finance.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 23, Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families,

And reports the same back with the recommendation that it be adopted.

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. 2598, Modifying the inspection requirements and the definition of an above ground storage tank,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2598 - "A Bill to amend and reenact §22-30-3, §22-30-5, and §22-30-6 of the Code of West Virginia, 1931, as amended, relating generally to above ground storage tanks; modifying an exception to the definition of an aboveground storage tank to except out devices having a capacity of 210 barrels or less, containing brine water or other fluids produced in connection with hydrocarbon transmission and storage, as well as production activities, that are not located in a zone of critical concern; providing that the secretary may not, as part of the regulatory program, require any regulated tanks to be lifted, moved, or otherwise physically altered in connection with a visual leak detection program in the absence of a confirmed release; providing that tanks used for hydrocarbon production, transportation, and storage activities and tanks used for roadway snow and ice pretreatment, as identified under §22-30-3(1)(M) and (N), are exempt from inspection and certification by a third party, but must be self-inspected, self-certified, and reported to DEP by its owner or operator at least once per year; and providing that tanks used for hydrocarbon production, transportation, and storage activities and tanks used for roadway snow and ice pretreatment, as identified under §22-30-3(1)(M) and (N) are required to have secondary containment inspections performed and documented by the owner or operator at least once per month,"

With the recommendation that the committee substitute do pass, and with the recommendation that second reference to the Committee on Health and Human Resources be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2598) to the Committee on Health and Human Resources was abrogated.

Delegate Rohrbach, 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. 4393, To increase the managed care tax if the managed care organization receives a rate increase,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4393) was referred to the Committee on Finance.

Delegate Rohrbach, 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. 4584, To update of the authority of the Office of the Chief Medical Examiner,

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. 4584) was referred to the Committee on the Judiciary.

Delegate Rohrbach, 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. 4344, Relating to foster care,

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. 4344) was referred to the Committee on Finance.

Messages from the Executive

A communication from His Excellency, the Governor, advised that on February 9, 2022, he approved **S. B. 244.**

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4062, Removing the residency requirement for the Commissioner of the Division of Highways.

On motion of Delegate Summers, the House concurred in the following amendment of the bill by the Senate:

On page one, section two, line four, after the word "responsibilities;", by inserting the words "shall be a resident of West Virginia;".

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4062 – "A Bill to amend and reenact §17-2A-2 of the Code of West Virginia, 1931, as amended, relating to modifying the residency requirement for the Commissioner of the Division of Highways."

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 96)**, and there were—yeas 94, nays 4, absent

and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Fluharty, McGeehan, Paynter and Pushkin.

Absent and Not Voting: Clark and Horst.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4062) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 4301, Reforming membership requirements of Huntington Park and Recreation District Board.

On motion of Delegate Summers, the House concurred in the following amendment of the bill by the Senate:

On page two, section two, line forty, by striking out "1".

And,

By amending the title of the bill to read as follows:

H. B. 4301 – "A Bill to amend and reenact section two, chapter 26, Acts of the Legislature, regular session, 1924 (municipal charters), as last amended by chapter 100, Acts of the Legislature, regular session 2003, relating to election of commissioners to Greater Huntington Park and Recreation District Board; providing for nonpartisan elections; modifying composition of board; modifying timing of elections; providing for number and composition of commissioners to be elected at primary election in 2022; providing for number and composition of commissioners to be elected at primary election in 2024; and providing for number

and composition of commissioners to be elected at primary election in 2026."

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 97)**, and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Kimes and Steele.

Absent and Not Voting: Clark and Horst.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4301) passed.

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

On this question, the yeas and nays were taken **(Roll No. 98)**, and there were—yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Clark and Horst.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4301) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

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. 242 - "A Bill to amend and reenact §8A-7-10 of the Code of West Virginia, 1931, as amended, relating to municipal and county ordinances generally; prohibiting ordinances that prevent or limit a landowner's complete use of natural resources or real property for farm or agricultural operations outside of municipalities or urban areas"; 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. 245 - "A Bill to amend and reenact §21-5-3 and §21-5-4 of the Code of West Virginia, 1931, as amended, all relating to wage payment; setting forth methods for employer payment of wages; eliminating the requirements that wage payment by payroll card and direct deposit be agreed upon in writing by both payor and payee; requiring an employer paying wages by payroll card to disclose certain information to employees; and requiring an employer paying wages by payroll card to ensure that an employee can make a single withdrawal per pay period without cost to the employee"; 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. 445 - "A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to modifying police and firemen pension plans for trustees"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 472 - "A Bill to amend and reenact §49-5-101 of the Code of West Virginia, as amended, relating to including the Juvenile Justice Commission and its designees acting in the courses of their official duties to the list of persons and entities granted access to confidential records; granting a current or former employee of the Division of Corrections and Rehabilitation access to relevant juvenile records for purposes of pursuing a grievance; permitting the release of such records only after a hearing to determine relevancy by the Public Employees Grievance Board; providing for the sealing of such relevant records from public view and the redaction of any identifying information related to the juvenile; placing certain limitations on the grieving party's use of such records; permitting a grieving party's attorney or representative access to such records; requiring a court order for any further use of such records outside of the grievance proceeding; requiring that such court orders limit disclosure to the purposes of the proceeding; and clarifying that nothing in the section may be construed to abrogate the Freedom of Information Act"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 487 - "A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to combining the totals of the Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund – Part B when determining surplus deposit eligibility; limiting the amount of surplus deposited into the Revenue Shortfall Reserve Fund; and providing for an effective date"; which was referred to the Committee on Finance.

Resolutions Introduced

Delegates Howell, Linville, Paynter and Hamrick offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 57 - "Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the United States Constitution limited to proposing amendments that impose limits to the power and jurisdiction of the federal government by allowing the state legislatures of the United States to pass legislation to override certain federal laws deemed too onerous or restrictive."

SECTION 1. Application for a convention for proposing amendments.

Whereas, Some federal laws have a disproportionate impact on the several states in the Union; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations, and special interests in Washington, D.C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the Constitution of the United States through a limited Convention of the States under Article V; therefore, be it

Resolved by the Legislature of West Virginia:

That it hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the

Constitution of the United States that limit the power and jurisdiction of the federal government by allowing a vote of three fifths of the several state legislatures to repeal certain federal laws and regulation they deem to be too onerous or restrictive; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution, Legislative Call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject.

SECTION 2. Reservations, understandings and declarations.

The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings and declarations:

1. An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

2. Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially

same purpose as this application from two thirds of the legislatures of the several states;

3. Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

4. By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

5. A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void *ab initio* if ever used at any stage to consider any change to any provision of the Bill of Rights;

6. Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

7. The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided.

Delegates Capito, Burkhammer, Fast, Hornbuckle, Storch, Summers, Rohrbach, D. Jeffries, Skaff, Lovejoy and Queen offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 58 - "Recognizing February 14, 2022, as National Donor Day."

Whereas, The State of West Virginia recognizes February 14, 2022, as National Donor Day, a day to celebrate those who save and heal lives as organ, tissue and cornea donors; and

Whereas, The State of West Virginia recognizes Cecil F. Lockhart of Welch, West Virginia, a World War II veteran, who at the age of 95 years old became the oldest organ donor in United States history, donating his liver after his death in May, 2021, to a woman in her 60s, saving her life; and

Whereas, More than 100,000 individuals in the United States, including 500 West Virginians, are currently waiting for a life-saving organ transplant; and

Whereas, Another person is added to the national transplant waiting list every 10 minutes and, on average, 20 people die in the United States each day because the organ they need is not donated in time; and

Whereas, One organ donor can save the lives of eight people and heal 75 others; and

Whereas, West Virginia encourages all residents to register as an organ, tissue and cornea donor online at registerme.org, or at their local West Virginia DMV offices, or on their West Virginia hunting and fishing license application; therefore, be it

Resolved by the Legislature of West Virginia:

That February 14, 2022, be recognized as National Donor Day in the State of West Virginia, to bring awareness to the value and life-saving benefits of organ, tissue and cornea donation; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Governor.

Delegates Hott, Rowan, Howell, B. Ward, Jennings, Pritt, Kimes, D. Jeffries, Ferrell, Reynolds and Conley offered the

following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 59 - "Requesting the Division of Highways name bridge number 29-093/00-003.42 (29A054), locally known as Claysville Bridge, carrying WV 93 over New Creek in Mineral County, the 'Warrant Officer James Gilbert Bosley Memorial Bridge'."

Whereas, Warrant Officer James Gilbert Bosley was born on March 15, 1946, in nearby Elk Garde but raised in New Creek, West Virginia, by his aunt and uncle after his father's death; and

Whereas, Bosley was a member of the 1965 class of Keyser High School where he served as Student Council President and was voted the "Most Popular Boy" in his graduating class; and

Whereas, Bosely was an excellent student, athlete, leader, and nominee for the J. Edward Kelly Award; and

Whereas, Bosley organized a Boy Scouts Troop at the Rees Chapel of New Creek, West Virginia, where he worshiped; and

Whereas, Since Bosely loved his country, he volunteered to serve in the U.S. Army during the Vietnam War; and

Whereas, Bosely became a helicopter pilot and served in Vietnam where he was assigned as a pilot for Secretary of State Robert McNamara and Ambassador Henry Cabot Lodge; and

Whereas, Bosely was killed in a helicopter crash on September 2, 1967, when his UH-ID "Huey" helicopter crashed during a monsoon like storm when he was returning unit leaders from a staff meeting to their men who had unexpectedly come under fire in the field; and

Whereas, Bosley was only 21 at the time of his death; and

Whereas, Bosely was award the National Defense Service Medal, the Vietnam Campaign Medal, the Vietnam Service Medal,

the Army Presidential Unit Citation, the Vietnam Gallantry Cross, and the Army Good Conduct Medal; and

Whereas, Bosely is laid to rest in the Queens Meadow Point Cemetery in Keyser, West Virginia; and

Whereas, Bosely paid the ultimate sacrifice for the State of West Virginia and the United States of America and his service and sacrifice shall never be forgotten; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name bridge number 29-093/00-003.42 (29A054), locally known as Claysville Bridge, carrying WV 93 over New Creek in Mineral County, the "Warrant Officer James Gilbert Bosley Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Warrant Officer James Gilbert Bosley Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Westfall offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 60 - "Requesting the Division of Highways name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB bridges, carrying I-77 over Sandy Creek in Jackson County, the 'Fire Chief Lee Thomas Memorial Bridge'."

Whereas, Fire Chief Lee Thomas was born on November 4, 1933, in Sandyville, West Virginia, and passed away on December 7, 2016; and

Whereas, Chief Lee Thomas was inducted into the United States Army on November 18, 1955, attained the rank of Specialist 4, and was honorably discharged on October 31, 1961; and

Whereas, Chief Lee Thomas was a charter member of the Sandyville Volunteer Fire Department, where he served for 48 years, 25 of which were as chief; and

Whereas, It is fitting that an enduring memorial be established to commemorate Fire Chief Lee Thomas and his contributions to his country, state, and his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB bridges, carrying I-77 over Sandy Creek in Jackson County, the "Fire Chief Lee Thomas Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Fire Chief Lee Thomas Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

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

H. B. 4606 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1, §9A-5-2, and §9A-5-3, all relating to specifically authorizing programs to assist at-risk veterans through partnerships with service organizations engaged with their local veteran communities to connect veterans and their families with existing resources to combat suicide, and its contributing factors, among the veteran

population in this state; providing legislative fundings and purpose; authorizing programs to assist at-risk veterans through partnerships with service organizations to combat suicide and its contributing factors among the veteran population; and providing for funding and grant-making from the Department of Veterans' Assistance to partner service organizations and for the purposes of this article"; to the Committee on Government Organization.

By Delegates Jennings and Rohrbach:

H. B. 4607 - "A Bill to amend and reenact §16-2D-9 and §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to certificate of need; removing a health services from the list of services which may not be developed; and exempting health services from certificate of need"; to the Committee on Health and Human Resources.

By Delegates Riley, Statler, Maynard, Hardy, Paynter, Jennings, Honaker, Maynor, Phillips, Queen and Pack:

H. B. 4608 - "A Bill to amend and reenact §15A-11-8 of the Code of West Virginia, 1931, as amended, relating to the probationary status of volunteer firefighters; defining terms; and providing for an effective date"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegate Rohrbach:

H. B. 4609 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to specifying services that shall be provided by the traumatic brain injury waiver program"; to the Committee on Health and Human Resources.

By Delegate Hornbuckle:

H. B. 4610 - "A Bill to amend the Code of West Virginia,1931, as amended, by adding thereto a new article, designated §21-3F-1, §21-3F-2, §21-3F-3, §21-3F-4, and §21-3F-5, all relating to enacting a workplace violence prevention for health care and social service workers act; providing legislative findings, definitions, workplace violence prevention standard, and requirements for such"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Howell, Steele, Paynter, Linville and Hamrick:

H. B. 4611 - "A Bill to amend and reenact §3-1-34 and §3-1-41 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-11 of said code, all relating to providing an exception to the requirements for voters to present a valid identifying document when appearing in person to vote at the polls; permitting the transfer by the Division of Motor Vehicles to the Secretary of State of electronic images of registered voters issued a driver's license or other photographic identification card; and requiring poll worker to permit voters whose respective images in the poll books are truly an image of the voter appearing in person to vote at the polls without challenge"; to the Committee on Government Organization then the Judiciary.

By Delegates Storch, Criss, Householder, Statler, Riley, Westfall, Wamsley, Jennings, D. Kelly and Pethtel:

H. B. 4612 - "A Bill to amend and reenact §8-22A-18 of the Code of West Virginia, 1931, as amended, relating to decreasing the time period of eligibility for nonduty disability from 10 to five or more years of contributory service for the West Virginia Municipal Police Officers and Firefighters Retirement System"; to the Committee on Pensions and Retirement then Finance.

By Delegates Storch, Gearheart, Householder, Criss, Statler, Westfall, Riley, Wamsley, Jennings, D. Kelly and Pethtel:

H. B. 4613 - "A Bill to amend and reenact §8-22A-2 of the Code of West Virginia, 1931, as amended, relating to increasing the multiplier for use in determining accrued benefit in the West Virginia Municipal Police Officers and Firefighters Retirement System"; to the Committee on Pensions and Retirement then Finance.

By Delegates Storch, Gearheart, Criss, Householder, Statler, Westfall, Riley, Wamsley, Jennings, D. Kelly and Pethtel:

H. B. 4614 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-6a, relating to authorizing service credit for unused accrued annual or

sick leave days for use in determining retirement benefits from the municipal police and firefighter retirement systems still administered by municipalities"; to the Committee on Pensions and Retirement then Finance.

By Delegates G. Ward, Barnhart, Haynes and Foster:

H. B. 4615 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-13-28, relating to permitting municipalities to create a tax reduction fund; reduce taxes or fees on businesses and individuals; and use the savings funds for losses or short falls in the prior fiscal year"; to the Committee on Finance.

By Delegates Linville, Householder, Kimble, Keaton, Booth, Mallow, Barnhart, Maynard, Howell, Maynor and Wamsley:

H. B. 4616 - "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 Tully, Wamsley, Maynor, Statler, Ellington, Toney, Steele, Holstein, Sypolt, Bridges and Hanna:

H. B. 4617 - "A Bill to repeal §18-2-33 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-16A-1, §18-16A-2, and §18-16A-3, and §18-16A-4 all relating to hazing in K-12 education; establishing the West Virginia Public School Anti-hazing Law; defining terms; prohibiting hazing and providing for penalties; and proving for legislative authority to promulgate rules required to enforce the article"; to the Committee on Education then the Judiciary.

By Delegates Maynard, Criss, Bridges, Holstein, Linville, Howell, Householder, Steele, Anderson, Hott and Espinosa:

H. B. 4618 - "A Bill to amend the Code of West Virginia, 1931, as amended, by creating a new section, designated §12-1-15, relating generally to financial institutions engaged in boycotts of energy companies; defining terms; authorizing the State Treasurer to prepare, maintain, and publish a list of financial institutions

engaged in boycotts of energy companies; requiring the Treasurer to post the list on his or her website and submit the list to certain public officials; setting forth sources of information on which the Treasurer may rely in preparing the list; requiring the Treasurer to send written notice to a financial institution of its inclusion on the list; requiring the Treasurer to remove a financial institution from the list if it presents information demonstrating that it is not engaged in a boycott of energy companies; authorizing the Treasurer to exclude financial institutions on the list from the selection process for state banking contracts; authorizing the Treasurer to refuse to enter into a banking contract with a financial institution on the list; authorizing the Treasurer to require, as a term of a banking contract, an agreement by the financial institution not to engage in a boycott of energy companies; and limiting liability of public officials, public employees, and members or employees of financial institutions for actions taken in compliance with the new code section"; to the Committee on Banking and Insurance then Government Organization then the Judiciary.

By Delegates Crouse, Clark, Longanacre, Hanna, Pritt, Mazzocchi and J. Jeffries:

H. B. 4619 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-9G-1, §18-9G-2, §18-9G-3, §18-9G-4, §18-9G-5, §18-9G-6, §18-9G-7, and §18-9G-8, all relating to video cameras in public classrooms; authorizing county boards to adopt a policy to install video cameras in public classrooms; defining the term 'incident'; providing requirements for such cameras; requiring a written explanation if operation of such cameras is interrupted; requiring county boards to retain such explanation for a specified time period; requiring county boards to provide written notice of the installation of such cameras to certain individuals; providing requirements for retaining and deleting video recordings; prohibiting schools and county boards from certain actions regarding such recordings; providing that school principals are custodians of such cameras and recordings; specifying requirements for viewing such recordings; providing for an appeal process; setting forth limitations on liability; requiring the State Board of Education to collect specified

information; and authorizing the State Board of Education to promulgate rules"; to the Committee on Education then Finance.

By Delegates Crouse, Hanna, Pritt, Longanacre, Mazzocchi, J. Jeffries and Honaker:

H. B. 4620 - "A Bill to amend §16-3-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18B-1-12; and to amend §21-1A-3, all relating to providing parents the option to have their children vaccinated as a condition to entry of schools; forbidding schools from requiring masks on children under age 18; allowing those over 18 to make their own decisions regarding vaccinations as a condition of entry to colleges and trade schools in West Virginia; forbidding colleges and trade schools from requiring masks at their campuses for students 18 and over; and forbidding businesses from requiring vaccines or masks as a condition of employment or entry into an establishment"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Steele and Foster:

H. B. 4622 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2K-1, §5B-2K-2, §5B-2K-3 and §5B-2K-4; to amend said code by adding thereto a new section, designated §22-5-11b; and to amend and reenact §22B-1-7 of said code, all relating generally to the Natural Gas Fired Electricity Generation Development Act of 2022; providing for a short title; making legislative findings and declarations; 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; and requiring prompt consideration of appeals by the Air Quality Board concerning natural gas electric generation facility permits"; to the Committee on Energy and Manufacturing then Government Organization.

By Delegates Phillips and Doyle:

H. B. 4623 - "A Bill to amend and reenact §36B-1-103 of the Code of West Virginia, 1931, as amended; and to amend and

reenact §36B-3-108 and §36B-3-110 of said code, all relating to the Uniform Common Interest Ownership Act; defining 'electronic'; establishing requirements for the holding of meetings; and creating procedures for voting and proxy voting"; to the Committee on the Judiciary.

By Delegates Pinson, B. Ward, D. Kelly, Honaker, Hott, Pack, Brown, Lovejoy, Garcia, Dean and Worrell:

H. B. 4624 - "A Bill to amend and reenact §7-14D-2 and §7-14D-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-14E-2 of said code, all relating to providing increased benefits for retired sheriff's deputies; adjusting the percentage factor for members retired after July 1, 2018; increasing the benefit amount for totally disabled retirees; and authorizing the increase of certain fees, paid by the county, for deposit into the Deputy Sheriff Retirement Fund"; to the Committee on Pensions and Retirement then Finance.

By Delegate Summers:

H. B. 4625 - "A Bill to amend and reenact §16-3-4b of the Code of West Virginia, 1931, as amended, relating to COVID-19 immunization exemption requirements; and providing that the definition of 'covered employer' does not include Medicare or Medicaid-certified facilities"; to the Committee on Health and Human Resources.

By Delegates Linville, Foster, Steele, Maynard and Keaton:

H. B. 4626 - "A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-4a, all relating to required information for job postings; defining terms; requiring the Division of Personnel to compensation information within job postings; and requiring state agencies to provide certain compensation information to the Division of Personnel"; to the Committee on Government Organization.

By Delegate Steele:

H. B. 4627 - "A Bill to amend and reenact §16A-7-4 of the Code of West Virginia, 1931, as amended, relating to providing for no more than two licensed laboratories for medical cannabis testing in this state"; to the Committee on the Judiciary.

By Delegates Pinson, Steele, Kessinger, Burkhammer, Brown, Fast, Foster, B. Ward, D. Kelly, D. Jeffries and Hanna:

H. B. 4628 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, §35-1A-2, and §35-1A-3, all relating to forbidding excessive government limitations on exercise on religion; providing definitions; forbidding government to treat religious conduct more restrictively than any conduct of reasonably comparable risk; forbidding government to treat religious conduct more restrictively than comparable conduct because of alleged economic need or benefit; to ensure that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and strict scrutiny is applied; providing remedies; and addressing applicability, construction, and severability"; to the Committee on the Judiciary.

By Delegates Steele, Hanshaw (Mr. Speaker), Summers, Espinosa, Ellington, Householder, Foster, D. Jeffries, Barrett, Maynor and Criss:

H. B. 4629 - "A Bill to amend and reenact § 55-17-3 of the Code of West Virginia, 1931, as amended, relating to actions against the State of West Virginia, requiring the Attorney General or the chief officer of the subject government agency to issue a response to the potential claimant within 60 days of receipt of the notice to file suit, toll the statute of limitations during pre-suit negotiations for actions against the state, afford a 90 day time to file suit absent pretrial negotiations, dismiss claims absent suit filed within this 90 days, and provide an effective date"; to the Committee on the Judiciary.

By Delegates Walker, Pushkin, Evans and Fleischauer:

H. B. 4630 - "A Bill to amend and reenact §37-6A-2 of the Code of West Virginia, 1931, as amended, relating to requiring landlords to provide renters with the full amount of their security deposit if the landlord has failed any dwelling unit inspections on the property where the tenant is renting or leasing"; to the Committee on the Judiciary.

By Delegates Walker and Rohrbach:

H. B. 4631 - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §16-65-1, relating to establishing a bone marrow and peripheral blood stem donation awareness program; directing the Department of Health and Human Services to create a website resource to inform and promote donation awareness; providing contents of electronic brochure and website; and providing for consultation with certain health care providers to promote awareness of the federal and any state resources available for donations"; to the Committee on Health and Human Resources.

By Delegates Conley, McGeehan, Phillips, Paynter, G. Ward, Kimble, Mazzocchi and Pritt:

H. B. 4632 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10f; and to amend said code by adding another new section, designated §12-4-13, all relating to eliminating state funding to any institution, political subdivision, or organization that requires its employees to be vaccinated for prevention of the COVID-19 disease; prohibiting state contracts with identified vendors; defining state grants, prohibiting state grants to issue or be awarded to such institutions, political subdivisions, or other organizations"; to the Committee on Finance.

By Delegates Conley, Foster and Pritt:

H. B. 4633 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-23, relating to holding employers liable for all injuries and damages, up to and including death, caused by COVID-19 vaccines or vaccines for the variants of COVID-19, such as the Delta variant, that has been mandated by the employer to the employee as a condition of employment"; to the Committee on the Judiciary.

By Delegates Espinosa, Foster, Steele, Martin, Jennings, Horst, Burkhammer, Holstein and Howell:

H. B. 4634 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-17-5, §21-17-6, §21-17-7, §21-17-8, §21-17-9, §21-17-10, §21-17-11, and §21-17-12; to amend

said code by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, §29-33-4, §29-33-5, §29-33-6, §29-33-7, §29-33-8, §29-33-9, §29-33-10, §29-33-11, and §29-33-12; and to amend said code by adding thereto a new article, designated §30-1F-1, §30-1F-2, §30-1F-3, §30-1F-4, §30-1F-5, §30-1F-6, §30-1F-7, §30-1F-8, §30-1F-9, §30-1F-10, §30-1F-11, and §30-1F-12, all relating to occupational licensing or other authorization to practice; providing for definitions; providing for an application method for persons with a valid license in another state to be licensed in this state; providing that a person applying for licensure in this state has worked in the licensed occupation for at least one year; providing for other criteria a person must satisfy when applying for licensure in this state; establishing that an applicant seeking licensure in this state not have ever had a license revoked or suspended in another state; providing that an applicant seeking licensure in this state not have any pending investigations or disciplinary proceedings in another state; providing that the boards in every state where a person is licensed hold the applicant in good standing for licensure in this state; providing that an applicant pay all applicable fees; providing that an applicant meet all state bonding requirements for licensure in this state; providing for an application fee that may be assessed by the board; providing for 60 days for a board to take action on a completed application; providing for an appeal mechanism for a person to appeal any decision of a board relating to occupational licensure; providing for state law preemption against any township, municipality, county, or other government to regulate occupational licensure; providing for certain exempted professions; and providing for rulemaking authority to any board affected to carry out the provisions of the article"; to the Committee on Government Organization.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order as unfinished business, were, in the absence of objection, considered en masse, and adopted:

H. C. R. 6, Elmer Galford Memorial Road,

H. C. R. 8, U.S. Army Private Elmo Davis Memorial Road,

H. C. R. 10, Lance CPL Leonard Joe Zelaski Memorial Bridge,

H. C. R. 16, World War II Veterans Toothman Brothers Memorial Bridge,

H. C. R. 17, Daniel Okey Cunningham Memorial Bridge,

H. C. R. 28, Cpt. Billy Jake Smith Memorial Bridge,

H. C. R. 30, To name the U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge,

H. C. R. 34, U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge,

H. C. R. 37, U.S. Army Corporal Charles William "Bill" Knight Memorial Bridge,

H. C. R. 38, To name the "Dale Shaheen and George H. Hooker Memorial Bridge",

And,

H. C. R. 40, To name the USMC Cpl Guy Maywood Edwards Memorial Bridge.

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

H. R. 6, Urging the Army Corps of Engineers to support hydroelectric power generation at the Summersville Dam; coming up in regular order, as unfinished business, was reported by the Clerk, and adopted.

Third Reading

Com. Sub. for H. B. 4032, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse; 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. 99)**, 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: Clark and Horst.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4032) passed.

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

Com. Sub. for H. B. 4098, Relating to Geothermal Energy Development; 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. 100)**, and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Gearheart and Paynter.

Absent and Not Voting: Clark and Horst.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4098) passed.

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

Com. Sub. for H. B. 4297, To facilitate the sharing of information between the Department of Health and Human Resources and the State Auditor's office in order to investigate reports of financial abuse and neglect of a vulnerable adult; 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. 101)**, 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: Clark and Horst.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4297) passed.

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

H. B. 4522, Relating to the expungement of criminal records; 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. 102)**, and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Fast and Steele.

Absent and Not Voting: Clark and Horst.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4522) passed.

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 S. B. 279, Authorizing DEP to promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

Delegate Hansen moved to amend the bill on page two, section one, line twenty-seven, by striking out the period, inserting a semi-colon, and the following:

"And,

On page sixteen, subdivision 8.2.c., on line seven, by striking out the words 'but are not subject to' and inserting in lieu thereof, the word 'and'."

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

The yeas and nays having been ordered, they were taken **(Roll No. 103)**, and there were—yeas 24, nays 74, absent and not voting 2, with the yeas and the absent and not voting being as follows:

Yeas: Barach, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, McGeehan, Pack, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Clark and Horst.

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

Delegate Pushkin moved to amend the bill on page two, section one, line twenty-seven, by striking out the period and inserting a semi-colon and the following:

"And,

On page forty-three, Appendix E, Table 1, by amending the Parameter for DDT by deleting all the underlined language and restoring the existing rule language for all use designations."

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

The yeas and nays having been ordered, they were taken **(Roll No. 104)**, and there were—yeas 24, nays 73, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Barach, Boggs, Brown, Capito, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pack, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Bridges, Clark and Horst.

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

There being no further amendments, the bill was then ordered to third reading.

S. B. 450, Updating definitions of WV Personal Income Tax Act; on second reading, coming up in regular order, was read a second time.

An amendment recommended by the Committee on Finance, was reported by the Clerk and adopted, on page one, section nine, line nineteen, following the word "year", by striking out "2021" and inserting in lieu thereof "2022".

The bill was then ordered to third reading.

S. B. 451, Updating definitions of WV Corporation Net Income Tax Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

H. B. 4007, To reduce personal income tax rates ; on second reading, coming up in regular order, was read a second time.

Delegate Bates moved to amend the bill on page one, section four-g, by striking out the section heading in its entirety and inserting in lieu thereof a new section heading to read as follows:

"**§11-21-4g. Rate of tax — Taxable years beginning after December 31, 2021.**"

And,

On page two, section four-g, on line forty-nine after the comma, by striking out the year "2022" and inserting in lieu thereof the year "2021".

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

The yeas and nays having been ordered, they were taken **(Roll No. 105)**, and there were—yeas 37, nays 59, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Barach, Barrett, Bates, Boggs, Brown, Conley, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Honaker, Hornbuckle, J. Jeffries, Keaton, Kimes, Linville, Longanacre, Lovejoy, McGeehan, Paynter, Pethtel, Pinson, Pritt, Pushkin, Rowe, Skaff, Walker, Wamsley, G. Ward, Williams, Young and Zukoff.

Absent and Not Voting: Bridges, Clark, Horst and Martin.

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

Delegates Rowe, Boggs, Pethtel, Fluharty, Williams and Hornbuckle moved to amend the bill on page two, section four-q, by striking out lines 12 through 45, and inserting in lieu thereof, the following:

"

Taxable Income	**Tax Rate**
Not over $10,000	2.7% of taxable income
Over $10,000 but not over $25,000	$270 plus 3.6% of excess over $10,000
Over $25,000 but not over $40,000	$810 plus 4.05% of excess over $25,000

Over $40,000 but not over $60,000	$1,417.50 plus 5.4% of excess over $40,000
Over $60,000 but not over $100,000	$2,497.50 plus 5.85% of excess over $60,000
Over $100,000	$4,837.50 plus 6.5% of excess over $100,000

(2) *Rate of tax on married individuals filing separate returns.* — In the case of husband and wife filing separate returns under this article for the taxable year, the tax imposed by §11-21-3 of this code on the West Virginia taxable income of each spouse shall be determined in accordance with the following table:

Taxable Income	**Tax Rate**
Not over $5,000	2.7% of taxable income
Over $5,000 but not over $12,500	$135 plus 3.6% of excess over $5,000
Over $12,500 but not over $20,000	$405 plus 4.05% of excess over $12,500
Over $20,000 but not over $30,000	$708.75 plus 5.4% of excess over $20,000
Over $30,000 but not over $50,000	$1,248.75 plus 5.85% of excess over $30,000
Over $50,000	$2,418.75 plus 6.5% of excess over $50,000"

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

The yeas and nays having been ordered, they were taken **(Roll No. 106)**, and there were—yeas 22, nays 73, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Barach, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Bridges, Clark, Horst, Howell and Martin.

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

Delegates Doyle and Boggs moved to amend the bill on pages one and two, lines one through forty-nine, by striking out section four-g in its entirety and inserting in lieu thereof, the following:

"Effective for taxable years beginning after December 31, 2022, there shall be standard deduction of $7,000.00 for all filers."

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

The yeas and nays having been ordered, they were taken **(Roll No. 107)**, and there were—yeas 21, nays 74, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Barach, Boggs, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Bridges, Clark, Horst, Howell and Martin.

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

There being no further amendments, the bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4114, Authorizing certain agencies of the Department of Administration to promulgate legislative rules; on

second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4295, To transfer the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4420, To modify definitions of school bus operators; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4438, Applying current requirements for certain voting systems to be independent and non-networked to all voting systems that seek certification in West Virginia.; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4517, Relating to the repealing requirements to display video ratings; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4535, Repeal section relating to school attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle; on second reading, coming up in regular order, was read a second time.

Delegates Gearheart and Ellington moved to amend the bill on page one, following the enacting clause by striking out the remainder of the bill and inserting in lieu thereof the following:

"**ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

§18-8-11. School attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle.

(a) In accordance with the provisions of §17B-2-3a and §17B-2-5 of this code, the Division of Motor Vehicles shall deny a license or instruction permit for the operation of a motor vehicle to

any person under the age of 18 who does not at the time of application present a diploma or other certificate of graduation issued to the person from a secondary high school of this state, home school administrator or any other state or documentation that the person: (1) Is enrolled and making satisfactory progress in a course leading to a general education development certificate (GED) from a state-approved institution or organization or has obtained the certificate; (2) is enrolled and is making satisfactory academic progress in a secondary school or home school of this state or any other state; (3) is excused from the requirement due to circumstances beyond his or her control; or (4) is enrolled in an institution of higher education as a full-time student in this state or any other state.

(b) The attendance director, ~~or~~ chief administrator or home school administrator shall, upon request, provide a driver's eligibility certificate on a form approved by the Department of Education to any student at least 15 but less than 18 years of age who is properly enrolled and is making satisfactory academic progress in a school under the jurisdiction of the official for presentation to the Division of Motor Vehicles on application for or reinstatement of an instruction permit or license to operate a motor vehicle: *Provided*, That a parent or legal guardian of a child who is being educated pursuant to §18-8-1(c) of this code may provide a signed statement in lieu of a driver's eligibility certificate issued by the attendance director or chief administrator affirming that the child is being educated in accordance with law, is making satisfactory academic progress, and meets the conditions to be eligible to obtain any permit or license under this section. The Division of Motor Vehicles may accept from a county board of education electronic notice of a student's compliance with the provisions of this section in lieu of any written form or written statement otherwise required from an applicant for an instruction permit or driver's license.

(c) Whenever a student at least 15 but less than 18 years of age, except as provided in subsection (g) of this section, withdraws from school, the attendance director or chief administrator shall notify the Division of Motor Vehicles of the student's withdrawal no later

than five days from the date of the withdrawal. Within five days of receipt of the notice, the Division of Motor Vehicles shall send notice to the student that the student's instruction permit or license to operate a motor vehicle will be suspended under the provisions of §17B-3-6 of this code on the 30th day following the date the notice was sent unless documentation of compliance with the provisions of this section is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that he or she is entitled to a hearing before the county superintendent of schools or his or her designee or before the appropriate private school official concerning whether the student's withdrawal from school was due to a circumstance or circumstances beyond the control of the student. If suspended, the division may not reinstate an instruction permit or license until the student returns to school and shows satisfactory academic progress or until the student attains 18 years of age.

(d) Whenever a student at least 15 but less than 18 years of age is enrolled in a secondary school and fails to maintain satisfactory academic progress, the attendance director, ~~or~~ chief administrator or home school administrator shall follow the procedures set out in subsection (c) of this section to notify the Division of Motor Vehicles. Within five days of receipt of the notice, the Division of Motor Vehicles shall send notice to the student that the student's instruction permit or license will be suspended under the provisions of §17B-3-6 of this code on the 30th day following the date the notice was sent unless documentation of compliance with the provisions of this section is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that he or she is entitled to a hearing before the county superintendent of schools or his or her designee or before the appropriate private school official concerning whether the student's failure to make satisfactory academic progress was due to a circumstance or circumstances beyond the control of the student. Once suspension is ordered, the division may not reinstate an instruction permit or license until the student shows satisfactory academic progress or until the student attains 18 years of age.

(e) Upon written request of a student, within 10 days of receipt of a notice of suspension as provided by this section, the Division of Motor Vehicles shall afford the student the opportunity for an administrative hearing. The scope of the hearing shall be limited to determining if there is a question of improper identity, incorrect age, or some other clerical error.

(f) For the purposes of this section:

(1) 'Withdrawal' is defined as more than 10 consecutive or 15 total days unexcused absences during a school year, or suspension pursuant to §18A-5-1a(a) and §18A-5-1a(b) of this code.

(2) 'Satisfactory academic progress' means the attaining and maintaining of grades sufficient to allow for graduation and course work in an amount sufficient to allow graduation in five years or by age 19, whichever is earlier.

(3) 'Circumstances outside the control of the student' shall include, but not be limited to, medical reasons, familial responsibilities, and the necessity of supporting oneself or another.

(4) Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the student; and

(5) 'Home school administrator' means a person authorized pursuant to §18-8-12 of this code to issue diplomas and other credentials to persons completing a program of secondary education.

(g) Whenever the withdrawal from school of the student, the student's failure to enroll in a course leading to or to obtain a GED or high school diploma, or the student's failure to make satisfactory academic progress is due to a circumstance or circumstances beyond the control of the student, or the withdrawal from school is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian, or the student makes a formal written withdrawal notification to the school and provides evidence of gainful employment, no notice shall be sent to the Division of Motor Vehicles to suspend the student's motor vehicle operator's

license and if the student is applying for a license, the attendance director, ~~or~~ chief administrator or home school administrator shall provide the student with documentation to present to the Division of Motor Vehicles to excuse the student from the provisions of this section. The school district superintendent (or the appropriate school official of any private secondary school or home school) with the assistance of the county attendance director and any other staff or school personnel shall be the sole judge of whether any of the grounds for denial or suspension of a license as provided by this section are due to a circumstance or circumstances beyond the control of the student.

(h) The state board shall promulgate rules necessary for uniform implementation of this section among the counties and as may otherwise be necessary for the implementation of this section. The rule may not include attainment by a student of any certain grade point average as a measure of satisfactory progress toward graduation."

Whereupon,

Delegate Ellington asked and obtained unanimous consent to be removed as a cosponsor of the amendment.

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

The yeas and nays having been ordered, they were taken **(Roll No. 108)**, and there were—yeas 20, nays 73, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Anderson, Barach, Boggs, Brown, Dean, Diserio, Doyle, Evans, Fast, Gearheart, Graves, Griffith, Hornbuckle, Lovejoy, Pethtel, Rowe, Walker, Westfall, Williams and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges, Clark, Horst, Householder, Howell, Martin and Worrell.

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

The bill was then ordered to engrossment and third reading.

First Reading

Com. Sub. for H. B. 2257, Relating to extended supervision for certain drug offenders; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4483, Relating to establishing term limits to certain real property interests and registration requirements associated with carbon offset agreements; on first reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Clark and Horst.

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following in the Appendix to the Journal:

- Delegate Smith regarding Com. Sub. for H. B. 4032

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 4264: Delegates Evans, J. Kelly, Kimble and Pethtel;

H. B. 4394: Delegates Espinosa, Householder and Summers;

H. B. 4578: Delegates Pack, Pinson and Pushkin;

H. B. 4619: Delegate Mandt;

And,

H. B. 4620: Delegate Mandt.

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. 4560: Delegate Espinosa.

At 1:51 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 11, 2022.

Friday, February 11, 2022

THIRTY-FIRST DAY

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

The House of Delegates met at 11:00 a.m., and 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, February 10, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. B. 4264 and Com. Sub. for H. B. 4483, on First Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 4568, To allow phased rehabilitations of certified historic structures,

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

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

Your Committee on Finance has had under consideration:

H. B. 4352, Decreasing federal taxable income,

And,

H. B. 4460, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax,

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

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

Your Committee on Finance has had under consideration:

H. B. 4002, Creating the Certified Sites and Development Readiness Program,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4002 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18, relating to the creation of the Certified Sites and Development Readiness Program under the Department of Economic Development; requiring the department to develop evaluation criteria and site certification levels; establishing application processes for program; establishing eligible applicants; allowing the department to select sites for the program from applications; providing for the review of sites and reporting to applicants of the site's readiness; creating two types of grants; allowing the department to choose sites to provide matching grant funds to develop sites included in the program; establishing requirements for the matching grant funding; allowing the department to choose recipients for micro-grants; providing the department the authority to set forth criteria for micro-grants; limiting the amount of funds which may be expended per site; providing for the repayment of funds from matching grants; and creating the Certified Sites and Development Readiness Fund,"

H. B. 4025, Providing exemption to severance tax for severing rare earth elements and other critical minerals,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4025 - "A Bill to amend and reenact §11-13A-3c of the Code of West Virginia, 1931, as amended, relating to the imposition of the tax on the privilege of severing other natural resources; providing for an exemption from the imposition of the severance tax for a period of 5 years beginning on July 1, 2022, for severing rare earth elements and critical minerals; and defining rare earth elements and critical minerals,"

H. B. 4259, Creating the West Virginia Small Business Jumpstart Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4259 - "A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5, §31-15D-6, §31-15D-7, §31-15D-8, §31-15D-9, §31-15D-10, §31-15D-11, §31-15D-12, §31-15D-13, §31-15D-14, §31-15D-15, §31-15D-16, §31-15D-17, §31-15D-18, §31-15D-19, §31-15D-20, and §31-15D-21, all relating to promoting investment and future growth in small businesses in West Virginia; creating the Small Business Jumpstart Act; defining terms; establishing the transferability of tax credits; establishing the application requirements for small business growth funds; establishing process for approval of the application; providing grounds for the denial of an application; allowing submission of additional information to complete an application following denial; establishing process for Department of Economic Development to notify applicant of approval; creating duties of the fund following approval of application; establishing how an approval may lapse; providing for a tax credit against an entity's state insurance premium tax liability; limiting amount of tax credit; providing for the carryforward of tax credits; prohibiting assignments of tax credit; providing notice to Insurance Commissioner; establishing that entity participating in program not required to pay retaliatory tax; establishing when

revocation of tax credit occurs; requiring reporting by small business growth funds; requiring small business growth fund pay fee to Department; establishing process for exiting the program; clarifying that Department cannot revoke tax credit following the fund's exit; and allowing for Department to provide opinions to small business growth fund regarding investment of a small business concern,"

H. B. 4451, Eliminating the requirement that otherwise qualified investment assets be located or installed at or within 2 miles of a preexisting manufacturing facility,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4451 - "A Bill to amend and reenact §11-6F-6 of the Code of West Virginia, 1931, as amended, all relating to the special method for appraising qualified capital additions to manufacturing facilities, eliminating the requirement that otherwise qualified capital addition be located or installed at or within two miles of a preexisting manufacturing facility; and specifying effective date,"

H. B. 4465, Relating to the tax credit for apprenticeship training,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4465 - "A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, all relating to the tax credit for apprenticeship training; eliminating the requirement that the credit base be limited to wages paid to apprentices in the construction trades; and specifying effective date,"

And,

H. B. 4470, Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4470 - "A Bill to amend and reenact §11-15-9n of the Code of West Virginia, 1931, as amended, all relating to the consumers sales and service tax and use tax exemption for qualified purchases of computers and computer software, primary material handling equipment, racking and racking systems, and components, building materials and certain tangible personal property to be incorporated into a qualified, new or expanded warehouse or distribution facility; changing threshold jobs creation number from 300 to 50; and making stylistic changes,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4001, Generally relating to broadband,

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. 4001) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 1, Naming a locally known bridge in Ashford, WV as the "Alex Perdue Memorial Bridge",

H. C. R. 4, John B. Short Memorial Bridge, Logan County,

H. C. R. 7, To name a locally known bridge in Seth, West Virginia as the "Kohlton Red Haney Memorial Bridge",

H. C. R. 9, Name road naming the "James C. Vickers Silver Star Highway",

H. C. R. 13, Doctor Enrique and Mrs. Sallie H. Aguilar Memorial Bridge,

H. C. R. 14, To create the "Colonel Ronald John "Ron" Chiccehitto Memorial Road.",

H. C. R. 25, To name the SP5 Terry Lee McClanahan Memorial Bridge,

H. C. R. 26, To name the Officer Cassie Johnson Fallen Heroes Memorial Bridge,

H. C. R. 35, David Allen Drake, Sr. Memorial Bridge,

H. C. R. 36, To name the John Calvin JC Baker Memorial Bridge,

H. C. R. 46, Donald Homer Wheeler Memorial Bridge,

H. C. R. 47, William Earl Duty Memorial Bridge,

H. C. R. 48, To name the Sergeant John S Syner memorial highway,

H. C. R. 49, To name the Charles M. Biggs memorial roadway,

H. C. R. 50, To name the John Ellison memorial roadway,

H. C. R. 52, Roy E. Givens Memorial Road,

Com. Sub. for S. C. R. 17, US Air Force SSGT Logan A. Young Memorial Bridge,

S. C. R. 21, Putnam County Veterans Memorial Bridge,

And,

S. C. R. 23, USMC CPL Guy Maywood Edwards Memorial Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 1, H. C. R. 4, H. C. R. 7, H. C. R. 9, H. C. R. 13, H. C. R. 14, H. C. R. 25, H. C. R. 26, H. C. R. 35, H. C. R. 36, H. C. R. 46, H. C. R. 47, H. C. R. 48, H. C. R. 49, H. C. R. 50, H. C. R. 52, Com. Sub. for S. C. R. 17, S. C. R. 21 and S. C. R. 23) were each referred to the Committee on Rules.

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. 4489, Require counties to post open positions on statewide job bank,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4489 - "A Bill to amend and reenact §18A-2-7a of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education report certain information to the Statewide Job Bank,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4351, To ensure that staffing plans are sent to the state health office, as well as of the Department of Homeland Security,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4351 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to the implementation of an acuity-based patient classification system; defining terms; providing for legislative findings; establishing a process to develop a plan; requiring a staffing plan to be reported; providing an exemption from the Freedom of Information Act; and establishing a framework for the staffing plans to be sent,"

With the recommendation that the committee substitute do pass, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 4351) to the Committee on the Judiciary 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. J. R. 106, Require Board of Education races to become party affiliated,

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

In accordance with the former direction of the Speaker, the resolution (H. J. R. 106) was referred to the Committee on the Judiciary.

Delegate Rohrbach, 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. 4426, Repeal article 33-25G-1 *et seq.* creating provider sponsored networks,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4426 – "A Bill to repeal §16-2L-1, §16-2L-2, §16-2L-3, §16-2L-4, §16-2L-5, §16-2L-6 and §16-2L-7 of the Code of West Virginia, 1931, as amended; and to repeal §33-25G-1, §33-25G-2, §33-25G-3, §33-25G-4, and §33-25G-5 of said code, all relating to Provider Sponsored Networks",

With the recommendation that the committee substitute do pass.

Delegate D. Jeffries, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 10th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 435, Awarding service weapon to retiree from Division of Protective Services,

Com. Sub. for S. B. 437, Providing for early discharge of parolees,

And,

Com. Sub. for S. B. 449, Relating to Nonviolent Offense Parole Program.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 15, Thomas Brothers Memorial Bridge,

H. C. R. 58, February 14 as National Donor Day,

H. C. R. 59, To name the "Warrant Officer James G. Bosley Memorial Bridge.',

H. C. R. 60, Fire Chief Lee Thomas Bridge,

And,

H. R. 11, Urging members of the United States Congress to enact federal legislation designating May 4 as Firefighters Day,

And reports the same back with the recommendation that they each be adopted.

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4074, Require schools provide eating disorder and self-harm training for teacher and students.

On motion of Delegate Summers, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"**ARTICLE 2. STATE BOARD OF EDUCATION.**

§18-2-40a. Education on and prevention of self-harm behavior and eating disorders.

(a) This section shall be known and cited as "Meghan's Law".

(b) Training of public school employees and volunteers – The state board shall promulgate, by September 1, 2022, a legislative rule pursuant to §29A-3B-1 *et seq.* of this code, and if necessary may promulgate an emergency rule in accordance with said article, to establish training requirements for all county board employees who might come into contact with a student, including full-time, part-time, and contract employees, as well as any volunteers of a school or school district that might come into contact with a student as such employees and volunteers may be further defined in the rule. The training shall be focused on developing skills, knowledge,

and capabilities related to preventing, recognizing, and responding to students' self-harm behaviors and eating disorders. The rule shall provide for at least the following:

(1) The required training shall include instruction and information to better equip schools and their employees, including how to:

(A) Recognize warning signs of self-harm behaviors and eating disorders that can lead to serious health issues and death;

(B) Support the healthy development of students by learning how to appropriately respond to or refer a student who exhibits warning signs of self-harm or eating disorders; and

(C) Provide consistent and standard protocols for responding to disclosures or discovery of self-harm or an eating disorder;

(2) The rule shall contain provisions to ensure that public school employees complete the required training every three years; and

(3) The rule may provide for this training to be administered virtually or through self-review of materials and resources provided by the state board.

(c) Education of middle school and high school students – Beginning September 1, 2022, children in grades 5-12 shall receive information regarding self-harm and eating disorder signs, prevention, and treatment.

(1) This education shall occur at least once per academic school year.

(2) The information may be obtained from the Bureau for Behavioral Health and Health Facilities, a licensed healthcare provider, or from commercially developed awareness and prevention training programs for the awareness, treatment resources, and prevention of self-harm behavior and eating disorders approved by the state board in consultation with the

bureau to assure the accuracy and appropriateness of the information.

(3) To facilitate this process and develop resources, the state board may promulgate a legislative rule pursuant to §29A-3B-1 *et seq.* of this code."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4074 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40a, all relating to providing education on and prevention of self-harm behavior and eating disorders in public schools; naming the section "Meghan's Law"; requiring the state board to promulgate a legislative rule to establish training requirements for certain county board employees and volunteers on students' self-harm behaviors and eating disorders; setting forth criteria for said rule; requiring middle school and high school students at least once per academic school year receive information regarding self-harm and eating disorders signs, prevention and treatment; specifying allowable sources of the information; and allowing the promulgation of state board rules to facilitate student education process and develop resources."

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 109)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Ellington, Gearheart, Horst and Wamsley.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4074) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

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. 6 - "A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to the applicability of "corporate veil piercing" analysis to impose personal liability on a member or manager of a limited liability company; establishing the intent and policy of the Legislature to modify the applicability of "corporate veil piercing" analysis adopted in Joseph Kubican v. The Tavern, LLC, 232 W.Va. 268, 752 S.E.2d 299 (2013) with respect to certain claims against a limited liability company; clarifying circumstances in which members of a limited liability company may be held liable in their capacity as members for debts, obligations, or liabilities of the company; establishing criteria required for court to apply "corporate veil piercing analysis" in certain claims asserted against a limited liability company; providing for liability of non-human members of a limited liability company under doctrine of joint enterprise liability; providing for liability of a member of a limited liability company as a tortfeasor; authorizing a creditor of a limited liability company to seek "clawback" from a member of limited liability company under certain circumstances; and defining terms"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 312 - "A Bill to amend and reenact §64-7-1 et. seq. of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; relating to

authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to nonintoxicating beer licensing and operations procedures; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to continuing education for individual insurance producers and individual in; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to the adoption of the valuation manual; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to term and universal life insurance reserve financing; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to bail bondsmen in criminal cases; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to the West Virginia Lottery State Lottery Rules; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery Limited Video Lottery Rule; relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to pari-mutuel wagering; relating to authorizing the Tax Department to promulgate a legislative rule relating to the West Virginia tax credit for Federal Excise Tax imposed upon small arms and ammunition manufacturers; relating to authorizing the Tax Department to promulgate a legislative rule relating to the Sales Tax Holiday; relating to authorizing the Tax Department to promulgate a legislative rule relating to the exemption for repair, remodeling, and maintenance of an aircraft; relating to authorizing the Tax Department to promulgate a legislative rule relating to vendor absorption or assumption of Sales and Use tax; and relating to authorizing the Tax Department to promulgate a legislative rule relating to on-line bingo and raffles; and relating to authorizing the Tax Department to promulgate a legislative rule to the corporation net income tax"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 419 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to the Department of Health and Human Resources entering into contracts with managed care organizations that allow payments based upon performance-based metrics; evaluating the impact that post-discharge planning and the provision of wraparound services has on the outcomes of substance use disorder in three years post-substance use disorder residential treatment; requiring the Bureau for Medical services to seek an amendment to existing waivers from the Centers for Medicare and Medicaid Services; creating advisory committee; setting terms of performance based contract; and required reporting"; which was referred to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2022, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 533 - "A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-19-13; and to amend said code by adding thereto a new section, designated §33-3-14e, all relating to funding for health sciences and medical schools in this state; eliminating the direction of proceeds of the soda tax into special medical school fund; providing for the eventual elimination of the tax; providing for a sunset date; directing a portion of insurance premium tax to health sciences and medical schools in this state; setting out findings; providing for specific amounts to be directed to Health Sciences Center at West Virginia University, Marshall University School of Medicine, and West Virginia school of Osteopathic Medicine; providing for effective dates, providing for quarterly distribution for dedicated fund; and providing that the amounts directed from premium tax

shall not limit total appropriation to the health sciences and medical schools"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 540 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-15-28, all relating to municipal fire departments; providing for municipal fire departments to provide service weapons to municipal fire marshal upon retirement in certain circumstances; and allowing the sale of retired service weapons to active and retired fire marshals"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 546 - "A Bill to amend and reenact §18B-10-1c of the code of West Virginia, 1932, as amended; and to amend and reenact §18B-10-8 of said code, all relating to using fees and other money collected from students at institutions of higher education; defining terms; clarifying allowable expenses for the use of tuition and required general fees; providing for fees charged to be used for information technology purposes; allowing for a specified percentage of gross tuition revenue funds to be spent on information technology projects; and establishing what costs are allowable for information technology projects"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 550 - "A Bill to amend and reenact §18B-1-1f of the Code of West Virginia, 1931, as amended; and to amend

and reenact §18B-1B-4 of said code; all relating to funding for institutions of higher education; clarifying the powers and duties of the Higher Education Policy Commission; establishing additional criteria for a state institution of higher education to be considered exempt from the requirement that the council or the commission approve the establishment of new programs on their own campuses for programs incentivized within the funding formula established herein; directing the Higher Education Policy Commission to develop and implement a funding formula model; providing that the funding formula shall govern the appropriation requests to the Legislature regarding distribution of general revenue to the state's institutions of higher education; providing for rulemaking; setting forth factors to be included in the rule; setting out factors which may not be included in the rule and making the rule applicable to the 2024 budget cycle"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 576 - "A Bill to amend §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to unemployment insurance generally; and authorizing the receipt of unemployment benefits by an otherwise eligible person who has left employment due to his or her employer denying his or her request for a medical or religious exemption regarding a COVID-19 vaccination requirement"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

Com. Sub. for S. C. R. 28 - "Requesting the Division of Highways name an interstate bridge bearing the bridge numbers 13-064/00-159.39 (EB and WB) (13A1442, 13A145), (37.88992, -

80.57907), locally known as Williamsburg Road Bridge, carrying I-64 (NB and SB) over County Route 9 in Greenbrier County, as the 'U.S. Army PVT Garland Lee Loudermilk Memorial Bridge'."

Whereas, Garland Lee Loudermilk was born on July 16, 1923, in Clintonville, West Virginia, to Johnny and Bertha Loudermilk; and

Whereas, Garland Lee Loudermilk enlisted on January 21, 1944, and was a member of the United States Army's 89th Calvary Recon Squadron, 9th Armored Division at the Rhine River in Germany during World War II; and

Whereas, PVT Garland Lee Loudermilk was married to Letha M. Loudermilk; and

Whereas, Sadly, PVT Garland Lee Loudermilk was killed in action on March 8, 1945, during the Battle of the Bulge, fighting to protect the country he loved; and

Whereas, PVT Garland Lee Loudermilk is buried at the Henri-Chapelle American Cemetery in Henri Chapelle, Belgium, at Plot E, Row 10, Grave 23; and

Whereas, PVT Garland Lee Loudermilk was awarded a Purple Heart, European-African-Middle Eastern Campaign Medal, World War II Victory Medal, and the Honorable Service Lapel Button for his sacrifice and actions during his deployment in World War II; and

Whereas, It is fitting that an enduring memorial be established to commemorate PVT Garland Lee Loudermilk and his sacrifice to our state and county; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name an interstate bridge bearing the bridge number 13-064/00-159.39 (EB and WB) (13A1442, 13A145), (37.88992, -80.57907), locally known as Williamsburg Road Bridge, carrying I-64 (NB and SB) over

County Route 9 in Greenbrier County, as the "U.S. Army PVT Garland Lee Loudermilk Memorial Bridge" and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army PVT Garland Lee Loudermilk Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways, as well as to the Loudermilk family.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

Com. Sub. for S. C. R. 29 - "Requesting the Division of Highways name, upon construction of the new bridges that will replace the Donald M. Legg Memorial Bridge, carrying I-64 over the Kanawha River, locally known as the Nitro-St. Albans Bridge in Kanawha County, the new westbound lanes/bridge, the 'Nitro WW I Memorial Bridge', while retaining the 'Donald M. Legg Memorial Bridge' name for the eastbound lanes/bridge at that location."

Whereas, On August 29, 1916, the United States Congress authorized the building of the Naval Ordnance Plant between U.S. 60 and the railroad in South Charleston, West Virginia. The plant took two years to build, spanned 900,000 square feet, and began operating in May of 1918. According to Secretary of the Navy Josephus Daniels, this naval base was the first in U.S. history to be placed away from seawaters. The U.S. Navy was drawn to the location by West Virginia's Natural Resources, as well as its "moral environment and splendid citizenship". The plant manufactured military equipment such as armor plates, gun forgings, and projectiles for battleships and cruisers which were used by the U.S. Navy in World War I; and

Whereas, Nitro was a World War I boom town believed to be named after nitrocellulose, which was used to manufacture smokeless gunpowder and other explosive devices. The plant was one of three selected by the U.S. government under the Deficiency Appropriations Act to relieve a severe shortage of gunpowder. Nitro's location, 14 miles from Charleston, was chosen because it was secure from coastal attacks and climatic conditions while having access to railroads, waterways, and raw materials. The ordnance plant complex was known as Explosive Plant C. It was built in just 11 months and thousands of workers, supplies, and materials arrived practically overnight; and

Whereas, During the 11 months that the Explosive Plant C was in operation, the town was 90 percent complete and housed 23,951 people associated with the plant. There was a high turnover of people coming and going from the plant, with workers from each state and representing 41 different nationalities. Some who arrived for work in 1918 suffered from Spanish influenza, and army barracks and other buildings had to be converted into hospitals to care for the sick; and

Whereas, By the end of the war on November 11, 1918, Explosive Plant C had produced 350 tons of smokeless gun powder per day. On Armistice Day, Nitro celebrated with a parade of cars, military tanks, and a band. Within two weeks after the Armistice, 12,000 people left Nitro and there were not enough workers to sustain plant production. The director of the plant turned its operation over to the Ordnance Department on January 15, 1919, and the plant was declared surplus as the U.S. government prepared to liquidate the property. Workers were laid off in October of 1919 and, a month later, the facilities were sold at auction to the Charleston Industrial Corporation; and

Whereas, In November of 1919, a state charter was granted to the Charleston Industrial Corporation, which was organized for the specific purpose of purchasing and redeveloping the surplus government property at Nitro. The Charleston Industrial Corporation launched a sales promotion campaign to attract new industries and businesses to the area, focusing on manufacturing and chemical industries. By 1921, the future of Nitro was

beginning to take shape with many wartime holdovers calling it home and relying on their friends and neighbors for fellowship, common interests, and help in time of need. This early community spirit remains strong; and

Whereas, Remnants of Nitro's gunpowder production history can be seen throughout the town and many special events associated with both World War I and World War II are held each year. The town proudly celebrates its wartime history and being known as a "living memorial to World War I"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Nitro's rich past, significance, and contributions to our state and country during World War I, while retaining the "Donald M. Legg Memorial Bridge" name for the eastbound lanes/bridge at that location; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the new westbound lanes/bridge, upon construction of the new bridges that will replace the Donald M. Legg Memorial Bridge, carrying I-64 over the Kanawha River, locally known as the Nitro-St. Albans Bridge in Kanawha County, the "Nitro WW I Memorial Bridge", while retaining the "Donald M. Legg Memorial Bridge" name for the eastbound lanes/bridge at that location; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the westbound lanes/bridge as the "Nitro WW I Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Resolutions Introduced

Delegates Gearheart, Ellington, Maynor and Smith offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 61 - "Requesting the Division of Highways name Bridge Number: 28-019/00-020.58 (28A187), (37.43298, -81.11005) locally known as GARDNER ROAD BRIDGE, carrying US 19 over BLUESTONE RIVER in Mercer County, the 'Timothy Wayne Farley Memorial Bridge'."

Whereas, Timothy Wayne Farley, a Spanishburg native, founding Chief of the Bluestone Valley Volunteer Fire Department and 16-year veteran as the Mercer County Emergency Management Director and Flood Plain Manager died suddenly and unexpectedly on January 23, 2021, at the age of 64. Tim is survived by his wife, Debbie; son, Lt. Col. Matthew Tad Farley, USAir Force; his wife Rebecca and their three children; and

Whereas, Tim was a devoted community servant with a life-long commitment to service that shown brightly during his teenage years when he led the Spanishburg High School Wildcats to an undefeated 20-0 season in 1974 and earned All-Area Team honors. He continued that commitment to excellence in college where he played basketball for the Bluefield State Big Blues earning All-West Virginia Conference Honorable Mention honors in 1976 and later graduated with a dual degree in electrical engineering and business administration; and

Whereas, Tim and his childhood sweetheart, Debbie (Henry) Farley, lived and worked in the Spanishburg area. While Tim worked various jobs including truck driver, he and his wife owned and operated the Valley General store across US Route 19 from the high school. The Farleys dedicated their lives to raising their son, Matthew and serving their community. Tim took a leadership role in the effort to establish the Bluestone Valley Volunteer Fire Department and became the department's first chief — a role he still held at the time of his death; and

Whereas, In 2005, Tim was appointed to serve as Mercer County Emergency Services Director/FIood Plain Manager. His education, life experiences, dedication to helping others and willingness to meet intense challenges during times of trouble combined to earn him the highest level of respect locally, statewide, and regionally in emergency service circles. His calm

demeanor and clarity of focus were called to the forefront during the period of local, regional, national, and international emergency during the COVID-19 pandemic. Tim's steadfast heart and unyielding focus gave guidance and comfort to all those he worked tirelessly to help during this time of uncertainty. A Christian soldier at heart, Tim's life of service appeared to be driven by the words in Isaiah 6:8 — Then I heard the voice of the Lord saying, "Whom shall I send? And who will go for us?" And I said, "Here am l. Send me"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Timothy Wayne Farley and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 28-019/00-020.58 () (28A187), (37.43298, -81.11005) locally known as Gardner Road Bridge, carrying US 19 over Bluestone River in Mercer County, the "Timothy Wayne Farley Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Timothy Wayne Farley Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Motions

The bill being in possession of the Clerk, on motion of Delegate Summers, the House reconsidered the vote on yesterday to make, **H. B. 4301**, Reforming membership requirements of Huntington Park and Recreation District Board, effective from passage.

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

H. B. 4301 – "A Bill to amend and reenact section two, chapter 26, Acts of the Legislature, regular session, 1925 (municipal charters), as last amended by chapter 110, Acts of the Legislature, regular session 2003, relating to election of commissioners to Greater Huntington Park and Recreation District board; providing for nonpartisan elections; modifying composition of board; modifying timing of elections; providing for number and composition of commissioners to be elected at primary election in 2022; providing for number and composition of commissioners to be elected at primary election in 2024; and providing for number and composition of commissioners to be elected at primary election in 2026."

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

On this question, the yeas and nays were taken **(Roll No. 110)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Ellington and Horst.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4301) 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.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Crouse, Mazzocchi, Tully, Honaker and Booth:

H. B. 4635 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6B-2C-1 and §6B-2C-2, all relating to prohibiting the naming of any public infrastructure facilities owned or funded by the state from being

named for a living current or former public officer"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Pack, Graves, Householder, Criss, Steele, Foster, Kimes, Westfall and Queen:

H. B. 4636 - "A Bill to amend and reenact §11-13-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-13-32, all relating to clarifying that business and occupation taxes, as well as city service fees, that are owed to a city or municipality are considered to be remitted 'on time' when the date that they are postmarked is on or before the deadline date, rather than on the date that such taxes are physically received by a city or municipality; and clarifying that cities and municipalities may not impose a late fee or penalty for those taxes owed to them so long as they are postmarked on or before the deadline date"; to the Committee on the Judiciary.

By Delegate Young:

H. B. 4637 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, §21-5J-4, §21-5J-5, §21-5J-6, §21-5J-7, §21-5J-8, §21-5J-9, and §21-5J-10, all relating to creating a paid parental leave pilot program; providing findings and purpose; definitions; paid parental leave and requirements for claiming benefits; requiring employer to continue group health insurance coverage for employee; employment benefits and seniority position upon return from leave; benefits not to accrue during period of leave; employers required to respond to survey to Department of Labor; requiring department to report to Joint Committee on Government Organization; authorizing emergency rulemaking authority; and providing December 31, 2026, sunset"; to the Committee on Banking and Insurance then Finance.

By Delegates Walker, Fleischauer, Zukoff, Pushkin, Young, Lovejoy, Hornbuckle and Rowe:

H. B. 4638 - "A Bill to amend and reenact §48-19-105 of the Code of West Virginia, 1931, as amended, relating to increasing

minimum salaries for Bureau for Child Support Enforcement attorneys"; to the Committee on Finance.

By Delegates Walker, Pushkin, Thompson, Lovejoy, Hornbuckle and Rowe:

H. B. 4639 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §25-8-1, §25-8-2, §25-8-3, §25-8-4, and §25-8-5, all relating to creating the West Virginia Higher Education Prison Task force; providing legislative findings; providing for the creation of the task force; providing for the makeup and composition of the task force; providing for a pay and meeting schedule, as well as a reporting requirement; and detailing the goal of the task force"; to the Select Committee on Jails and Prisons then Education then Finance.

By Delegates Hansen, Fleischauer, Walker, Williams and Doyle:

H. B. 4640 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-1-4, relating to requiring disclosure of the lawful activity that is the basis of a permit application with the Department of Environmental Protection; and providing exceptions thereto"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Burkhammer and Martin:

H. B. 4641 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §23-4-2a, relating to eligibility for workers' compensation benefits by persons that suffer a traumatic personal injury; requiring blood tests of persons being treated for a traumatic personal injury by the medical provider to determine whether the person is intoxicated under certain circumstances; requirements for testing; circumstances when a blood test may not be administered; exceptions; denial of benefits upon refusal to submit to a blood test; disclosure to certain persons of test information and results and of refusal of test; and limiting criminal and civil liability of persons administering tests"; to the Committee on the Judiciary.

By Delegate Steele:

H. B. 4642 - "A Bill to amend and reenact §61-10-15 of the Code of West Virginia, 1931, as amended, relating to pecuniary interest of county and district officers, teachers, and school officials in contracts; making an exception to criminal violation for contract for goods or supplies when the contract has been put out for competitive bid and the contract is awarded based upon lowest cost"; to the Committee on Government Organization.

By Delegate Barrett:

H. B. 4643 - "A Bill to amend and reenact §16-2D-8, §16-2D-10 and §16-2D-11 of the Code of West Virginia, 1931, as amended, all relating to certificate of need; providing which health services require a certificate of need; and exempting certain health services from certificate of need"; to the Committee on Health and Human Resources.

By Delegates Foster, Kimes and Steele:

H. B. 4644 - "A Bill amend and reenact §19-16A-14 of the Code of West Virginia, 1931, as amended, relating to agriculture and the West Virginia Pesticide Control Act; and exempting from the requirement of an annual pesticide business license for persons applying products that are generally available through retail sale at groceries, drug stores and other stores offering a broad variety of consumer products"; to the Committee on Government Organization.

By Delegates Smith, Ellington, Foster, Maynor, Sypolt, Reed, Criss and Martin:

H. B. 4645 - "A Bill to amend and reenact §11-8-16 of the Code of West Virginia, 1931, as amended, relating to allowing for surplus money collected above voter approved excess levy requests to remain with the county voting for the levy and placed in the county's general fund"; to the Committee on Political Subdivisions then Finance.

By Delegate Griffith:

H. B. 4646 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, relating to funding school safety design; creating Safety in Schools

fund; and setting forth award procedure"; to the Committee on Finance.

By Delegates Steele and Foster:

H. B. 4647 - "A Bill to amend and reenact §30-6-3, §30-6-8, §30-6-9, §30-6-15, §30-6-16, §30-6-17, §30-6-19, and §30-6-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-6-22b, all relating to the Board of Funeral Service Examiners; permitting alkaline hydrolysis; clarifying terms; removing apprenticeship restrictions on applicants; clarifying apprenticeship course requirements; clarifying examination requirements; eliminating the requirement for board to provide continuing education; providing for a biennial funeral establishment renewal inspection; providing for certification of alkaline hydrolysis; providing for rules for alkaline hydrolysis; and clarifying recognition of licensees in charge of funeral establishments"; to the Committee on Health and Human Resources then Government Organization.

By Delegates Skaff, Steele, Hornbuckle, Crouse, Hanna, Summers, Capito, Bridges, Toney and Thompson:

H. B. 4648 - "A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to providing protections for exceptional children in public schools; requiring designation of a county monitoring supervisor for recordings of certain school facilities; defining terms; designating persons responsible to be custodian of recordings; requiring audio recordings of certain locations; modifying conditions and requirements associated with preserving and releasing recordings; and requiring signing of disclosure form by certain school employees"; to the Committee on Education then Finance.

By Delegate Rohrbach:

H. B. 4649 - "A Bill to repeal §5-16B-6b, §5-16B-6c, and §5-16B-6e of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-16B-1, §5-16B-2, §5-16B-3, §5-16B-4, §5-16B-5, §5-16B-6, §5-16B-6a, §5-16B-6d, §5-16B-8, §5-16B-9, and §5-16B-10 of said code, all relating to the operation of the West Virginia Children's Health Insurance Program"; to the Committee on Health and Human Resources.

By Delegates Barach, Haynes, Lovejoy, Young, G. Ward, Mallow, Griffith, Evans, Rowe, Williams and Garcia:

H. B. 4650 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22m; and to amend said code by adding thereto a new section, designated §18-7A-26x, all relating to providing a $1,000 cost-of-living adjustment to certain retirees of the Public Employees Retirement System and the State Teachers Retirement System; and providing for the pro rata distribution of the cost-of-living adjustment to certain beneficiaries"; to the Committee on Finance.

By Delegates Foster, Kimes, Steele and Crouse:

H. B. 4651 - "A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-13-32, all relating to setting a limit on the amount of fees that may be collected by third party vendors or contractors who collect business and occupation taxes on behalf of a city or municipality"; to the Committee on Finance.

By Delegates Linville, Howell, Barrett, Hardy, Maynard, Paynter, Hamrick, Storch, Foster, Sypolt and Barnhart:

H. B. 4652 - "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, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, and §11-13MM-10, all relating to the Proficient Customer Service Communications Act; providing for a short title; providing legislative findings and purpose; creating definitions; establishing the Proficient Customer Service Communications tax credit; providing for restrictions on investment; providing for a penalty; providing for disclosure of tax credits; providing for tax credit review and accountability; creating rules; and providing for an effective date"; to the Select Committee on Tourism and Economic Diversification then Finance.

By Delegates Howell, Haynes, Linville, Foster, Maynor, Householder, Martin, Tully, Riley, Hanshaw (Mr. Speaker) and Hamrick:

H. B. 4653 - "A Bill to amend and reenact §11-6F-2 and §11-13S-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §11-13LL-1, §11-13LL-2, §11-13LL-3, §11-13LL-4, §11-13LL-5, §11-13LL-6, §11-13LL-7, §11-13LL-8, §11-13LL-9, §11-13LL-10, §11-13LL-11, §11-13LL-12, §11-13LL-13, §11-13LL-14, §11-13LL-15, §11-13LL-16, §11-13LL-17; and to amend said code by adding thereto a new section, designated §11-15-9u, all relating generally to taxation for the manufacturing, sale, and use of certain defined products to encourage economic growth; amending the definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending the formula for calculating the manufacturing investment tax credit amount allowed for manufacturing investment to include tire manufacturing, sport fishing equipment manufacturing, bow, quiver, broadhead, and point manufacturing, arrow shaft manufacturing, vaccine manufacturing, feed stock manufacturing, and fuel refinery manufacturing; increasing the amount of such allowable credit for said industries; creating the West Virginia Economic Diversification Act; providing for administration and enforcement of the tax credit; making legislative findings; stating legislative purpose; defining terms; specifying an amount of credit allowable based upon the amount of federal excise tax paid, providing limitations based upon qualified investment amount; providing conditions for qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for carry over and forfeiture of unused tax credits; providing limitations for credits being carried over; allowing transfer of qualified investment property without forfeiture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and construction; requiring timely filing of application for credit; specifying burden

of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; and providing for severability; providing effective dates; and providing for certain exemptions"; to the Select Committee on Tourism and Economic Diversification then Finance.

By Delegates Howell, Statler, Hott, Maynard, Criss, Pinson, Householder, Hamrick, Wamsley, Linville and Martin:

H. B. 4654 - "A Bill to amend and reenact §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §11-13LL-1, §11-13LL-2, §11-13LL-3, §11-13LL-4, §11-13LL-5, §11-13LL-6, §11-13LL-7, §11-13LL-8, §11-13LL-9, §11-13LL-10, §11-13LL-11, §11-13LL-12, §11-13LL-13, §11-13LL-14, §11-13LL-15, §11-13LL-16, §11-13LL-17, all relating generally to the creation of the Downstream Steel, Aluminum, and Metal Product Manufacturing Act of 2022; providing certain relief of taxation for the manufacturing, sale, and use of certain defined products to encourage economic growth; amending the definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending the formula for calculating the manufacturing investment tax credit amount allowed for manufacturing investment to include steel, aluminum, and metal product manufacturing; increasing the amount of such allowable credit for said industries; creating the Downstream Steel, Aluminum, and Metal Product Manufacturing Act of 2022; providing for administration and enforcement of the tax credit; making legislative findings; stating legislative purpose; defining terms; providing limitations based upon qualified investment amount; providing conditions for qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for carry over and forfeiture of unused tax credits; providing limitations for credits being carried over; allowing transfer of qualified investment property without

forfeiture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and construction; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; and providing for severability; providing effective dates; and providing for certain exemptions"; to the Select Committee on Tourism and Economic Diversification then Finance.

By Delegates Howell, Criss, Pinson, Martin, Householder, Hamrick, Wamsley, Linville, Phillips, Zatezalo and Storch:

H. B. 4655 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13LL-1, §11-13LL-2, §11-13LL-3, §11-13LL-4, §11-13LL-5, §11-13LL-6, §11-13LL-7, §11-13LL-8, §11-13LL-9, and §11-13LL-10, all relating to the Commercial Opportunity Zone Tax Credit Act; providing for a short title; providing legislative findings and purpose; creating definitions; establishing the Commercial Opportunity Zone tax credit; providing for restrictions on investment; providing for a penalty; providing for disclosure of tax credits; providing for tax credit review and accountability; creating rules; and providing for an effective date"; to the Select Committee on Tourism and Economic Diversification then Finance.

By Delegates Howell, Householder, Criss, Jennings, Linville, Booth, Martin, Hanshaw (Mr. Speaker), Espinosa, Statler and Hamrick:

H. B. 4656 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-10-1, §5B-10-2, and §5B-10-3, all relating to creation of the Remote Worker Home Development Act; providing for legislative findings; establishing parameters for the creation of homes and subdivisions to comport with the purpose of the Act; creating guidelines; and providing for an effective date"; to the Select

Committee on Tourism and Economic Diversification then Finance.

By Delegates Howell, Hanshaw (Mr. Speaker), Hamrick, Keaton, Linville, Barnhart, Householder, Criss and Clark:

H. B. 4657 - "A Bill to amend and reenact §11-13A-3c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, §11-13MM-11, §11-13MM-12, §11-13MM-13, §11-13MM-14, §11-13MM-15, §11-13MM-16, §11-13MM-17, §11-13MM-18, §11-13MM-19, §11-13MM-20, and §11-13MM-21; and to amend said code by adding thereto a new section, designated §22-2-10, all relating to the creation of the Critical Mineral Investment Tax Credit Act of 2022; exempting rare earth elements, critical minerals, and carbon-based products otherwise taxed elsewhere in the code; providing for administration and enforcement of act; providing for a short title; making legislative findings relating to the mining and processing of rare earth elements and critical minerals, as well as the manufacturing of products that require rare earth elements and critical minerals; establishing the legislative purpose for the act; defining terms of the act; specifying an amount of credit allowable based on amount of qualified investment and the number of new jobs created as they relate to mining, processing, and manufacturing of products that require rare earth elements and critical minerals; providing limitations and conditions for the qualification and use of the act; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment in rare earth element, critical mineral, and carbon-based product mining and processing facilities, as well as manufacturing facilities whose products require rare earth elements, critical minerals, and carbon-based products; providing for a determination and certification of the number of new jobs as they relate to the act; providing for carry over and forfeiture of unused tax credits and redetermination of tax credits under certain

circumstances; providing certain limitations for credits being carried over; providing for full recapture and partial recapture of credit under certain circumstances and imposing a recapture tax; allowing transfer of qualified investment property without forfeiture or recapture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and construction of credit; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing for severability; allowing for qualified investments; specifying an effective date for the act; and clarifying ownership of rare earth elements, critical minerals, and carbon-based products in order to incentivize acid mine drainage treatment while recovering rare earth elements, critical minerals, and carbon-based products"; to the Select Committee on Tourism and Economic Diversification then Finance.

By Delegates Howell, Maynard, Paynter, Hamrick, Keaton, Hanshaw (Mr. Speaker), Zatezalo, Storch, Anderson, Ellington and Foster:

H. B. 4658 - "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 the Critical Mineral Reinvestment Tax Credit; establishing a short title; providing for legislative findings, purpose, and definitions; providing for the amount of credit and limitations; defining the credit allowed for opening or relocating a manufacturing facility or corporate headquarters in this state who use rare earth elements or critical minerals in the manufacturing of their products; clarifying the credit allowable for certified projects; and providing for an effective date"; to the Select Committee on Tourism and Economic Diversification then Finance.

By Delegates Howell, Criss, Pinson, Martin, Householder, Hamrick, Linville, Phillips, Zatezalo, Storch and Wamsley:

H. B. 4659 - "A Bill to amend and reenact §11-6F-2 and §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §11-13LL-1, §11-13LL-2, §11-13LL-3, §11-13LL-4, §11-13LL-5, §11-13LL-6, §11-13LL-7, §11-13LL-8, §11-13LL-9, §11-13LL-10, §11-13LL-11, §11-13LL-12, §11-13LL-13, §11-13LL-14, §11-13LL-15, §11-13LL-16, §11-13LL-17, all relating generally to taxation for the manufacturing, sale, and use of heavy duty trucks and products associated therewith to encourage economic growth; amending the definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending the formula for calculating the manufacturing investment tax credit amount allowed for manufacturing investment to include heavy duty truck manufacturing; increasing the amount of such allowable credit for said industries; creating the West Virginia Heavy Duty Truck Excise Tax Elimination Act; providing for administration and enforcement of the tax credit; making legislative findings; stating legislative purpose; defining terms; specifying an amount of credit allowable based upon the amount of federal excise tax paid, providing limitations based upon qualified investment amount; providing conditions for qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for carry over and forfeiture of unused tax credits; providing limitations for credits being carried over; allowing transfer of qualified investment property without forfeiture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and construction; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; and providing for severability; providing effective

dates; and providing for certain exemptions"; to the Select Committee on Tourism and Economic Diversification then Finance.

Special Calendar

Unfinished Business

H. C. R. 23, Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families; coming up in regular order, as unfinished business, was reported by the Clerk.

The question now being on the 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. 111)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Ellington and Horst.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 23) adopted.

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

Third Reading

Com. Sub. for S. B. 279, Authorizing DEP to promulgate legislative rules; 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. 112)**, and there were—yeas 72, nays 22, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Barach, Boggs, Booth, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Clark, Dean, Ellington, Griffith, Horst and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 279) passed.

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

On this question, the yeas and nays were taken **(Roll No. 113)**, and there were—yeas 73, nays 21, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Barach, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Clark, Dean, Ellington, Griffith, Horst and Linville.

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 S. B. 279) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

S. B. 450, Updating definitions of WV Personal Income Tax Act; 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. 114)**, and there were—yeas 93, nays none,

absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Dean, Ellington, Fleischauer, Griffith, Horst and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 450) passed.

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

On this question, the yeas and nays were taken **(Roll No. 115)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Dean, Ellington, Fleischauer, Griffith and Horst.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 450) 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. 451, Updating definitions of WV Corporation Net Income Tax Act; 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. 116)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Dean, Ellington, Fleischauer, Griffith and Horst.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 451) passed.

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

On this question, the yeas and nays were taken **(Roll No. 117)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Dean, Ellington, Fleischauer, Griffith and Horst.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 451) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

H. B. 4007, To reduce personal income tax rates; 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. 118)**, and there were, including pairs—yeas 76, nays 20, absent and not voting 4, with the paired, the nays and the absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Clark Nay: Doyle

Nays: Barach, Boggs, Brown, Diserio, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Dean, Ellington, Griffith and Horst.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4007) passed.

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

Com. Sub. for H. B. 4114, Authorizing certain agencies of the Department of Administration to promulgate legislative rules; 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. 119)**, and there were—yeas 93, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Clark, Dean, Ellington, Griffith, Horst and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4114) passed.

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

On this question, the yeas and nays were taken **(Roll No. 120)**, and there were—yeas 93, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Clark, Dean, Ellington, Griffith, Horst and Worrell.

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. 4114) 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.

Com. Sub. for H. B. 4295, To transfer the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management; 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. 121)**, and there were—yeas 92, nays 2, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Kimes and Young.

Absent and Not Voting: Clark, Dean, Ellington, Griffith, Horst and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4295) passed.

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

Com. Sub. for H. B. 4420, To modify definitions of school bus operators.; 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. 122)**, and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Dean, Ellington, Fluharty, Griffith, Horst and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4420) passed.

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

H. B. 4438, Applying current requirements for certain voting systems to be independent and non-networked to all voting systems that seek certification in West Virginia.; 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. 123)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Dean, Ellington, Griffith, Horst and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4438) passed.

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

H. B. 4517, Relating to the repealing requirements to display video ratings; 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. 124)**, and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Clark, Dean, Ellington, Griffith, Horst and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4517) passed.

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

H. B. 4535, Repeal section relating to school attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle; on third reading, coming up in regular order, was read a third time.

Delegates Crouse, Foster, Honaker, Paynter and Thompson asked and obtained unanimous consent to be added as a cosponsor of H. B. 4535.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 125)**, and there were—yeas 68, nays 25, absent and not voting 7, with the absent and not voting being as follows:

Nays: Anderson, Boggs, Brown, Diserio, Doyle, Espinosa, Evans, Fast, Fleischauer, Fluharty, Gearheart, Hansen, Hornbuckle, Howell, Lovejoy, Pethtel, Rohrbach, Rowe, Skaff, Storch, Toney, Walker, Westfall, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Clark, Dean, Ellington, Griffith, Horst, Riley and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4535) passed.

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. 2257, Relating to extended supervision for certain drug offenders; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page one, by section thirty, line seven, by striking out the words "of this code" following "§60A-4-409(b)(1)".

And,

On page one, section thirty line seven, by striking out the third letter "s" from the word "substances".

Delegate Burkhammer moved to amend the bill on page two, section thirty, line thirty-two, by striking out the words "six months" and inserting the words "two years" in lieu thereof.

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

The yeas and nays having been ordered, they were taken **(Roll No. 126)**, and there were—yeas 36, nays 53, absent and not voting 11, with the yeas and the absent and not voting being as follows:

Yeas: Barrett, Booth, Burkhammer, Conley, Cooper, Criss, Crouse, Ferrell, Foster, Hanna, Hardy, Haynes, Holstein, Honaker, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, J. Kelly, Kessinger, Kimes, Linville, Mallow, Mandt, Martin, Mazzocchi, Paynter, Phillips, Pinson, Reynolds, Statler, Steele, B. Ward and G. Ward.

Absent and Not Voting: Boggs, Brown, Clark, Dean, Ellington, Griffith, Horst, Householder, Riley, Westfall and Williams.

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

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. 2598, Modifying the inspection requirements and the definition of an above ground storage tank,

Com. Sub. for H. B. 3122, Relating to the establishment and operation of regional water, wastewater and stormwater authorities,

Com. Sub. for H. B. 4004, Relating to limiting an abortion to fifteen week's gestation,

Com. Sub. for H. B. 4005, Relating to fetal body parts,

Com. Sub. for H. B. 4008, Relating to Higher Education Policy Commission funding formula,

Com. Sub. for H. B. 4087, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage,

Com. Sub. for H. B. 4126, Authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules,

Com. Sub. for H. B. 4262, Relating to licensure for polygraph examiners,

Com. Sub. for H. B. 4282, Relating to establishing next generation 911 services in this state,

H. B. 4307, Increase some benefits payable from Crime Victims Compensation Fund,

H. B. 4396, Reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads paid electronically,

H. B. 4410, Specifying allocation, apportionment and treatment of income of flow-through entities,

Com. Sub. for H. B. 4418, Relating to the Small Business Supplier Certification Assistance Program,

Com. Sub. for H. B. 4461, Relating to the consolidation of all administrative fees collected by the agency into the existing "Tax Administration Services Fund",

And,

Com. Sub. for H. B. 4484, Declaring certain claims against agencies of the state to be moral obligations of the state.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Clark, Ellington and Horst.

Miscellaneous Business

Pursuant to House Rule 132, consent was obtained to print the following in the Appendix to the Journal:

- All remarks regarding the passage H. B. 4007

- Remarks of Delegates Boggs and Pinson regarding H. C. R. 23

- Prayer by Delegate Pack

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2160: Delegates Martin and B. Ward;

H. B. 2324: Delegate Martin;

H. B. 2686: Delegate Martin;

H. B. 2751: Delegate Martin;

H. B. 3210: Delegate Martin;

H. B. 4327: Delegate Reynolds;

H. B. 4352: Delegate Espinosa;

H. B. 4371: Delegates Hott and D. Kelly;

H. B. 4375: Delegates Hott and D. Kelly;

H. B. 4440: Delegates Burkhammer, Ferrell, Hanna, Keaton, Kimble, Mandt, Martin, Mazzocchi, Phillips and Smith;

H. B. 4490: Delegates Barrett, Fast, Hott, D. Kelly, Lovejoy and Pinson;

H. B. 4516: Delegate Martin;

H. B. 4561: Delegate Young;

H. B. 4578: Delegates Garcia and Zukoff;

H. B. 4632: Delegate Mandt;

And,

H. B. 4641: Delegate Mandt.

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. 4260: Delegate Mandt.

At 2:06 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 14, 2022.

Monday, February 14, 2022

THIRTY-FOURTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Friday, February 11, 2022, 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. 4329, To clarify the definition of an "interested person" for purposes of the West Virginia Small Estate Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4329 - "A Bill to amend and reenact §44-1-28, §44-1A-1, §44-1A-2, and §44-1A-4 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Small Estate Act; updating definitions; adding a definition of the term 'interested person' for purposes of identifying those who have a property right in or a claim against the estate of a decedent or property; and clarifying treatment of real estate of decedents in small estates,"

And,

H. B. 4553, To clarify the application of zoning requirements to exempt wholesale generators,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4553 - "A Bill to amend and reenact §8A-1-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8A-7-3 of said code; all relating to zoning requirements for exempt wholesale generators; providing for the definition of 'exempt wholesale generator'; and, providing that exempt wholesale generators are a permitted use in any zoning district,"

With the recommendation that the committee substitutes each do pass.

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. 4331, West Virginia's Urban Mass Transportation Authority Act,

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

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. 4562, Relating generally to the suspension and dismissal of school personnel by board and the appeals process,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4562 - "A Bill to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, as amended, relating generally to the suspension and dismissal of school personnel by board and the appeals process,"

With the recommendation that the committee substitute do pass.

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. 4578, Relating to authorizing the Superintendent of the State Police to administer the Handle with Care program,

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

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. J. R. 102, Clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection,

And reports the same back with the recommendation that it be adopted.

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

Com. Sub. for S. B. 25 - "A Bill to amend and reenact §55-7B-2, §55-7B-4, and §55-7B-6 of the Code of West Virginia, 1931, as amended, all relating to the prerequisites for filing suit against a health care provider under the Medical Professional Liability Act; updating the definitions of 'injury' and 'medical injury'; clarifying time limitations for bringing a cause of action for medical injury as a result of alleged medical professional liability against a health care provider; modifying time frame for providing a statement of intent to provide a screening certificate of merit in certain actions

under the Medical Professional Liability Act; and updating the tolling of the statute of limitations applicable in certain actions under the Medical Professional Liability Act"; 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. 505 - "A Bill to amend and reenact §32A-2-1, §32A-2-2, §32A-2-3, §32A-2-4, §32A-2-8, §32A-2-10, §32A-2-11, §32A-2-13, §32A-2-24, and §32A-2-25 of the Code of West Virginia, as amended; and to amend said code by adding two new sections thereto, designated §32A-2-8a and §32A-2-8b, all relating to the licensure and regulation of money transmitters; updating definitions; eliminating outdated provisions; clarifying the financial institution exemption; permitting the Commissioner of Financial Institutions to participate in the multistate licensing and examination process and to conduct examinations; updating net worth requirements to use a sliding scale; providing information requirements for a change in control and updating the change in control process; specifying requirements for individuals in control of a licensee or applicant; requiring permissible investments to match outstanding obligations; and updating the due process procedure to eliminate the two-step process for revocations and suspensions while preserving the order and hearing requirement"; which was referred to the Committee on Banking and Insurance then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 515 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender

Services, fund 0226, fiscal year 2022, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 517 - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of $22,500,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 520 - "A Bill to amend and reenact §61-3C-8 of the Code of West Virginia, 1931, as amended, relating to creating the felony offense of disrupting or degrading, causing the disruption or degradation, or threatening the disruption or degradation of computer services of another with the intent to obtain money or any other thing of value; and establishing criminal penalties"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 525 - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of $125,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title:

S. C. R. 44 – "Clarifying that the 1972 ratification by the 60th Legislature of the proposed 1972 Equal Rights amendment to the Constitution of the United States only was valid through March 22, 1979."

Whereas, The 92nd Congress of the United States of America, during its second session, with the constitutionally required vote of two thirds of both houses, on March 22, 1972, gave final approval to House Joint Resolution No. 208, commonly referred to as the Equal Rights Amendment, to propose the amendment to the Constitution of the United States, pursuant to Article V of the Constitution of the United States; and

Whereas, In offering the proposed federal constitutional amendment to America's state lawmakers, the 92nd Congress chose a deadline of 7 years, or until March 22, 1979, for the constitutionally mandated ratification of the amendment by three fourths of the country's state legislatures; and

Whereas, In Senate Joint Resolution No. 3, the First Extraordinary Session of the 60th Legislature in 1972, responded by ratifying the proposed 1972 Equal Rights Amendment to the Constitution of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby clarifies the 1972 ratification by the 60th Legislature of the proposed 1972 Equal Rights amendment to the Constitution of the United States only was valid through March 22, 1979; and, be it

Further Resolved, That the 85th Legislature deems that the vitality of Senate Joint Resolution No. 3 of the 60th Legislature by which West Virginia lawmakers ratified the 1972 Equal Rights

Amendment, officially lapsed at 11:59 p.m. on March 22, 1979; and, be it

Further Resolved, That, after March 22, 1979, the West Virginia Legislature, while in agreement women and men should enjoy equal rights in the eyes of the law, should not be counted by Congress, the Archivist of the United States, lawmakers in any other state, any court of law, or any other person, as still having on record a live ratification of the proposed Equal Rights Amendment to the Constitution of the United States as was offered by House Joint Resolution No. 208 of the 92nd Congress on March 22, 1972; and, be it

Further Resolved, That the 85th Legislature respectfully requests the full and complete verbatim text of this resolution be duly published in the United States Senate's portion of the Congressional Record, as an official memorial to the United States Senate, and that this resolution be referred to the committee of the United States Senate with appropriate jurisdiction over its subject matter; and, be it

Further Resolved, That the 85th Legislature respectfully requests the substance of this resolution be duly entered in the United States House of Representatives' portion of the Congressional Record, as an official memorial to the United States House of Representatives, and that this resolution be referred to the committee of the United States House of Representatives with appropriate jurisdiction over its subject matter; and, be it

Further Resolved, That the Secretary of State forward copies of this resolution to the Vice President of the United States, the Secretary and Parliamentarian of the United States Senate; the Speaker, Clerk, and Parliamentarian of the United States House of Representatives; each member of the West Virginia Congressional Delegation; and the Archivist of the United States at the National Archives and Records Administration in Washington, D.C.

Delegate Fluharty moved that further action on S. C. R. 44 be laid upon the table.

The Speaker replied that no motion was before the body to be tabled.

Delegate Fluharty then moved that the Senate message not be received.

On this question, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken **(Roll No. 127)**, and there were—yeas 18, nays 75, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Barach, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Boggs, Brown, Griffith, Hamrick, Hanna, Kessinger and Lovejoy.

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

The message was then received and the Speaker referred the resolution to the Committee on Rules.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had refused to concur in the title amendment of the House of Delegates and requested the House to recede from its amendment to

H. B. 4301, Reforming membership requirements of Huntington Park and Recreation District Board.

On motion of Delegate Summers, the House receded from its title amendment.

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

H. B. 4301 – "A Bill to amend and reenact section two, chapter 26, Acts of the Legislature, regular session, 1925 (municipal

charters), as last amended by chapter 187, Acts of the Legislature, regular session 2011, relating to election of commissioners to Greater Huntington Park and Recreation District Board; providing for nonpartisan elections; modifying composition of board; modifying timing of elections; providing for number and composition of commissioners to be elected at primary election in 2022; providing for number and composition of commissioners to be elected at primary election in 2024; and providing for number and composition of commissioners to be elected at primary election in 2026."

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

On this question, the yeas and nays were taken **(Roll No. 128)**, and there were—yeas 92, nays 1, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Boggs, Brown, Griffith, Hamrick, Hanna, Kessinger and Lovejoy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4301) 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.

Resolutions Introduced

Delegates Toney and Bates offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 62 - "Requesting the Division of Highways name a portion of road, beginning at Dingess Branch Road at Liberty High School in Beckley to the unincorporated sign in Naoma in Raleigh County, as the 'Raymond Jarrell, Jr., Memorial Road'."

Whereas, Raymond Jarrell, Jr., was born on February 15, 1959, to Raymond and Ruth Jarrell; and

Whereas, Raymond Jarrell, Jr., was raised by his grandparents, Carl and Sylvia Jarrell, in Raleigh County, West Virginia, and he attended Raleigh County schools; and

Whereas, Raymond Jarrell, Jr., later became an employee of Raleigh County schools as a bus driver for 28 years and also ran Jarrell Backwoods Towing for 38 years; and

Whereas, Raymond Jarrell, Jr., was a member of the Naoma Methodist Church, was a bookkeeper for the Liberty High School Raiders basketball team, and was known for philanthropic acts to benefit his community that he provided personally and through his business; and

Whereas, Raymond Jarrell, Jr., gained fame from an early age as an expert in marble games, achieving his first national championship in New Jersey in 1972 at the age of 13, for which he was recognized in the New York Times; and

Whereas, Raymond Jarrell, Jr., went on to play for the Marble King team sponsored by the famous Marble King company of Paden City, West Virginia, and eventually won the title of World Marble Champion five times in competitions held in Tinsley Green, England;

Whereas, Raymond Jarrell, Jr., passed away August 10, 2019, and was buried at Adkins Cemetery in his home community of Naoma, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate Raymond Jarrell, Jr., and his contributions to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of road, beginning at Dingess Branch Road at Liberty High

School in Beckley to the unincorporated sign in Naoma in Raleigh County, as the "Raymond Jarrell, Jr., Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the portion of road as the "Raymond Jarrell, Jr., Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs reading "Home of Raymond Jarrell, Jr., Five-Time World Marble Champion" to be placed with the present signs identifying the unincorporated community of Naoma, Raleigh County, West Virginia; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Young, Skaff, Pack and Capito offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 63 - "Requesting the Division of Highways name Bridge Number: 20-060/00-013.99 (20A146), (38.36623,-81.66858) locally known as PATRICK STREET BRIDGE, carrying US 60 over KANAWHA RIVER & BLVD in Kanawha county., the 'U. S. Army Master Sergeant Donald Lewis Coen Memorial Bridge'."

Whereas, Donald Lewis Coen was born May 20, 1928, in Wheeling, West Virginia, to Hunter Lewis Coen and Alma Unice Beckett. He attended Tiskelwah Elementary, Vandalia Elementary, South Charleston Junior High School, and South Charleston High School, where he graduated in 1943; and

Whereas, At age 17, Donald enlisted in the United States Marine Corp. He trained at Parris Island and was then sent to China for 11 months. In 1947 he transferred and enlisted in the United States Army. He was assigned to the 11th Airborne Division in Japan where he attended Glider School and Air Transport School and Jump School. In 1949 he was assigned to Fort Campbell with the 11th Airborne Division and in 1953 he was assigned to the 187th

Airborne in Korea and Japan and then back to Fort Bragg, North Carolina. Finally, he was transferred to the 101st Airborne at Fort Campbell, Kentucky; and

Whereas, Master Sergeant Coen married Shelby Jean Smith in 1958. They had three children, Donald Lewis Coen, Dana Suzette Coen Vaugh, and Shani Nicole Coen, who is deceased. Master Sergeant Coen and his wife lived in Germany during the Vietnam conflict and then were transferred to McDill Air Force Base near the end of his military career. He retired in 1972 after 28 years in military service; and

Whereas, Master Sergeant Coen was awarded various medals including the Bronze Star, Army Commendation Medal, Good Conduct Medal and Clasp Silver Loop, Army Occupation Medal and Japan Clasp, Korean Service Medal, Vietnam Service Medal, United Nations Service Medal, Republic of Vietnam Campaign Ribbon with device, Parachutist Badge—Basic, Parachutist Badge—Master, and Diver Badge –1st Class; and

Whereas, Master Sergeant Coen retired to Tennessee where he worked for that State, obtained a GED degree in May 1980. He loved fishing and coaching his children in football, baseball, and softball; and

Whereas, Master Sergeant Coen suffered a stroke and passed on May 1, 1997, in Centerville, Tennessee at age 68; and

Whereas, It is fitting that an enduring memorial be established to commemorate Master Sergeant Donald Lewis Coen and his/her contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 20-060/00-013.99 (20A146), (38.36623,-81.66858) locally known as PATRICK STREET BRIDGE, carrying US 60 over KANAWHA RIVER & BLVD in Kanawha county., the "U. S. Army Master Sergeant Donald Lewis Coen Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army Master Sergeant Donald Lewis Coen Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Hansen, Fleischauer, Walker, Statler and Williams offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 64 - "Requesting the Division of Highways name a portion of Old Route 73 (39.659317, -79.772097 to 39.658476, -79.645041), in Preston County, West Virginia, the 'Robin W. Ames Memorial Road'."

Whereas, Robin Wendell Ames was tragically killed by the careless actions of a distracted driver who was texting on her phone and hit and killed him while he rode his bike along Old Route 73 in Bruceton Mills on the day of February 17, 2020; and

Whereas, Robin Wendell Ames was married to Karrah Ames and had two young children: Charlotte Ames and Elliette Ames; and

Whereas, Mr. Ames was 37 years old when the negligent actions of another forever altered the lives of his family; and

Whereas, The driver was sentenced to home confinement for 30 days and served no time in jail as her actions were only deemed a misdemeanor offense, and has continued her life without significant consequence, while to this day his family is still trying to adjust to their lives without a father and husband; and

Whereas, Mr. Ames was educated at West Virginia University as a mechanical engineer and had launched a successful and promising career, where at the time of his death he was employed at the National Energy and Technology Laboratories of the United

States Department of Energy in Morgantown, quickly rising through the ranks to become Project Manager; and

Whereas, Programs he managed were of vital importance to regional coal and natural gas industries such as the supercritical Carbon Dioxide Power Cycle Program; and

Whereas, He was an active and respected member of outdoor sports and recreation communities, volunteered for and donated to the Cooper's Rock Foundation, Friends of Decker's Creek, and Heartwood in the Hills, resulting in the loss of his life not only irreparably harming his family, but his community and the State of West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate his loss, to honor his memory for his family and friends, to recognize his importance to his community, and to promote awareness of the dangers of texting and driving; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Old Route 73 (39.659317, -79.772097 to 39.658476, -79.645041), in Preston County, West Virginia, the "Robin W. Ames Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "Robin W. Ames Memorial Road" *include the words "Don't text and drive."*; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Sypolt, Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Bridges, Burkhammer, Capito, Conley, Cooper, Criss, Crouse, Dean, Diserio, Doyle, Ellington, Espinosa, Evans, Fast, Ferrell, Fleischauer, Fluharty, Forsht, Foster, Garcia, Gearheart, Graves, Griffith, Hamrick, Hanna, Hansen, Hanshaw

(Mr. Speaker), Hardy, Haynes, Holstein, Honaker, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Lovejoy, Mallow, Mandt, Martin, Maynard, Maynor, Mazzocchi, McGeehan, Miller, Nestor, Pack, Paynter, Pethtel, Phillips, Pinson, Pritt, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Smith, Statler, Steele, Storch, Summers, Thompson, Toney, Tully, Walker, Wamsley, B. Ward, G. Ward, Westfall, Williams, Worrell, Young, Zatezalo and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 65 - "Requesting the Division of Highways name Bridge Number: 39-092/00-002.95 (39A225), (39.33068,-79.85035) locally known as EVANSVILLE BRIDGE, carrying WV 92 over LITTLE SANDY CREEK in Preston county, the 'U. S. Army Major Jesse A. Jennings Memorial Bridge'."

Whereas, Jesse A. Jennings was born March 23, 1940, in Evansville, West Virginia. He graduated from Fellowsville High class of 1958. He married Joyce Marie Morris on December 27, 1959. Jesse was a graduate of West Virginia University with a degree in Agriculture. He worked for the State of West Virginia as an animal inspector for 6 years and retired at age 73; and

Whereas, Jesse enlisted with the United States Army in February 1960, in Fort Benning Georgia, where he was assigned to the 101st Airborne Division. Upon completion of three years active duty, he joined the National Guard, 19 Special Forces Unit, a Green Beret at Camp Dawson, Kingwood, WV. He retired as a Major of the 19 Special Forces Unit with 23 years of service; and

Whereas, Prior to his retirement, he went to Officer Candidate School where he became a First Lieutenant. He earned his Korean Jump Wings and received the Army Accommodation Medal along with other numerous awards and designations; and

Whereas, Along with Jesse's career serving the United States Army he continually strived to protect and serve his family and community. He was actively involved in County politics. Jesse

served as President of the Preston County School Board where he served 2 terms. He served as a commissioner of Preston County. He was responsible for starting the first Fire Department in Fellowsville. He was responsible for getting a Dentist office for the local community in Fellowsville. Jesse's life was full of great accomplishments, but the greatest of all was his five children. His values and hard work were instilled on his children, who have passed those traits down to their children; and

Whereas, Jesse passed away on November 24, 2021, at Preston County Hospital. He is survived by his wife, Joyce M. Jennings, children Rocky Jennings and Peggy of Evansville, Jessica Jennings of Tunnleton, Jess "Jay" Jennings II of Fellowsville, and Jarrett Jennings and wife Jennifer of Fellowsville, a brother Dorris Rolland "Buck" Jennings, 12 grandchildren, 23 great-grandchildren, and one great-great-grandchild; and

Whereas, It is fitting that an enduring memorial be established to commemorate Major Jesse A. Jennings and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 39-092/00-002.95 (39A225), (39.33068,-79.85035) locally known as EVANSVILLE BRIDGE, carrying WV 92 over LITTLE SANDY CREEK in Preston county, the "U. S. Army Major Jesse A. Jennings Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army Major Jesse A. Jennings Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegate Young:

H. J. R. 109 - "Proposing an amendment to the Constitution of the State of West Virginia by amending section thirteen, article VI thereof, relating to eligibility to a seat in the Legislature and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegate Rohrbach:

H. B. 4660 - "A Bill to amend and reenact §16-2D-9, of the Code of West Virginia, 1931, as amended, relating to certificate of need; establishing the status of beds when an intermediate care facility for individuals with intellectual disabilities closes"; to the Committee on Health and Human Resources.

By Delegates Crouse, Honaker and Booth:

H. B. 4661 - "A Bill to amend and reenact §16-39-8 of the Code of West Virginia, 1931, as amended, relating to patient visitation requirements for certain healthcare facilities; providing that visitation requirements apply notwithstanding patient or facility quarantine; requiring allowance of visitation of at least one person at all times; license requirements of healthcare facilities subject to the requirements; and establishing a minimum fine for a violation thereof"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Steele:

H. B. 4662 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-115a, relating to licensure of Head Start facilities in this state"; to the Committee on Health and Human Resources.

By Delegates Williams, Lovejoy, Skaff, Garcia, Young, Pushkin and Zukoff:

H. B. 4663 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-10A-

101, §48-10A-102, §48-10A-201, §48-10A-202, §48-10A-203, §48-10A-204, §48-10A-301, §48-10A-401, §48-10A-402, §48-10A-403, §48-10A-501, §48-10A-502, §48-10A-601, §48-10A-602, §48-10A-701, §48-10A-702, §48-10A-801, §48-10A-802, §48-10A-901, §48-10A-902, §48-10A-1001, §48-10A-1002, §48-10A-1101, and §48-10A-1201; and to amend and reenact §51-2A-2 of said code, all relating to the creation of a statutory right to petition circuit and family courts in West Virginia for sibling visitation with minor children"; to the Committee on the Judiciary.

By Delegates Evans, Walker, Thompson, Pushkin and Fleischauer:

H. B. 4664 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to allowing public high schools to have full-time athletic trainers; providing for guidelines; and providing for licensure requirements"; to the Committee on Education then Finance.

By Delegate Williams:

H. B. 4665 - "A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum wage based upon increases in the consumer price index"; to the Committee on Workforce Development then the Judiciary.

By Delegates Rohrbach, Lovejoy, Worrell, Mandt, Hornbuckle, Linville, Griffith and Booth:

H. B. 4666 - "A Bill to amend and reenact §15-2B-3 of the Code of West Virginia, 1931, as amended, relating to expanding the definition of 'criminal justice agency' to include the Forensic Analysis Laboratory at Marshall University for access and participation in the West Virginia DNA database for certain specified purposes"; to the Committee on the Judiciary.

By Delegates Howell, Hanshaw (Mr. Speaker) and Summers:

H. B. 4667 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-16-3, relating generally to creating a prohibition on county,

municipality, city or town restrictions on advanced air mobility aircraft"; to the Committee on the Judiciary.

By Delegate Capito:

H. B. 4668 - "A Bill to amend and reenact §17C-15-50 of the Code of West Virginia, 1931, as amended, relating to air bag fraud; prohibiting counterfeit and nonfunctional air bags; establishing penalties for prohibited activities related to air bag fraud; specifying the applicability of the section; and creating exceptions"; to the Committee on the Judiciary.

By Delegates Boggs and Pethtel:

H. B. 4669 - "A Bill to amend and reenact §5-10D-6 of the Code of West Virginia, as amended, relating to the voluntary deductions by the Consolidated Public Retirement Board from monthly benefits to retirees to pay association dues and associated mailings; and removing the July 1, 2022, sunset date for this section"; to the Committee on the Judiciary.

By Delegates Barnhart, G. Ward and Keaton:

H. B. 4670 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3aa, relating to permitting counties to create a tax reduction fund; reduce taxes or fees on businesses and individuals; and use the savings funds for losses or shortfalls in the prior fiscal year"; to the Committee on Political Subdivisions then Finance.

By Delegates Boggs and Pethtel:

H. B. 4671 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-7A-26x, relating to establishing an increase in monthly pension for certain teachers who retired 20 or more years ago by $2 per month per year of service"; to the Committee on Pensions and Retirement then Finance.

By Delegates Steele, Pack, Foster, Summers, Barrett, Wamsley, Smith, Maynor, Holstein, Booth and Honaker:

H. B. 4672 - "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to enacting a pay raise

for West Virginia State Troopers; and providing for an educational benefit"; to the Committee on Finance.

By Delegates Williams, Skaff, Westfall, Zukoff, Walker and Pushkin:

H. B. 4673 - "A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; defining food, water, shelter, and treatment; providing specifics for tethering an animal; providing for seizure of an animal for violations; increasing criminal penalties; and providing that a person in violation of this statute for a second time shall be added to a state-wide, publicly available, do not adopt or sell, registry"; to the Committee on the Judiciary.

By Delegates Rowe, Fleischauer, Pushkin, Lovejoy and Walker:

H. B. 4674 - "A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to child welfare; confidentiality of records; and providing that complaints or petitions that are not pursued within 24 months of the making shall be closed and not disclosed"; to the Committee on the Judiciary.

By Delegates Riley, Linville, Booth, Reed and Barrett:

H. B. 4675 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17C-24-1 and §17C-24-2, all relating to autonomous delivery vehicles; authorizing operation of low-speed autonomous delivery vehicle on certain streets and roads; authorizing operation of low speed autonomous delivery vehicle on streets or roads with posted speed limit of up to a specified number of miles per hour under specified conditions"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Lovejoy, Brown, Rohrbach, Hornbuckle and Rowe:

H. B. 4676 - "A Bill to amend and reenact §5-10-2 and §5-10-24 of the Code of West Virginia, 1931, as amended, all relating to special needs trusts; allowing retirees in the Public Employees Retirement System to designate a special needs trust as beneficiary; defining terms; and providing for substitution of special needs trust

as beneficiary post retirement in certain circumstances"; to the Committee on Pensions and Retirement then Finance.

By Delegate Graves:

H. B. 4677 - "A Bill to amend and reenact §16-2D-10 of the Code of West Virginia, 1931, as amended, all relating to certificate of need; and clarifying that a hospital located in the same county as an academic medical center may perform any health service provided by the academic medical center"; to the Committee on Health and Human Resources.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order as unfinished business, were, in the absence of objection, considered en masse, and adopted:

H. C. R. 15, Thomas Brothers Memorial Bridge,

H. C. R. 58, February 14 as National Donor Day,

H. C. R. 59, To name the "Warrant Officer James G. Bosley Memorial Bridge",

H. C. R. 60, Fire Chief Lee Thomas Bridge,

And,

H. R. 11, Urging members of the United States Congress to enact federal legislation designating May 4 as Firefighters Day.

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

Third Reading

Com. Sub. for H. B. 2257, Relating to extended supervision for certain drug offenders; 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. 129)**, and there were—yeas 76, nays 17, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Barach, Doyle, Evans, Fleischauer, Fluharty, Garcia, Graves, Hansen, Hornbuckle, Pritt, Pushkin, Rowe, Skaff, Thompson, Walker, Williams and Young.

Absent and Not Voting: Boggs, Brown, Griffith, Hamrick, Hanna, Kessinger and Lovejoy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2257) passed.

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. 2598, Modifying the inspection requirements and the definition of an above ground storage tank; on second reading, coming up in regular order, was read a second time.

On motion of Delegate J. Kelly, the bill was amended on page eleven, section six, on line twenty-one, following the "(N)", by inserting the words "that are located in a zone of critical concern";

And,

On page eleven, section six, on line twenty-three, following the "(N)", by inserting the words "that are located in a zone of critical concern".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3122, Relating to the establishment and operation of regional water, wastewater and stormwater

authorities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4004, Relating to limiting an abortion to fifteen weeks' gestation; on second reading, coming up in regular order, was read a second time.

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

Com. Sub. for H. B. 4005, Relating to fetal body parts; on second reading, coming up in regular order, was read a second time.

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

Com. Sub. for H. B. 4008, Relating to Higher Education Policy Commission funding formula; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4087, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4126, Authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4262, Relating to licensure for polygraph examiners; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 4282, Relating to establishing next generation 911 services in this state; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4307, Increase some benefits payable from Crime Victims Compensation Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4396, Reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads paid electronically; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4410, Specifying allocation, apportionment and treatment of income of flow-through entities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4418, Relating to the Small Business Supplier Certification Assistance Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4461, Relating to the consolidation of all administrative fees collected by the agency into the existing "Tax Administration Services Fund"; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4484, Declaring certain claims against agencies of the state to be moral obligations of the state; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

Com. Sub. for H. B. 4002, Creating the Certified Sites and Development Readiness Program; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4025, Providing exemption to severance tax for severing rare earth elements and other critical minerals; on first reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

Com. Sub. for H. B. 4259, Creating the West Virginia Small Business Jumpstart Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4351, Relating to the implementation of an acuity-based patient classification system; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4352, Decreasing federal taxable income; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4426, Repeal article 33-25G-1 *et seq.* creating provider sponsored networks; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4451, Eliminating the requirement that otherwise qualified investment assets be located or installed at or within 2 miles of a preexisting manufacturing facility; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4460, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4465, Relating to the tax credit for apprenticeship training; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4470, Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4489, Require counties to post open positions on statewide job bank; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4568, To allow phased rehabilitations of certified historic structures; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

H. B. 4301, Reforming membership requirements of Huntington Park and Recreation District Board.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Brown, Griffith, Hamrick, Hanna, Kessinger and Lovejoy.

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Address to the House today by Delegate Clark

- Delegates Fleischauer, Garcia, Hornbuckle and Pushkin regarding Com. Sub. for H. B. 2257

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 4422: Delegate Holstein;

H. B. 4661: Delegate Mandt;

And,

H. B. 4677: Delegate Tully.

At 1:13 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 15, 2022.

Tuesday, February 15, 2022

THIRTY-FIFTH DAY

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

The House of Delegates met at 11:00 a.m., and 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 Monday, February 14, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 3122, Com. Sub. for H. B. 4087, Com. Sub. for H. B. 4282 and Com. Sub. for H. B. 4418 on Third Reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for H. B. 4262 and H. B. 4568, on Second Reading, Special Calendar, had been moved to the House Calendar; and Com. Sub. for H. B. 4553 on First Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2300, Including Family Court Judges in the Judges' Retirement System,

H. B. 4539, To amend retirement information and providing for cleanup,

H. B. 4540, To update all retirement plans to comport with federal law,

H. B. 4612, Decreasing the time period of eligibility for nonduty disability from ten to five or more years of service for Municipal Police Officers and Firefighters Retirement,

And,

H. B. 4613, Relating to increasing the multiplier for use in determining accrued benefit in the West Virginia Municipal Police Officers and Firefighters Retirement System,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2300, H. B. 4539, H. B. 4540, H. B. 4612 and H. B. 4613) were each referred to the Committee on Finance.

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. 2910, To modify the allowable number of magistrate judges per county,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2910 - "A Bill to amend and reenact §50-1-2 and §50-1-2 of the Code of West Virginia, 1931, as amended, relating to the allocation of magistrates serving in each county; setting a standardized formula for magistrate apportionment; providing for adjustment of those numbers of magistrates every 10 years following the census; removing the cap of 158 magistrates statewide; and removing obsolete language,"

H. B. 4077, Provide certain classes of property protections from creditor collections,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4077 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-2-141, relating to exempting certain assets from collections by creditors,"

H. B. 4340, Relating to maximizing the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4340 - "A Bill to amend and reenact §16-19-9, §16-19-14 and §16-19-22 of the Code of West Virginia, 1931, as amend; and to amend and reenact §61-12-3 of said code, all relating to anatomical gifts; authorizing the Department of Health and Human Resources to be guardian to make an anatomical gift without a court order; clarifying the duties of procurement organization with regard to state medical examiner; requiring the state medical examiner to cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts; authorizing procurement organizations to conduct a test to evaluate the medical suitability of the body part; requiring a prosecuting attorney who denies the release of a body or part that is the subject of an anatomical gift to consult with the procurement organization about the proposed recovery; and authorizing the state's chief medical examiner to enter into agreements with a procurement organization to facilitate the recovery of anatomical gifts,"

And,

H. B. 4583, Clarifying the definition of incapacity so that incarceration in the penal system or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4583 - "A Bill to amend and reenact §39B-1-106 of the Code of West Virginia, 1931, as amended, relating to the validity of a power of attorney; clarifying the definition of "incapacity"; and providing that criminal incarceration or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney,"

With the recommendation that the committee substitutes each do pass.

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. 4314, Exclude Solicitor from the definition of Investment Advisor,

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

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

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 45, SP4 Dennis Harvey Roberts Bridge, McDowell County,

And,

H. C. R. 54, "Mayor George Karos Bridge",

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 45 and H. C. R. 54) were each referred to the Committee on Rules.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4066, Distracted Driving Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4066) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4335, Establishing that the Division of Motor Vehicles has jurisdiction to hear certain driver's license suspension cases and appeals are made in accordance with the Administrative Procedures Act,

And,

H. B. 4361, Relating to the suspension of driver's licenses for failure to appear in court,

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. 4335 and H. B. 4361) were each referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4334, Relating to the bond required of license services by increasing the bond amount to one hundred thousand dollars,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4334) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4170, Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to Dealer Licensing,

H. B. 4171, Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to Collection of Tax on the Sale of a Vehicle,

H. B. 4172, Authorizing the Department of Transportation to promulgate a legislative rule relating to Employment Procedures,

H. B. 4343, Relating to renewal of registrations by sheriffs by establishing that registration renewal is discretionary,

H. B. 4345, Relating to motor vehicle registration cards by establishing electronic or mobile registration cards,

And,

H. B. 4563, Provide for a license plate for auto mechanics,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4170, H. B. 4171, H. B. 4172, H. B. 4343, H. B. 4345 and H. B. 4563) were each referred to the Committee on Government Organization.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4169, Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to Examination and Issuance of Driver's License,

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. 4169) was referred to the Committee on Government Organization.

Delegate Steele, 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. 4141, Authorizing the Governor's Committee Crime, Delinquency and Correction to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4141 - "A Bill to amend and reenact §64-6-1 et. seq. of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Homeland Security to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee; relating to authorizing the

Governor's Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to law enforcement training and certification standards; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the Fire Code; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the State Building Code; relating to authorizing the Fire Commission to promulgate a legislative rule relating to volunteer fire department equipment and training grant funding disbursement; relating to authorizing the Fire Commission to promulgate a legislative rule relating to specialized membership; relating to authorizing the Fire Commission to promulgate a legislative rule relating to junior firefighters; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the certification of fire chiefs; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the use of aqueous film-forming foam (AFFF) for fire training program purposes; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to the regulation of fireworks and related explosive materials; and relating to authorizing the State Police to promulgate a legislative rule relating to career progression,"

H. B. 4242, Authorizing the Division of Labor to promulgate a legislative rule relating to Child Labor,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4242 - "A Bill to amend and reenact §64-10-1 et. seq. of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee; authorizing the Division of Labor to promulgate a legislative rule relating to child labor; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the safety of those employed in and around surface mines in West Virginia; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the first-aid training of shaft and slope employees; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to substance abuse screening,

standards, and procedures; authorizing the Division of Natural Resources to promulgate a legislative rule relating to the revocation of hunting and fishing licenses; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to public shooting ranges; authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to the commercial sale of wildlife; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to lifetime hunting, trapping, and fishing licenses,"

And,

H. B. 4406, To establish the West Virginia Military Hall of Fame,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4406 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1, relating to creating a West Virginia Military Hall of Fame to honor veterans of West Virginia who have distinguished themselves on the field of battle,"

With the recommendation that the committee substitutes each do pass.

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. 4556, Video and audio recordings in self-contained classrooms,

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. 4556) was referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

H. B. 4430, Relating to definitions of base salary and overtime for police and firemen pensions,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4430 - "A Bill to amend and reenact §8-22-16 of the Code of West Virginia, 1931, as amended, relating to providing definitions of "base salary" and "overtime and other remuneration" for a policemen's pension and relief fund and a firemen's pension and relief fund,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 4433, Providing that retirement benefits are not subject to execution,

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

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

Your Committee on Finance has had under consideration:

H. B. 4338, Reducing annual permit fee for each video lottery terminal owned or leased by a limited video lottery licensee,

H. B. 4462, Relating to Deferred Retirement Option Plan evaluations,

And,

Com. Sub. for S. B. 445, Modifying police and firemen's pension plans for trustees,

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

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

H. B. 4614, Providing optional retirement service credit for unused accrued annual or sick leave days for municipal police and firefighters,

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. 4614) was referred to the Committee on Finance.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 1, Naming a locally known bridge in Ashford, WV as the "Alex Perdue Memorial Bridge",

H. C. R. 4, John B. Short Memorial Bridge, Logan County,

H. C. R. 7, To name a locally known bridge in Seth, West Virginia as the "Kohlton Red Haney Memorial Bridge",

H. C. R. 9, Name road naming the "James C. Vickers Silver Star Highway",

H. C. R. 13, Doctor Enrique and Mrs. Sallie H. Aguilar Memorial Bridge,

H. C. R. 14, To create the "Colonel Ronald John "Ron" Chiccehitto Memorial Road",

H. C. R. 25, To name the SP5 Terry Lee McClanahan Memorial Bridge,

H. C. R. 26, To name the Officer Cassie Johnson Fallen Heroes Memorial Bridge,

H. C. R. 36, To name the John Calvin JC Baker Memorial Bridge,

H. C. R. 46, Donald Homer Wheeler Memorial Bridge,

H. C. R. 47, William Earl Duty Memorial Bridge,

H. C. R. 48, To name the Sergeant John S Syner memorial highway,

H. C. R. 49, To name the Charles M. Biggs memorial roadway,

H. C. R. 50, To name the John Ellison memorial roadway,

H. C. R. 52, Roy E. Givens Memorial Road,

And,

H. C. R. 61, Timothy Wayne Farley Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

Reports of Select Committees

Delegate Kelly, Chair of the Select Committee on Jails and Prisons, submitted the following report, which was received:

Your Select Committee on Jails and Prisons has had under consideration:

H. B. 4375, To ensure that imposition of certain sexual offenses applies to those persons working in juvenile facilities against juveniles detained or committed in juvenile facilities,

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. 4375) was referred to the Committee on the Judiciary.

Delegate Kelly, Chair of the Select Committee on Jails and Prisons, submitted the following report, which was received:

Your Select Committee on Jails and Prisons has had under consideration:

H. B. 4371, Adding Division of Corrections and Rehabilitation employees who work at institutions managed by the Commissioner to the Survivor Benefits Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4371) was referred to the Committee on Finance.

Delegate Kelly, Chair of the Select Committee on Jails and Prisons, submitted the following report, which was received:

Your Select Committee on Jails and Prisons has had under consideration:

H. B. 4497, Relating to the repeal of the article governing the Regional Jail and Correctional Facility Authority Board,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4497) was referred to the Committee on Finance.

Delegate Kelly, Chair of the Select Committee on Jails and Prisons, submitted the following report, which was received:

Your Select Committee on Jails and Prisons has had under consideration:

H. B. 4490, Extending the expiration date of the freeze of the per diem cost for incarcerated inmates in regional jails,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4490) was referred to the Committee on Finance.

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

Your Select Committee on Tourism and Economic Diversification has had under consideration:

H. B. 4654, To provide for downstream tax credits for companies who manufacture steel and steel products in West Virginia,

And,

H. B. 4658, Critical Mineral Reinvestment Tax Credit,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4654 and H. B. 4658) were each referred to the Committee on Finance.

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

Your Committee on Select Committee on Tourism and Economic Diversification has had under consideration:

H. B. 4657, The purpose of this bill is to create the Critical Mineral Investment Tax Credit Act of 2022,

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. 4657) was referred to the Committee on Finance.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 4024, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience.

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

Com. Sub. for H. B. 4067, To make certain agency reports electronic or eliminating certain agency reports altogether.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4276, WVU to create a Parkinson's disease registry.

On motion of Delegate Summers, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"**ARTICLE 5DD. COLLECTION OF DATA RELATING TO PARKINSON'S DISEASE.**

§16-5DD-1. Establishing collection guidelines for Parkinson's disease data.

(a) West Virginia University may collect data on the incidence of Parkinson's disease in West Virginia and other epidemiological data as required by this article.

(b) These terms are defined:

'Parkinson's disease' means a chronic and progressive neurologic disorder resulting from deficiency of the neurotransmitter dopamine as the consequence of specific degenerative changes in the area of the brain called the basal ganglia. It is characterized by tremor at rest, slow movements, muscle rigidity, stooped posture, and unsteady or shuffling gait.

'Parkinsonisms" means related conditions that cause a combination of the movement abnormalities seen in Parkinson's disease, such as tremor at rest, slow movement, muscle rigidity, impaired speech or muscle stiffness, which often overlap with and can evolve from what appears to be Parkinson's disease. These include: Multiple System Atrophy (MSA), Dementia with Lewy Bodies (DLB), Corticobasal Degeneration (CBD), and Progressive Supranuclear Palsy (PSP).

(c) The registry and system of collection and dissemination of information shall be under the direction of West Virginia University, who may enter into contracts, grants, or other agreements as are necessary for the conduct of the program.

(d) All patients diagnosed with Parkinson's disease or related Parkinsonisms, as advised by an Advisory Committee, shall be

provided a notice regarding the collection of information and patient data on Parkinson's disease. Patients who do not wish to participate in the collection of data for purposes of research in this registry shall affirmatively opt-out in writing after an opportunity to review the documents and ask questions. A patient may not be forced to participate in this registry.

(e) (1) West Virginia University shall establish a Parkinson's Disease Registry Advisory Committee to:

(A) Assist in the development and implementation of the registry which may include a system for the collection and dissemination of information determining the incidence and prevalence of Parkinson's disease and related Parkinsonisms;

(B) Determine what data shall be collected; and

(C) Generally, advise WVU.

(2) Membership of the committee may include:

(A) Neurologists from WVU, Marshall, and Charleston Area Medical Center;

(B) A movement disorder specialist;

(C) A primary care physician;

(D) A physician informaticist;

(E) Parkinson's disease patients;

(F) Public health staff;

(G) Population health researchers familiar with registries;

(H) Parkinson's disease researchers; and

(I) Anyone else West Virginia University deems necessary.

(f) Parkinson's disease and related Parkinsonisms shall be reported, but the mere incidence of a patient with Parkinson's shall be the sole required information for this registry for any patient

who chooses not to participate. For the subset of patients who choose not to participate, further data may not be reported to the registry.

(g) A hospital, facility, physician, surgeon, physician assistant, and nurse practitioners, or other health care provider deemed necessary by West Virginia University diagnosing or providing treatment to Parkinson's disease or Parkinsonism patients, shall report each case of Parkinson's disease and Parkinsonisms to West Virginia University in a format prescribed by the university. West Virginia University may enter into data sharing contracts with data reporting entities and their associated electronic medical record systems vendors to securely and confidentially receive information related to Parkinson's disease testing, diagnosis, and treatment.

(h) West Virginia University may enter into agreements to furnish data collected in this registry to other states' Parkinson's disease registries, federal Parkinson's disease control agencies, local health officers, or health researchers for the study of Parkinson's disease. Before confidential information is disclosed to those agencies, officers, researchers, or out-of-state registries, the requesting entity shall agree in writing to maintain the confidentiality of the information, and in the case of researchers, shall also do both of the following:

(1) Obtain approval of their committee for the protection of human subjects established in accordance with Part 46 (commencing with Section 46.101) of Title 45 of the Code of Federal Regulations; and

(2) Provide documentation to West Virginia University that demonstrates to the university's satisfaction that the entity has established the procedures and ability to maintain the confidentiality of the information.

(i) Except as otherwise provided in this section, all information collected pursuant to this section shall be confidential. For purposes of this section, this information shall be referred to as confidential information.

(j) Notwithstanding any other law, a disclosure authorized by this section shall include only the information necessary for the stated purpose of the requested disclosure, used for the approved purpose, and not be further disclosed.

(k) Provided the security of confidentiality has been documented, the furnishing of confidential information to West Virginia University or its authorized representative in accordance with this section shall not expose any person, agency, or entity furnishing information to liability, and shall not be considered a waiver of any privilege or a violation of a confidential relationship.

(l) West Virginia University shall maintain an accurate record of all persons who are given access to confidential information. The record shall include the name of the person authorizing access; name, title, address, and organizational affiliation of persons given access; dates of access; and, the specific purpose for which information is to be used. The record of access shall be open to public inspection during normal operating hours of the university.

(m) Notwithstanding any other law, the confidential information shall not be available for subpoena, shall not be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding. The confidential information shall not be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason. This subsection does not prohibit the publication by West Virginia University of reports and statistical compilations that do not in any way identify individual cases or individual sources of information. Notwithstanding the restrictions in this subsection, the individual to whom the information pertains shall have access to his or her own information.

(n) This section does not preempt the authority of facilities or individuals providing diagnostic or treatment services to patients with Parkinson's disease to maintain their own facility-based Parkinson's disease registries."

And by amending the title of the bill to read as follows:

Com. Sub. for H. B. 4276 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5DD-1, relating to the collection of data relating to Parkinson's Disease; defining terms; creating a Parkinson's disease registry; providing a notice requirement; allowing for West Virginia University to enter into agreements regarding this data collection; establishing an advisory committee; providing that confidential data shall not be disclosed; and allowing for the maintaining of certain records."

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 130)**, and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries.

Absent and Not Voting: Hamrick, Linville, Longanacre, Lovejoy and Thompson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4276) passed.

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

On this question, the yeas and nays were taken **(Roll No. 131)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick, Linville, Longanacre, Lovejoy and Thompson.

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. 4276) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

S. B. 450, Updating definitions of WV Personal Income Tax Act.

A message from the Senate, by

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

Com. Sub. for S. B. 476 - "A Bill to amend and reenact §11-12B-3 of the Code of West Virginia, 1931, as amended, relating to the imposition of the minimum severance tax on coal; and making technical corrections to the code"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 478 - "A Bill to amend and reenact §11-13J-10 of the Code of West Virginia, 1931, as amended, relating to the Neighborhood Investment Program; adding a sunset provision regarding the reporting requirement; and providing an effective date"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 508 - "A Bill to amend and reenact §20-2-60 of the Code of West Virginia, 1931, as amended, relating to requiring daylight fluorescent orange attire for deer hunters hunting

with a muzzleloader; creating misdemeanor offense for violation; and penalty"; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 509 - "A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to providing that county board of education employee personal leave be accrued as earned throughout the employment term at the end of each pay period or on the last workday for separating employees; adding any reason for which an employee is entitled to leave under The Parental Leave Act or the Family and Medical Leave Act as one of the causes for which personal leave can be used; allowing a county superintendent to advance an employee a limited amount of personal leave during the employee's first year of employment in certain instances; and removing unnecessary language"; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

S. B. 526 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Department of Commerce – Office of the Secretary, fund 0606, fiscal year 2022, organization 0327, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 527 - "A Bill supplementing and amending the appropriations 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 Administration, Office of Technology, fund 0204, fiscal year 2022, organization 0231, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 528 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 537 - "A Bill to amend and reenact §15-1B-26 of the Code of West Virginia, 1931, as amended, relating to providing for additional firefighters and security guards for the West Virginia National Guard"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 560 - "A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-8 of said code, all relating to electric bicycles; defining terms; authorizing and regulating the use of electric bicycles; and setting forth requirements for electric bicycles"; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Holstein, Anderson, Barnhart, Barrett, Booth, Bridges, Burkhammer, Conley, Cooper, Crouse, Dean, Ellington, Espinosa, Fast, Ferrell, Forsht, Foster, Gearheart, Graves, Hamrick, Hanna, Hardy, Haynes, Honaker, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Mallow, Mandt, Martin, Maynard, Maynor, Mazzocchi, Miller, Nestor, Pack, Paynter, Phillips, Pinson, Pritt, Reed, Reynolds, Riley, Rohrbach, Rowan, Smith, Statler, Steele, Storch, Summers, Sypolt, Toney, Tully, Wamsley, B. Ward, G. Ward, Westfall, Worrell and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 14 - "Condemning calls to defund the police."

Whereas, The State of West Virginia is established on the rule of law, which upholds the founding principles of our nation; Life, Liberty, and the Pursuit of Happiness; and

Whereas, The House of Delegates of the West Virginia Legislature, recognizes the importance of the work of our law-enforcement officers across the state and nation; and

Whereas, The duties of law-enforcement officers place these individuals in harm's way and leaves them away from their family for extended periods of time; and

Whereas, The State of West Virginia recognizes there is a culture of anti-law enforcement bias in this nation that must be condemned and defunding the police would leave police departments lacking staff, underpaid, and underequipped, while

also increasing the risk of unattended crime to communities throughout West Virginia; therefore, be it

Resolved by the House of Delegates:

That the State of West Virginia condemns all calls to Defund the Police across the nation, and in states, and localities.

Delegate Walker offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. C. R. 66 - "Proclaiming and declaring youth violence a public health epidemic and declaring support for statewide trauma-informed education."

Whereas, Youth violence is defined by the Centers for Disease Control and Prevention (CDC) as the intentional use of physical force or power by young people ages 10 to 24 to threaten or harm others, generally within the same age or peer group. Youth violence negatively impacts all types of communities, though the extent and types of youth violence vary. According to the CDC, youth violence is a serious public health problem and an adverse childhood experience (ACE) that can have long-term impact on health and wellbeing; and

Whereas, Evidence shows that youth violence is relatively common in the United States. According to the CDC, nearly one in five high school students reported being bullied on school property in the last year, and about one in seven were bullied electronically. Homicide remains the third leading cause of death for people ages 10 to 24, and the leading cause of death for non-Hispanic Black or African American youth. Nationally each day, about 13 young people are victims of homicide and about 1,100 are treated in emergency departments for nonfatal assault-related injuries; and

Whereas, Some youth are at greater risk than others. Sexual minority teens are more likely to experience multiple forms of violence compared to their heterosexual peers. Youth violence disproportionately impacts Black or African American youth and

young adults are at higher risk for the most physically harmful forms of violence; and

Whereas, Youth violence impacts communities across the State of West Virginia. In 2019, of 300 gun deaths in West Virginia, 20 were if children and teens ages zero to 19. Eighty-one percent of gun death victims in West Virginia in 2019 were male. Our state had the 14th highest gun death rate in the nation in 2019. In West Virginia, young Black males are disproportionately impacted by firearm homicide, with Black males aged 15 to 34 having a firearm homicide rate eight times higher than White males of the same age group; and

Whereas, Some law-enforcement agencies in West Virginia have reported an increase in violent incidents among youth since the start of the COVID-19 pandemic; and

Whereas, Youth violence can negatively impact the physical and mental health of young people. Youth violence has been shown to lead to many long-term negative health and behavioral outcomes including higher rates of smoking, substance abuse, obesity, high-risk sexual behavior, depression, academic difficulty, school drop-out, and suicide. In addition, those involved in youth violence are more likely to become both perpetrators and victims of violence in the future; and

Whereas, The negative effect of youth violence extends to the entire community. Violence generally increases healthcare costs, decreases property value, and disrupts social services by straining community resources. In addition, youth violence can impact the perceived and actual safety within a community, which can then lesson participation in community events and decrease the viability of local businesses; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature of West Virginia recognizes the magnitude of the crisis of youth violence in the state; and, be it,

Further resolved, That the Legislature of West Virginia hereby proclaims and declares youth violence a public health epidemic and declares its support for statewide trauma-informed education.

Delegate Thompson offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

H. C. R. 67 - "Requesting the Joint Committee on Government and Finance study the feasibility of the creation of a community college in Randolph County."

Whereas, Community colleges are essential to our state as they provide opportunities for learning and education and for non-traditional students; and

Whereas, Community colleges also serve to provide specialized education for local residents that address local job opportunities to provide a workforce emerging for local businesses and industry; and

Whereas, Community colleges need to be accessible to all regions of the state and the nearest community college is 90 miles east of Randolph County; and

Whereas, In rural areas, such as Randolph County, access to education often is limited by access to public transportation; and

Whereas, Establishing a community college in the greater Elkins area would give the region an institution to help educate the future local leaders in the community; and

Whereas, A community college in the Greater Elkins area can focus on training for local economic opportunities such as the hardwood industry, healthcare, and tourism; and

Whereas, A community college in the Greater Elkins area would foster a relationship and compliment local private institutions of higher education in Randolph County and provide educational opportunities not otherwise available; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the feasibility of the creation of a community college in Randolph County; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft any necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Hamrick, Hanshaw (Mr. Speaker), Barach, Boggs, Clark, Dean, Doyle, Ellington, Evans, Ferrell, Griffith, Hanna, Howell, Kimble, Longanacre, Lovejoy, Mallow, Maynor, Mazzocchi, Pack, Pushkin, Skaff, Smith, Storch, Sypolt, Thompson, Toney and Walker offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

H. C. R. 68 - "Requesting the Joint Committee on Government and Finance to conduct a formal feasibility study on the viability of establishing an accredited school of veterinary medicine in West Virginia."

Whereas*,* Currently, there are only 33 accredited schools of veterinary medicine ("veterinary schools") in the United States, with only 27 states housing veterinary schools*; and

Whereas, "The U.S. Bureau of Labor Statistics reported in 2019 that employment for veterinarians nationwide would increase 16% over the next decade, more than double the national average occupational growth (5%-8%)" *; and

Whereas, "Throughout 2021, multiple news organizations in West Virginia published articles describing the dire veterinarian shortage" *; and

Whereas, In 2018, the American Veterinary Medical Association Economics Division identified 113,394 veterinarians living in the United States, of whom 20,000 are expected to retire within the next five to 10 years*; and

Whereas, Most counties in West Virginia have fewer veterinarians than the national average per capita and eight counties have no veterinarian at all*; and

Whereas, West Virginia does not currently have a veterinary school and, therefore, West Virginia students must leave the state and pay out-of-state tuition to pursue a Doctor of Veterinary Medicine degree*; and

Whereas, West Virginia currently spends $1,040,520 per year to supplement the tuition of 52 West Virginia students who attend veterinary schools at Virginia Polytechnic Institute and State University ("Virginia Tech") (six seats per class) and Mississippi State University ("Mississippi State") (seven seats per class) *;

Whereas, In addition to the 13 West Virginia first year students who held seats at veterinary schools at Virginia Tech and Mississippi State, an additional 12 West Virginia students were identified as first year veterinary students in 2021 in an American Association of Veterinary Medical College internal data report*; and

Whereas, The West Virginia students who meet the minimum qualifications for admissions to the programs at Virginia Tech and Mississippi State has increased from 35 students in 2016-17 to 70 students in 2020-21;

Whereas, Over the last two decades, applications to veterinary schools nationally have increased by 53 percent*; and

Whereas, Establishing a veterinary school in West Virginia would enable West Virginia students to remain in West Virginia for their education; and

Whereas, Current student enrollment and interest in animal and nutritional science programs at state colleges and universities demonstrates the need for a veterinary school within the state; and

Whereas, West Virginia has a rich history of agriculture and is committed to developing a sustainable plan to maximize the agricultural sector for economic growth and prosperity, including the development and retention of large animal veterinarians to serve the state's growing agriculture industry; and

Whereas, There exists a need for educated and experienced professionals within the state to support the long-term prosperity of the agricultural industry; and

Whereas, Having a veterinary school in West Virginia would attract students from across the nation to West Virginia, contributing to the economy and providing for the potential that the students will stay in West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance, through the Legislative Auditor, is hereby requested to conduct a formal feasibility study on the viability of an accredited veterinary school in West Virginia, and, if necessary, is authorized to contract for the performance of such study with an outside vender; and, be it

Further Resolved, That the study shall focus on the most efficient and practical use of existing programs of study at state colleges and universities and the opportunity to incorporate these programs in a manner to prepare students for a pathway of veterinary medicine, and develop and retain veterinarians within the state; and, be it

Further Resolved, That the study shall include a report on all barriers and impediments to creating an accredited veterinary school; and, be it

Further Resolved, That pending the results of the study and in the interim period leading up to the establishment of any veterinary school, additional seats at other states' veterinary schools are necessary to ensure that the veterinary needs of West Virginia are met; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance; and, be it

Further Resolved, That the funding necessary to secure additional seats at other states' veterinary schools be paid through legislative appropriations to the state's annual budget.

* Division of Regulatory and Fiscal Affairs, *Viability of West Virginia Veterinary Medical School*, presented to West Virginia Special Committee on Viability of WV Veterinary Medicine School – Higher Education, November 15, 2021

Delegates Walker, Barach, Booth, Bridges, Brown, Crouse, Diserio, Doyle, Evans, Ferrell, Forsht, Garcia, Griffith, Hanna, Hansen, Honaker, Hornbuckle, Lovejoy, Mandt, Martin, Miller, Pack, Pushkin, Queen, Reed, Riley, Rowan, Rowe, Storch, Thompson, Wamsley, Williams, Worrell, Young, Zatezalo and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. C. R. 69 - "Requesting the Joint Committee on Government and Finance study the youth suicide epidemic in the United States and West Virginia."

Whereas, Suicide deaths in the United States are the 10th leading cause of death with more than 2000 14 to 18 year old's dying every year by suicide; therefore, be it.

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the cause of teen suicide with emphasis on Black, Indigenous, and People of Color (BIPOC), lesbian, gay, bisexual, transgender, queer, and others (LGBTQ+), girls and racial minorities; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Thompson, Nestor, Fluharty, Skaff, Griffith, Walker, Young, Garcia, Diserio, Zukoff and Pushkin offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 70 - "Requesting the Division of Highways name bridge number 42-022/00-014.01 (42A251) locally known as Bemis Truss, carrying CR 22 over Shavers Fork Cheat River in Randolph County, the 'Calvin H. Shifflett Memorial Bridge'."

Whereas, Calvin Hansbough Shifflett was born on January 4, 1933, in Bemis, Randolph County, West Virginia, the youngest of six sons to Joseph and Rosa Bella Hansbrough Shifflett; and

Whereas, Calvin H. Shifflett enlisted in the United States Army on October 15, 1948, in Elkins, West Virginia, at the age of 15, and was honorably discharged on October 22, 1951, in Fort Gordon, Georgia; and

Whereas, Calvin H. Shifflett was married to Mary Frances Hedrick, the father of seven children, and a Life Member, and one-time Post Commander of the Veterans of Foreign Wars Post 3647; and

Whereas, After his discharge, Calvin H. Shifflett and his brother Clarence went to Baltimore, Maryland, where Calvin worked as a brakeman on the B&O Railroad and at the Glenn L. Martin Aircraft Company; and

Whereas, Calvin H. Shifflett, returned to West Virginia where he opened a small family store on April 22, 1961, which is still family owned and operated, and served as Assistant Postmaster with his wife for the United States Postal Service in Glady, Randolph County, from 1977 to 2006. While he was unable to work inside the family store in his later years, Calvin would return Memorial Day, Fourth of July, and Labor Day weekends to see campers who always stopped by to visit; and

Whereas, Calvin H. Shifflett, was married to Francis for 65 years, until her passing in 2017, and had eight grandchildren and 14 great grandchildren at the time of his death on August 13, 2019; and

Whereas, Calvin H. Shifflett, was buried with full military honors accorded by the West Virginia National Guard Honor Guard, H.W. Daniels Post 29 American Legion, and Tygart Valley Veterans of Foreign Wars Post 3647; and

Whereas, it is fitting that an enduring memorial be established to Calvin H. Shifflett and his contributions to his community, and our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 42-022/00-014.01 (42A251) locally known as Bemis Truss, carrying CR 22 over Shavers Fork Cheat River in Randolph County, the "Calvin H. Shifflett Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the *"*Calvin H. Shifflett Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Fluharty, Barach, Barnhart, Bates, Booth, Brown, Conley, Crouse, Diserio, Doyle, Evans, Ferrell, Fleischauer, Forsht, Garcia, Griffith, Hansen, Honaker, Hornbuckle, Jennings, Longanacre, Lovejoy, Mallow, Mandt, Martin, Maynor, Miller, Nestor, Pritt, Reed, Rowan, Rowe, Skaff, Storch, Thompson, Walker, Wamsley, Westfall, Williams, Worrell, Young, Zatezalo and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 71 - "Requesting the Division of Natural Resources name the waterfall located on North Branch of Short Creek across North Fork Road, County Route 9, from Short Creek United Methodist Church cemetery in Ohio County, West Virginia, 'White Angel Falls'."

Whereas, Erin Jo Brookes, was born on September 26, 1972, to parents Brian and Debbie Brookes, and died on March 24, 2009, from cancer; and

Whereas, Her gravestone has a "White Angel" beside it and is in direct line of sight to the waterfall; and

Whereas, To some, the waterfall symbolizes eternal life and hope, as everyday water either trickles or gushes over it; and

Whereas, It is fitting to name this waterfall, "White Angel Falls"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Natural Resources is hereby requested to name the waterfall located on North Branch of Short Creek across

North Fork Road, County Route 9, from Short Creek United Methodist Church cemetery "White Angel Falls"; and, be it

Further Resolved, That the Division of Natural Resources is hereby requested to have made and place a sign near the waterfall the "White Angel Falls" waterfall; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Director of the Division of Natural Resources.

Delegate Boggs offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 72 - "Requesting the Division of Highways name Bridge Number: 04-007/06-002.18 (04A031), (38.74436,-80.74051) locally known as RIFFLE BRIDGE, carrying CR 7/6 over PERKINS FORK CEDAR CREEK in Braxton county, the 'U. S. Army SP5 Dana V. Perkins Memorial Bridge'."

Whereas, Dana V. Perkins was born October 1940, in Riffle, Braxton, County, to Lee and Floda Perkins. He was married 55 years to Donna Singleton Perkins, and they had three sons, Jeff, Jerry, and Terry; and

Whereas, SP5 Dana V. Perkins enlisted in the United States Army on February 26, 1962, and served until February 5, 1965. After military service, Dana and his family lived in Ireland, West Virginia for several years where they participated in the annual Irish Spring Festival. Returning to Braxton County, he operated a Gulf Service Station. He also worked for Owens Corning and Bi-Con Services which kept him on the road. Upon retirement he was active in his community helping neighbors by plying his carpentry remodeling talents. Dana was loving and caring family man and Christian; and

Whereas, Dana V. Perkins in died March 9, 2021, succumbing to Parkinson's disease; and

Whereas, It is fitting that an enduring memorial be established to commemorate SP5 Dana V. Perkins and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to Bridge Number: 04-007/06-002.18 () (04A031), (38.74436,-80.74051) locally known as RIFFLE BRIDGE, carrying CR 7/6 over PERKINS FORK CEDAR CREEK in Braxton county, the "U. S. Army SP5 Dana V. Perkins Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the *"*U. S. Army SP5 Dana V. Perkins Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Pinson offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 73 - "Requesting the Division of Highways name a set of twin bridges, number 11349, carrying US Route 35 over County Route 78 and 16-Mile Creek in Mason County, West Virginia as the 'Halstead Brothers WWII Veterans Memorial Bridge'."

Whereas, James Norton Halstead, U.S. Army Corporal, was born at Page, Fayette County, West Virginia, on June 18, 1919, to John and Bertha Wolford Halstead; and

Whereas, Eugene Paul Halstead, T/5 U.S. Army, was born in Montcoal, Raleigh County, West Virginia on September 24, 1921, to John and Bertha Wolford Halstead; and

Whereas, Herman Lee Halstead, U.S. Army Cpl., was born in Montcoal, Raleigh County, West Virginia, on September 4, 1923, to John and Bertha Wolford Halstead; and

Whereas, Samuel Edward Halstead, U.S. Army Sgt., was born in Montcoal, Raleigh County, West Virginia on September 16, 1925, to John and Bertha Wolford Halstead; and

Whereas, James was the eldest child, but John and Bertha's large family would come to consist of four brothers in addition to James—Eugene Paul, Herman Lee, Samuel Edward, and Millard William; and

Whereas, In the household were also three sisters—Mary Madeline Halstead (married name: Bocook), Florence Louise Halstead (married name: Taylor), and Elizabeth Lucille Halstead (married name: Bauer); and

Whereas, U.S. Army Enlistment Records, 1938-1946, indicate that James's education consisted of grammar school, and his entry in Young American Patriots notes that the school he attended was Sebrell; and

Whereas, The family attended the United Brethren Church in Point Pleasant; and

Whereas, With the advent of World War II, Bertha would see four of her sons enlist in the U.S. Army, and ultimately, she would become a Gold Star Mother; and

Whereas, T/5 Eugene Paul Halstead entered service on July 30, 1942, and served in North Africa, Sicily, and Italy; Cpl. Herman Lee Halstead entered service on March 15, 1943, and served in India; Sgt. Samuel Edward Halstead entered service on January 12, 1944, and served in England, France, and Italy; and after the war, Herman Halstead continued his service with the West Virginia National Guard; and

Whereas, It was the oldest, Corporal James Norton Halstead, who was the first to enlist, signing up at Huntington on March 30, 1942, and became a medical corpsman in the 325th Glider Infantry Regiment, 82nd Airborne Division; and

Whereas, The 325th's first battle was reached not by air, but by sea. By September, the regiment was sent to Salerno from Sicily to

reinforce units already there. They were attached to the 2nd Battalion and intended to relieve Ranger units on Mount St. Angelo di Cava. German artillery barrages attempted to throw the glidermen off the mountain, but the Americans held their ground. It was here the Regiment met their first casualties. Service in Salerno is consistent with Cpl. Halstead's war record; Young American Patriots indicates he was there; and

Whereas, The Regiment landed in Normandy on D-Day plus one (June 7, 1944). According to the unit history, "As soldiers of the 325th Glider Infantry Regiment swooped down to Normandy, other elements of the 82nd Airborne were in the process of capturing the town of St. Mere Eglise on an airborne operation behind enemy lines. It was for the success of their effort that the soldiers of the 82nd Airborne Division were awarded the red and green braided French Fourregerre." ("The 325th Glider Infantry Regiment," The 82nd Airborne: World War II, accessed 23 October 2020, https://www.ww2-airborne.us/units/325/325.html.); and

Whereas, Twenty-one of the 850 gliders carrying infantrymen were wrecked in landing. Of the roughly 4,000 men who participated in the initial airborne assault phase of Operation Overlord, 10 percent became casualties, either killed or maimed. ("Glider Phase of D-Day Begins," World War II Day by Day: The Daily Chronicles of World War II, 2012-2020, accessed 23 October 2020, https://ww2days.com/glider-phase-of-d-day-begins-2.html.); and

Whereas, Sadly, Cpl. James Halstead was one of those 10 percent; he was wounded on June 15 during his landing, he died of wounds in France on June 16, 1944, just two days shy of his 25th birthday; and

Whereas, The 325th persisted, minus their fallen brothers, and the glidermen-turned-infantrymen soldiered on Cpl. Halstead's 325th would become embroiled in the Battle of the Bulge (December 1944-January 1945), where, ironically, his brother Samuel became a participant; and

Whereas, Sergeant Samuel Edward Halstead, the youngest family member to enter World War II, was drafted in January of 1944; trained at Camp Blanding, Florida; and saw service in England, France, and Italy, and

Whereas, It was not unusual for groups of brothers to enlist for World War II; and

Whereas, On March 15, 1945, Sgt. Samuel Halstead was shot while serving near Strasbourg, France. He always believed that he was very lucky as German snipers were renowned as highly accurate shots. He believed that he got excellent medical attention. He was transported to a field hospital, to a traditional hospital in France, and finally to a hospital in England. His ultimate destination was the U.S.; and

Whereas, He emphasized the importance of letter-writing during the war. According to Samuel's biographer, although he never saw his three brothers while at war, he could write them. One day, he wrote to his oldest brother, James Norton Halstead, and sadly the letter was returned with the word "Deceased." This was how [Samuel] Halstead discovered that James had been killed while a member of the 82nd Airborne in France; and

Whereas, James Norton Halstead (1919-1944), Eugene Paul Halstead (1921-1981), Herman Lee Halstead (1923-1986), and Samuel Edward Halstead (1925-2016) served their country well in World War II, with James paying the ultimate sacrifice; and

Whereas, James was awarded the Purple Heart, the Bronze Star, the Good Conduct Medal, and the Combat Infantry Badge; and

Whereas, In fact, all four brothers received the latter medal, T/5 Paul Eugene Halstead, with two battle stars. Additionally, Samuel Edward Halstead was awarded the Combat Infantryman Badge, the Presidential Unit Citation, the Purple Heart, the Bronze Star, the World War II Victory Medal, the Marksman Badge and Rifle Bar, and the European-Africa-Middle Eastern Campaign Medal; and

Whereas, The Halstead family must certainly be one of the most decorated in the history of World War II; and

Whereas, Samuel's family (he and his wife Helen Louise Zuspan Halstead, to whom he was married for 69 years, had four sons: Samuel Edward Jr. [Ed]; Steve; Michael Bruce, who lived for only two days; and Tim) continued the Halstead military legacy with his son Sam Jr. serving in the U.S. Navy in Vietnam and his granddaughter Shonna Rae Halstead Miller (Tim's daughter) serving in Kuwait as a member of the West Virginia National Guard; and

Whereas, James Norton Halstead was originally buried in the Normandy American Cemetery in France, but Cpl. James Norton Halstead's remains were returned to the States in 1949, and he was buried in the Suncrest Cemetery at Point Pleasant, West Virginia; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of the Halstead Brothers; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a bridge built in 2018 bearing the number NHPP-035(202)(11349)(35-19.01) carrying U.S. Route 35 in Mason County, crossing over Black Oak Road, County Route 78, as the "Halstead Brothers WWII Veterans Memorial Bridge;" and, be it

Further Resolved, That the commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "Halstead Brothers WWII Veterans Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the commissioner of the Division of Highways.

Delegate Burkhammer offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 74 - "Requesting the Division of Highways name bridge number 21-033/00-018.34 (21A215), locally known as Hardees Boxbeam, carrying US Route 33 over Stonecoal Creek in Lewis County, the 'Judge Les Fury Memorial Bridge'."

Whereas, William L. "Les" Fury was born in Clarksburg, West Virginia, on June 21, 1917, was a graduate of the former Weston High School; attended West Virginia Wesleyan College and Potomac State College, and went on to obtain a law degree from Washington and Lee University; and

Whereas, On November 7, 1942, he married Elizabeth Aspinall, his beloved wife, who became a teacher with the Lewis County school system for over 25 years; and

Whereas, Les Fury entered the United States Army in 1942 and served in the European Theater during World War II, earning the rank of captain, and he served until 1946. After his discharge from active duty in the Army, Les Fury went on to serve in the United States Army Organized Reserves, eventually attaining the rank of major; and

Whereas, After World War II, Les Fury moved back to Weston, West Virginia, to practice law. In 1952, he began the first of four terms as the prosecuting attorney for Lewis County. In 1968, he successfully ran for judge of the 26th judicial circuit, a post in which he served with distinction for 16 years; and

Whereas, In 1985, Judge Fury retired from the bench and dedicated his subsequent years to serving the people of Lewis County in many other ways. He had a lifelong dedication to the congregation of St. Paul's Episcopal Church. He also was active in the Lions Club, Rotary Club, American Legion, Veterans of Foreign Wars, Moose Lodge, Masonic Lodge, Central WV Shrine Club, Shrine Nemesis Temple; Lewis County Chamber of Commerce, and the Reserve Officers Association of the United States. Judge Lewis and his wife also participated in programs serving the youth of their county and Judge Lewis was a coach for the Lewis County Little League Baseball program; and

Whereas, Judge Fury created a scholarship, named in honor of his wife, Elizabeth, through a bequest in his will, which has aided several Lewis County high school students the opportunity to further their educations at West Virginia University; and

Whereas, William L. Les Fury, World War II veteran, prosecuting attorney, and circuit judge, passed from this world on November 24, 2010; and

Whereas, It is fitting that an enduring memorial be established to commemorate Judge Les Fury and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 21-033/00-018.34 (21A215), locally known as Hardees Boxbeam, carrying US Route 33 over Stonecoal Creek in Lewis County, the "Judge Les Fury Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Judge Les Fury Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Burkhammer offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 75 - "Requesting the Division of Highways name bridge number 21-1/25-0.01 (11671) (39°2'50' North latitude, 80°27'54' West longitude), which will serve as a replacement for the bridge locally known as the Fourth Street Arch, carrying Fourth Street over the West Fork River in Weston, Lewis County, West Virginia, the 'Pastor Glenn F. Lough Memorial Bridge'."

Whereas, Glenn F. Lough was born June 20, 1970, in Lewis County, West Virginia, the son of Mr. Nelson Lough and Mrs. Joyce Moneypenny Lough; and

Whereas, Glenn F. Lough graduated from Lewis County High School, from West Virginia Institute of Technology with a Bachelor of Science in Civil Engineering, and from Liberty University with a Master of Arts in Religion; and

Whereas, Glenn F. Lough served his country as a veteran of the 1st Brigade of the 119th Engineering Battalion of the Army National Guard of Buckhannon; and

Whereas, Glenn F. Lough served as a youth pastor for 10 years from 1994 through 2004 at Broad Run Baptist Church in Jane Lew, West Virginia where he directed the junior and senior high youth group, led over 40 teenagers to Christ, and led bi-monthly youth rallies for the Broad Run Association. Two youth he discipled later became pastors; and

Whereas, Glenn F. Lough led a contemporary Christian praise band named Persuaded for many years beginning in 2004 through which he would perform and preach at various churches and local venues in Central West Virginia; and

Whereas, Glenn F. Lough served as the Music Minister at Broad Run Baptist Church on February 6, 2005; and

Whereas, Glenn F. Lough served as the Association Youth Pastor from 2006 to 2007 for the Broad Run Association where he assembled and directed a ministry team to budget, plan and lead 3 youth camps, through which 30 children professed faith in Christ; and

Whereas, Glenn F. Lough served as the Senior Pastor from 2007 to 2008 at Valley Bend Baptist Church in Belington, West Virginia where he performed 11 baptisms in 9 months; and

Whereas, Glenn F. Lough served from 2008 to 2010 as an Associate Pastor of Worship and Church Planter at Real Life Church in Weston, West Virginia where he oversaw Worship and Discipleship and preached sermons regularly; and

Whereas, Glenn F. Lough planted Real Life Church with two other pastors and their families where numerous people were led to

Christ and baptized and at one point was the fastest growing Southern Baptist Church plant in West Virginia; and

Whereas, Glenn F. Lough was ordained at Real Life Church on January 21, 2010; and

Whereas, Glenn F. Lough served the State of West Virginia as a highway engineer for the West Virginia Division of Highways for 25 years. After leaving his job at the bridge department in Weston, West Virginia, where he had worked for 20 years designing, maintaining, repairing, and replacing bridges, he moved to another WVDOH engineering job in Charleston, West Virginia, and also became the Associate Worship Pastor at Good Shepherd Church in Scott Depot, West Virginia from 2012 to 2017; and

Whereas, On June 27, 2017, Glenn F. Lough tragically lost his life at the age of 47 on I-79 in the line of work in a vehicular accident and left behind his wife Debbie and two daughters, Lindsey and Courtney, along with many other family members and close friends who all miss him dearly; and

Whereas, Glenn F. Lough was a man of many talents including preaching, music, art, engineering, mechanics, and carpentry, just to mention a few, but his greatest gift was his ability to make friends with people almost immediately and build a relationship with them which often became a discipling relationship where he would lead them to Christ and help them grow. He had an uncanny way of making people feel comfortable around him and finding ways to encourage others in every possible way. He was a humble man who used all of his talents to help others in any way he could, always teaching and encouraging; and

Whereas, Just prior to his death, Glenn F. Lough made recommendations about where the new Fourth Street Arch replacement bridge in Weston should be located, which was very near the final location that was decided; and

Whereas, Glenn F. Lough grew up in the Haleville Union Mission Church located right next to this bridge location where he

became known by elderly ladies of the church as "the little preacher boy"; and

Whereas, Glenn F. Lough served God and so many people in the city of Weston and elsewhere for many days of his life and it is fitting that an enduring memorial be established to Glenn F. Lough for his contributions to our state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 21-1/25-0.01 (11671) (39°2'50" North latitude, 80°27'54" West longitude), which will serve as a replacement for the bridge locally known as the Fourth Street Arch, carrying Fourth Street over the West Fork River in Weston, Lewis County, West Virginia, the "Pastor Glenn F. Lough Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as *the "Pastor Glenn F. Lough Memorial Bridge"*; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

Delegates Kimble, McGeehan, Phillips, J. Jeffries and G. Ward:

H. J. R. 110 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article VI thereof; amending section two, article XIV thereof; and amending said Constitution by adding a new article, designated article XV, all relating to the legislative powers held by the people of the state and the Legislature; the power of the registered voters and the power of the Legislature to propose amendments to this Constitution; and the reservation by and to the people and registered voters of this state the powers of initiative, referendum, and recall at all levels of government in this state; numbering and

designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Skaff and Hanshaw (Mr. Speaker):

H. B. 4678 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, §18B-21-4, §18B-21-5, §18B-21-6, §18B-21-7, §18B-21-8, §18B-21-9, and §18B-21-10, all relating to improving the mental health of higher education students; providing legislative findings; defining terms; developing the necessary training, peer support and local assistance collaboration within colleges and universities; directing the West Virginia Higher Education Policy Commission and the Community and Technical College System of West Virginia to collaborate in establishing resources with the responsibility of collecting, analyzing, and disseminating data related to mental health in higher education; and providing funding recommendations"; to the Committee on Education then Finance.

By Delegate Williams:

H. B. 4679 - "A Bill to amend and reenact §60-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60-6-27, all relating to authorizing municipalities to establish outdoor refreshment areas for consumption of alcoholic beverages and non-intoxicating beer; granting authority and oversight to municipalities to permit these areas; requiring municipal authorization of permitted areas; providing definitions; placing limitations and conditions on the establishment of such areas; requiring permit holders to have valid licenses from the state; requiring public notice; providing the alcoholic beverage control commissioner to regulate the areas; allowing municipality and zoning limitations; establishing limitations on sizes of approved areas; allowing for revocation and periodic renewal requirements for designated areas; and requiring

compliance with all state and municipal laws, permits and limitations in permitted areas"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Haynes:

H. B. 4680 - "A Bill to amend and reenact §7-1-1b of the Code of West Virginia, 1931 as amended, relating to modifying qualifications for county commissioners"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Skaff, Williams, Zukoff, Boggs, Thompson, Westfall, Ferrell, Storch, Graves and Kimble:

H. B. 4681 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, relating to establishing an animal abuser registry; establishing requirements for registration; directing the State Police to establish and maintain a state registry; providing what crimes require registration; requiring each law-enforcement agency to submit information relating to convicted animal abusers; and establishing a criminal penalty for failure to register"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Hornbuckle:

H. B. 4682 - "A Bill to amend and reenact §15A-3-4 of the Code of West Virginia, 1931, as amended, relating to requiring correctional facilities to assist juvenile and adult offenders to obtain a Social Security number and card, a birth certificate, and a driver's license"; to the Select Committee on Jails and Prisons then the Judiciary.

By Delegates Pinson, Kimble, Lovejoy, Keaton, Pack, B. Ward, D. Kelly, Bates, Westfall, Honaker and Reed:

H. B. 4683 - "A Bill to amend and reenact §7-14D-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto an new section, designated §7-14D-11a, all relating to the Deputy Sheriff Retirement System Act; permitting the board to set the employer contribution rate; setting a maximum employer contribution rate upon payment of the first annual annuity adjustment; and providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving

spouses"; to the Committee on Pensions and Retirement then Finance.

By Delegates Howell, Rowan, Hott, Summers, Linville, Maynard, Hamrick, Statler, Graves, Sypolt and Wamsley:

H. B. 4684 - "A Bill to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended, relating to a convention and visitor's bureau's eligibility for hotel occupancy tax proceeds; and exempting from eligibility requirements a county with a single convention and visitor's bureau and hotel occupancy tax proceeds of less than $150,000 annually"; to the Select Committee on Tourism and Economic Diversification then Finance.

By Delegates Hamrick, Dean, Haynes and Cooper:

H. B. 4685 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, establishing the livestock guaranty program, establishing the Livestock Guaranty Program Fund, and providing for legislative rules"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Walker, Thompson and Young:

H. B. 4686 - "A Bill to repeal §21-1A-1, §21-1A-2, §21-1A-3, §21-1A-4, §21-1A-5, §21-1A-6, §21-1A-7, and §21-1A-8 of the Code of West Virginia, 1931, as amended, all relating to the Labor-Management Relations Act For The Private Sector"; to the Committee on Workforce Development then the Judiciary.

By Delegates Walker, Evans and Young:

H. B. 4687 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-33-1, relating to creating a quasi-public corporation to be known as the Wild and Wonderful Restoration Task Force Corporation; purposes; duties; and providing for legislative rules to prescribe the organization, powers and duties of the corporation"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Barrett, Hardy, Storch, Graves, Householder and Criss:

H. B. 4688 - "A Bill to amend and reenact §16-5V-2 and §16-5V-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5V-6a, all relating to transferring employed county firefighters from the Public Employees Retirement System to the Emergency Medical Services Retirement System; defining and declaring county firefighters as a member of the Emergency Medical Services Retirement System; requiring notice to be given to covered firefighters; providing for persons not currently employed as firefighter to elect to transfer upon rehire; providing for transfer of assets pertaining to county firefighters; requiring certain computations to be made by the Consolidated Public Retirement Board; terminating liability of the Public Employees Retirement System; and providing for purchase of service time through payment"; to the Committee on Finance.

By Delegate Hamrick:

H. B. 4689 - "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, and §11-13MM-4, all relating to the creation of the 'EV Manufacturers Investment Credit;' providing for definitions; establishing tier 1 eligibility, credits, and exemptions; establishing tier 2 eligibility, credits, and exemptions; providing for the forfeiture of unused tax credits; and providing for the redetermination of credit allowed"; to the Select Committee on Tourism and Economic Diversification then Finance.

By Delegate Hornbuckle:

H. B. 4690 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-15, relating to the establishment of the Police Partnering With Communities Act; providing for a short title; providing for legislative findings; defining a 'distressed area;' providing for the establishment of the Police Partnering With Communities Fund; and providing for an effective date"; to the Committee on the Judiciary then Finance.

By Delegate Capito:

H. B. 4691 - "A Bill to amend and reenact §8-11-4 of the Code of West Virginia, 1931, as amended, relating to providing for a 45 day waiting period before a water and/or sewer rate increase may go into effect for any locally rate regulated municipality"; to the Committee on Government Organization.

By Delegate Householder:

H. B. 4692 - "A Bill to amend and reenact §7-11B-3, §7-11B-7, §7-11B-8, §7-11B-9, and §7-11B-10 of the Code of West Virginia, 1931, as amended, all relating generally to property tax increment financing districts; modifying the existing authorization for a county commission or municipality to extend the termination time of certain districts; providing clarification as to the timing of the notice required to be given to other levying bodies prior to a new project plan or project plan amendment for a property tax district being considered for approval and making other clarifications"; to the Committee on Finance.

By Delegate Young:

H. B. 4693 - "A Bill to amend and reenact §3-2-3 of the Code of West Virginia, 1931, as amended, relating to registration of voters; and requiring the Secretary of State to utilize the Electronic Registration Information Center"; to the Committee on Government Organization then the Judiciary.

By Delegates Kimble, Pinson, Graves, Pritt, G. Ward, Conley, Burkhammer, Mazzocchi, Kessinger, Phillips and Keaton:

H. B. 4694 - "A Bill to amend and reenact §61-8B-9a of the Code of West Virginia, 1931, as amended; to amend and reenact §61-8C-2 of said code; and to amend and reenact §61-14-2 of said code, all relating to dangerous crimes against children; and ensuring that stronger criminal penalties are associated with crimes against children"; to the Committee on the Judiciary.

By Delegate Keaton:

H. B. 4695 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-

97, relating to creating a personal refundable credit against personal income taxes"; to the Committee on Finance.

By Delegates Fleischauer, Kessinger, Steele, Pack, Garcia, Walker, Williams, Hansen, Statler, Brown and Lovejoy:

H. B. 4696 - "A Bill to amend and reenact §49-2-803 and §49-2-812 of the Code of West Virginia, 1931, as amended, all relating to reporting of suspected abuse and neglect; providing notice to the child's parent or guardian under certain circumstances; requiring annual statement of reporting obligations to be provided to, and acknowledged by, public and private school employees; establishing the duty of a prosecutor to notify a licensing or regulatory board of a licensee's failure to notify; and making it professional negligence and a departure from professional conduct for professional licensees and registrants to fail to report suspected abuse or neglect"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Dean:

H. B. 4697 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-37, relating to permitting pharmacists to dispense ivermectin by means of a standing order; creating definitions; providing for guidelines; clarifying the role of the West Virginia Board of Medicine; and providing for an effective date"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Pushkin:

H. B. 4698 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to the West Virginia Medicaid program; requiring West Virginia Medicaid managed care organizations to contract with any otherwise qualified provider"; to the Committee on Health and Human Resources then Finance.

By Delegate Householder:

H. B. 4699 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-10-6, relating to creating the Learning Loss Mitigation Program; providing for legislative findings; providing for the establishment

of the program; providing eligibility for grant funds; specifying the use of grant funds; providing for the availability and expenditure of grant funds; providing for the administration of the fund; and providing for funding"; to the Committee on Education then Finance.

By Delegate Zukoff:

H. B. 4700 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §3-5-6f and §3-5-6g, all relating to making certain officers of the courts elected as non-partisan; providing that the election of county prosecutors be non-partisan; and providing that the election of circuit clerks be non-partisan"; to the Committee on the Judiciary.

By Delegate Maynard:

H. B. 4701 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-72, relating to providing compensation to victims of abusive lawsuits; and providing that a party in a civil action is entitled to recover attorney's fees and costs after a court dismisses a claim as lacking any basis in law or fact"; to the Committee on the Judiciary.

By Delegate Lovejoy:

H. B. 4702 - "A Bill to amend the Code of West Virginia, 1931, as amended, by creating thereto a new article, designated §5-1F-1, §5-1F-2, §5-1F-3, §5-1F-4 and §5-1F-5, all relating to establishing a state office to promote community food security; establishing the office within the Governor's Office; providing that that office coordinate all state recourses and any federal and private grants for promoting food security in the state; providing findings for creation of the office; providing directives for the office relating to enhancing food security in this state; creating an advisory board; providing for county offices to coordinate local resources; and providing for the creation of a special revenue account"; to the Committee on Government Organization then Finance.

By Delegates Griffith, Bates, Zukoff, Storch, B. Ward and Kimble:

H. B. 4703 - "A Bill to amend and reenact §46A-6F-112 of the Code of West Virginia, 1931, as amended, relating to

telemarketing; and requiring that telemarketers telephone calls include the area code and correct point of origin"; to the Committee on the Judiciary.

By Delegates Griffith, B. Ward and Zukoff:

H. B. 4704 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-19d, relating to the restraint of dogs"; to the Committee on the Judiciary.

By Delegates Young, Williams, Walker, Thompson, Zukoff, Lovejoy and Hornbuckle:

H. B. 4705 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, §18B-21-4, §18B-21-5, §18B-21-6, §18B-21-7, §18B-21-8, §18B-21-9, and §18B-21-10, all relating to the Student Basic Needs Campus Initiative; establishing the Student Basic Needs Campus Initiative; authorizing the creation of the Student Basic Needs Campus Program office; establishing the duties of the Hunger Free Campus Program office; authorizing the Student Basic Needs Campus Program office to administer and advise the Chancellor on the Student Basic Needs Campus Grant Program; establishing the requirement for designation as a Student Basic Needs Campus; setting requirements for awarding Student Basic Needs grants; addressing Student Basic Needs Campus grant administration; creating the Student Basic Needs Campus Program and Grant Fund; setting forth reporting requirements; and authorizing legislative rules"; to the Committee on Education then Finance.

By Delegates Walker and Young:

H. B. 4706 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31A-8B-6, relating to requiring an audit to be made of the compliance of Commissioner of Banking and the Board of Banking and Financial Institutions to assess their compliance with the West Virginia Community Reinvestment Act; requiring the Legislative Auditor to conduct the audit; specifying essential issues to review; and requiring report to be submitted to the Joint Committee on

Government and Finance"; to the Committee on Government Organization then Finance.

By Delegates Walker, Thompson and Young:

H. B. 4707 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-23, relating to prohibiting employers and agents from requiring an employee or applicant to provide any information about the person's salary history or prior compensation; and providing criminal penalties"; to the Committee on the Judiciary.

By Delegates Walker, Fleischauer, Zukoff and Young:

H. B. 4708 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5DD-1, relating to requiring primary care physicians to provide disclosures to patients regarding triple negative breast cancer"; to the Committee on Health and Human Resources.

By Delegate Bates:

H. B. 4709 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-4g; to amend and reenact §11B-2-20 of said code; and to amend said code by adding thereto a new section, designated §11B-2-33, all relating to reducing personal income tax rates generally; reducing rates by certain amounts after December 31, 2022; creating stabilization and future economic reform fund from which expenditures may be made only upon appropriation of the Legislature and solely for the purpose of reducing the rates of personal income tax in accordance with this and future Acts of the Legislature; and directing the secretary of revenue to annually cause to be deposited into the stabilization and future economic reform fund the first 50 percent of all surplus revenues, if any, determined to have accrued during the fiscal year just ended instead of directing the secretary of revenue to annually of causing those surplus revenues to be deposited into the revenue shortfall reserve fund."; to the Committee on Finance.

By Delegates Mallow, Pinson, Haynes, Mandt, Holstein, Reynolds, Honaker and B. Ward:

H. B. 4710 - "A Bill to amend and reenact §37-6-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §37-6-31, all relating to termination of leaseholds, requiring law enforcement participation in eviction notice service and requiring eviction notices expressly state tenant rights under this section"; to the Committee on the Judiciary then Finance.

By Delegate Young:

H. B. 4711 - "A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to providing video cameras in every classroom in which there is a nonverbal student"; to the Committee on Education then Finance.

By Delegate D. Kelly:

H. B. 4712 - "A Bill to amend and reenact §50-3-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-4-17 of said code, all relating to reducing the time period allowed for enrollment in magistrate court and circuit court payment plans and limiting the maximum length of payment plans"; to the Committee on the Judiciary.

By Delegates Evans, Walker, Fleischauer, Thompson, Griffith, Barach and Hornbuckle:

H. B. 4713 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25e, relating to requiring athletic associations and sports entities of West Virginia to adopt and implement a 'Heat and Humidity Practice Policy' for all outdoor organized athletic and competitive events held within the state"; to the Committee on Health and Human Resources then Education.

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

H. B. 4714 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Education,

State Board of Education – Vocational Division, fund 0390, fiscal year 2022, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 4715 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 4716 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 4717 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, West Virginia Office of Tax Appeals, fund 0593, fiscal year 2022, organization 0709, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Kimble, McGeehan, G. Ward, Sypolt, Mazzocchi and Linville:

H. B. 4718 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-2D-1, §4-2D-2, §4-2D-3, and §4-2D-4, all relating to the creation of the Privacy Protection Act; establishing definitions; defining the role of the State Auditor's Office in collaboration with the State Privacy Officer; creating the State Privacy Officer; and creating the Personal Privacy Oversight Committee"; to the Committee on the Judiciary then Finance.

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

H. B. 4719 - "A Bill supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles, fund 9007, fiscal year 2022, organization 0802, for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 4720 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 4721 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2022, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegate Walker:

H. B. 4722 - "A Bill to amend the Code of West Virginia, 1931, amended, by adding thereto a new section, designated §19-16A-28, relating to restricting the use of neonicotinoid pesticides"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Statler, Howell, Hamrick, Hanshaw (Mr. Speaker) and Skaff:

H. B. 4723 - "A Bill to repeal §18B-2A-7a of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1-2 of said code; to amend and reenact §18B-1B-6 of said code; to amend and reenact §18B-2A-1 of said code; to amend and reenact §18B-3C-8 and §18B-3C-13 of said code, and to amend said code by adding thereto a new section, designated §18B-3C-13a, all relating to public higher education governance; making Pierpont Community and Technical College a fully integrated division of Fairmont State University known as the Pierpont College of Community and Technical Education on July 1, 2023; increasing the number of members of the Fairmont State Board of Governors to fifteen persons; requiring the appointment by the Governor of at least one member on the Fairmont State University Board of Governors who has knowledge and practical experience in community and technical education; providing for two faculty members on the Fairmont State University Board of Governors at least one of which shall be from the faculty of the Pierpont College of Community and Technical Education elected by the faculty senate; providing that the administrative head of the Pierpont College of Community and Technical Education shall be a dean appointed by the President of Fairmont State University; providing that the chairman of the Fairmont State University Board of Governors shall appoint an advisory board to advise the Fairmont State University Board of Governors on matters relating to the community and technical college curriculum; providing that the members of the advisory board shall elect a chairperson on or after July 1, 2023, who shall be an ex-officio, voting member of the Fairmont State University Board of Governors; providing that the operating budget of Pierpont Community and Technical College is integrated under the authority and jurisdiction of the Fairmont State University Board

of Governors; transferring all financial assets and liabilities from the authority of Pierpont Community and Technical College Board of Governors to the authority of the Fairmont State University Board of Governors; satisfying existing outstanding deficits or financial obligations prior to the unification of Fairmont State University and Pierpont Community and Technical College; continuing any capital debt service payment of Pierpont Community and Technical College and making it the responsibility of the Fairmont State University Board of Governors; transferring titles to all real property, facilities, and equipment of, as well as each valid agreement undertaken by Pierpont Community and Technical College to the Fairmont State University Board of Governors; vesting title of all property purchased for the use of Pierpont Community and Technical College in the Fairmont State University Board of Governors; making faculty, classified employees, and nonclassified employees of Pierpont Community and Technical College employees of Fairmont State University; providing for a transition period to achieve full accreditation by the Higher Learning Commission; requiring reports to the Council for Community and Technical College Education and the Legislative Oversight Commission on Education Accountability; clarifying that the Council for Community and Technical College Education shall retain jurisdiction over the academic programming offered by the Pierpont College of Community and Technical Education; providing for transition team oversight with a sunset date, authorizing Fairmont State University to begin the change of control accreditation review process with the Higher Learning Commission on July 1, 2022; updating certain state institution of higher education names; repealing outdated language; and deleting obsolete language"; to the Committee on Education then Finance.

By Delegates Walker, Thompson, Griffith, Fleischauer, Pushkin and Young:

H. B. 4724 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-65-1, relating to establishing a program to provide a CARE FOR ALL telephone referral number and website access to provide public access to resources for medical care, including resources and

providers that are LGBTQ+, Black, and POC-friendly"; to the Committee on Health and Human Resources then Finance.

By Delegate Pritt:

H. B. 4725 - "A Bill to amend and reenact §11-1A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-3-1 of said code, all relating to providing definitions for 'market value' and 'true and actual value'; and that property taxes may not be appraised and assessed higher than the value in 2019"; to the Committee on Finance.

By Delegate Pritt:

H. B. 4726 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-26b, relating to providing for the automatic expungement of certain criminal convictions and records that are eligible for expungement"; to the Committee on the Judiciary.

By Delegates Pritt and Hanna:

H. B. 4727 - "A Bill to amend and reenact §6-9A-3 of the Code of West Virginia, 1931, as amended, relating to publication of notice of a public meeting and meeting agenda at least three days prior to the date of the meeting for by governing bodies of county and local government entities"; to the Committee on Government Organization then the Judiciary.

By Delegate Pritt:

H. B. 4728 - "A Bill to amend and reenact §49-4-701 of the Code of West Virginia, 1931, as amended, relating to authorizing family courts to certify a juvenile to the jurisdiction of a circuit court for proceedings"; to the Committee on the Judiciary.

By Delegates Pritt, Steele and Foster:

H. B. 4729 - "A Bill amend and reenact §48-5-701 and §48-5-704 of the Code of West Virginia, 1931, as amended, all relating to modifications to child support or alimony shall be made retroactive to the date of a change of income or circumstances"; to the Committee on the Judiciary.

By Delegates G. Ward, Phillips, Ferrell and Barnhart:

H. B. 4730 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13LL-1, §11-13LL-2, §11-13LL-3, and §11-13LL-4, all relating to establishing a tax credit for contributions made by an employer to a state higher education institution; definitions; requirements; establishing the amount of credit allowed; providing for Legislative rules; and setting the effective date"; to the Committee on Finance.

By Delegate Kessinger:

H. B. 4731 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-28A-1, §30-28A-2, §30-28A-3, §30-28A-4, §30-28A-5, §30-28A-6, §30-28A-7, §30-28A-8, §30-28A-9, §30-28A-10, §30-28A-11, §30-28A-12, §30-28A-13, and §30-28A-14, all relating to enacting and adopting an interstate Occupational Therapy Licensure Compact; stating purposes of the compact; defining terms, providing requirements for compact participation and responsibilities of the state licensing board; establishing reciprocal privileges for licensees of one state to practice in other member states and setting requirements therefor; setting requirements when a licensee changes state of residence; authorizing licensees on active military duty or with a spouse on active duty to designate a home state; describing the powers, procedures, and relative responsibilities of the licensing boards of the home state and remote states; establishing a representative, multi-state Occupational Therapy Compact Commission to establish rules for member state participation in the compact, establish a code of ethics, develop uniform rules for licensure and disciplinary procedures; and implement the provisions of the compact; describing the powers, duties, organization, financing, and legal liabilities of the compact commission and its members; authorizing the development, maintenance, and utilization of a coordinated database and reporting system for information regarding licensees or potential licensees; establishing a process for rulemaking within the compact commission; defining legal responsibilities of member states for participation in the compact and providing for redress if a member state fails to comply; establishing conditions for the

compact to take effect; providing for construction and severability of provisions of the compact to be consistent with state law; and providing resolution for differences between the requirements of the compact and of state law"; to the Committee on Government Organization.

By Delegates Young and Zukoff:

H. B. 4732 - "A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to expanding permissive early childhood education programs to children who are three years old beginning in the 2022-2023 school year; providing counties with the authority to implement three-year-old early childhood education programs; and clarifying that the state board rules should take into consideration curriculum appropriate for three-year-old children in such programs"; to the Committee on Education then Finance.

By Delegates Haynes, Dean and Cooper:

H. B. 4733 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-4-21; and to amend and reenact §18-5-7 of said code, all relating to relinquishing ownership of school properties within one year of the closure of a school; requiring county boards of education to relinquish ownership through sale or lease; and requiring assessment and collection of taxes for properties that are vacant or unused for more than two years"; to the Committee on Education.

By Delegates Haynes, Pinson, Ferrell, Mallow, Holstein, Honaker, Longanacre, Toney, Lovejoy, Boggs and Rowan:

H. B. 4734 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-1-10, relating to creating the misdemeanor criminal offense of filing a false complaint against a law-enforcement official; and providing a penalty"; to the Committee on the Judiciary.

By Delegates Kessinger, Hardy and Steele:

H. B. 4735 - "A Bill to amend and reenact §59-3-3 of the Code of West Virginia, 1931, as amended, relating to reducing rates for legal advertising"; to the Committee on Finance.

By Delegates Mallow, Tully, Haynes, Mandt and Holstein:

H. B. 4736 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to requirements for smoke evacuation systems for health care facilities; defining terms; and creating penalties for violation of requirement"; to the Committee on Health and Human Resources.

By Delegates Walker, Young, Zukoff, Lovejoy, Williams and Hansen:

H. B. 4737 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-7, relating to establishing a tip line to the Department of Health and Human Resources for citizens to report instances of food insecurity and requiring appropriate personnel to follow up on tips to provide assistance to those individuals"; to the Committee on Health and Human Resources.

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

H. B. 4738 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health - The Vital Statistics Account, fund 5144, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 4739 - "A Bill supplementing, amending, and increasing an existing item of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803, for the fiscal year ending June 30, 2022"; to the Committee on Finance.

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

H. B. 4740 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the

balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2022, organization 0310, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Walker, Thompson, Pushkin, Young, Fleischauer, Hornbuckle, Bates, Hansen and Williams:

H. B. 4741 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-22, relating to discrimination, prohibiting discrimination on the basis of hairstyle or texture"; to the Committee on Government Organization then the Judiciary.

By Delegates Steele, Criss, Rowan, Rohrbach, Skaff, Capito and Howell:

H. B. 4742 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-15, relating to the restoration of the Holly Grove Mansion; providing for legislative findings and the background of the Holly Grove Mansion; explaining the restoration; providing for funding in a separate appropriations bill; providing for the establishment of a commission to oversee the restoration and designating representatives; providing for the disbanding of the commission upon completion of the project; and shifting control of the Holly Grove Mansion from General Services to the Division of Arts, Culture, and History upon completion of the restoration"; to the Committee on Government Organization.

By Delegates Westfall, Barrett, Householder, Capito, Steele, Pack, Queen, Bates, Storch, Skaff and Statler:

H. B. 4743 - "A Bill to amend and reenact §16A-6-3 of the Code of West Virginia, 1931, as amended, all relating to security and surveillance requirements of medical cannabis organization facilities"; to the Committee on the Judiciary.

By Delegates Westfall, Barrett, Householder, Capito, Steele, Bates, Queen, Storch, Skaff, Statler and Riley:

H. B. 4744 - "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to

permitting medical cannabis to be dispensed in edible form; removing the restrictions that prevent medical cannabis from being incorporated into edible form; and providing restrictions related to the shape of the edible product"; to the Committee on the Judiciary.

By Delegate Walker:

H. B. 4745 - "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, and §16A-17-6, all relating to the decriminalization and legalization of cannabis; providing for a legislative purpose and findings; defining certain terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund, including funding for PEIA, for orphan roads, and for the Herbert Henderson Office of Minority Affairs; 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 the West Virginia Medical Cannabis Act"; to the Committee on Health and Human Resources then the Judiciary then Finance.

By Delegates Walker, Hansen, Young, Thompson and Griffith:

H. B. 4746 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-6-18; and to amend and reenact §17-2A-21 of said code, all relating to requiring sharps containers in all state buildings and facilities where the public is allowed and at welcome centers and rest areas on public highways"; to the Committee on Health and Human Resources then Finance.

By Delegates Walker, Hansen, Zukoff, Young, Fleischauer, Pushkin, Thompson, Rowe, Barrett, Fluharty and Hornbuckle:

H. B. 4747 - "A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to the establishment of a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States; and

encouraging all counties and municipalities in the state to do the same"; to the Committee on Government Organization.

By Delegates Walker, Hansen and Thompson:

H. B. 4748 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to providing an exemption for state income tax for West Virginia public school teachers and personnel; and providing for guidelines"; to the Committee on Finance.

By Delegate Keaton:

H. B. 4749 - "A Bill to amend and reenact §11-21-14 of the Code of West Virginia, 1931, as amended, all relating to reinstituting the standard deduction"; to the Committee on Finance.

By Delegates Skaff, Hornbuckle, Lovejoy, Cooper, Ferrell, Walker, Linville, Barrett, Toney, Capito and Hanna:

H. B. 4750 - "A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18C-7-8, all relating to the creation and administration of a scholarship program for college students who remain in-state after graduation; providing for awards upon agreement for repayment of an amount of the grant only if the recipient chooses not to live in the state after graduation; establishing eligibility requirements; providing program requirements; granting rulemaking authority; and creating a new special revenue account"; to the Committee on Education then Finance.

By Delegates Foster and Young:

H. B. 4751 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2-18, relating to in-state food service permit reciprocity"; to the Committee on Health and Human Resources.

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

H. B. 4752 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022,

to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegate Skaff:

H. B. 4753 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-24, relating to prohibiting locating certain homeless facilities near schools and certain daycares; declaring it a public nuisance as a health and safety hazard; and providing a private cause of action for enforcement"; to the Committee on the Judiciary.

By Delegates Hamrick, Howell, Haynes and Ellington:

H. B. 4754 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, §5B-2K-6, and §5B-2K-7, all relating to establishing a Workforce Improvement Partnership program to provide assistance to employers to train employees in critical or advanced skills; specifying purposes of program; establishing program and administrative responsibilities; specifying forms of assistance and eligibility requirements; creating Partnership for Workforce Quality Fund and specifying the nature of the Fund and its allowed uses; establishing grant program and grant criteria; authorizing use of Fund moneys to develop training programs when critical programs do not exist"; to the Committee on Finance.

By Delegates Graves, D. Jeffries, Ferrell, Bridges and Pack:

H. B. 4755 - "A Bill to amend and reenact §31-15A-17c of the Code of West Virginia, 1931, as amended, all relating to the critical needs and failing systems sub account; increasing the maximum loan balance for each congressional district from $4 million to $6 million; and increasing the cap relating to providing extensions to a water facility or wastewater facility from $1 million to $1.5 million"; to the Committee on Finance.

By Delegate Storch:

H. B. 4756 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-24; to amend and reenact §8-22-19 and §8-22-20 of said code; to amend and reenact §8-33-4 of said code; to amend said code by adding thereto two new sections, designated §8-33-4a and §8-33-4b; and to amend and reenact §33-3-14d of said code, all relating to authorizing Class I, Class II and Class III municipalities to create pension funding programs to reduce the unfunded liability of policemen's pension and relief funds and firemen's pension and relief funds; authorizing a municipality's allocable portion of funds from the Municipal Pensions Security Fund created in §8-22-18b to be paid to the trustee of an issue of pension funding revenue bonds to be used for the purpose of paying debt service on such bonds until such bonds are paid in full; authorizing municipal building commissions to use the proceeds from pension funding revenue bonds to fund the costs of a municipality's pension funding program; authorizing a municipal building commission to use rentals from real property owned or leased by such commission to pay debt service and administrative expenses associated with outstanding pension funding revenue bonds; authorizing a municipal building commission to issue pension funding revenue bonds to fund a municipality's pension funding program; requiring that each issuance of pension funding revenue bonds provide for a contingency reserve fund in an amount equal to at least 10 percent of the original principal amount of such bonds; requiring that an issue of pension funding revenue bonds be in a principal amount at least equal to the then unfunded liability of such applicable policemen's or firemen's pension and relief fund; providing for the use of excess moneys held by a bond trustee upon the payment in full of pension funding revenue bonds; requiring the approval of the Municipal Pension Oversight Board of the issuance of certain pension funding revenue bonds and requiring the submission of information relating to such bonds to the Joint Committee on Government and Finance"; to the Committee on Finance.

By Delegates Fluharty, Storch, Barrett, Riley and McGeehan:

H. B. 4757 - "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 Finance.

By Delegates Anderson, Cooper, Zatezalo, J. Kelly, Westfall and Ferrell:

H. B. 4758 - "A Bill to amend and reenact §22-3-11 of the Code of West Virginia, 1931, as amended, relating to developing and maintaining a database to track reclamation liabilities in the West Virginia Department of Environmental Protection Special Reclamation Program in order to better quantify the potential liability of the Special Reclamation Program for forfeited coal mining permits"; to the Committee on Energy and Manufacturing.

By Delegates Young, Riley, Hansen, Anderson, J. Kelly, Zatezalo, Capito, Evans and Wamsley:

H. B. 4759 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5D-2-1, §5D-2-2, §5D-2-3, §5D-2-4, and §5D-2-5, all relating to establishing a Legislative Commission on Energy Storage Resources; declaring legislative findings and a statement of purpose; creating the commission as an advisory body to the Legislature; providing for administrative services to the commission; listing membership; providing compensation and reimbursement for expenses of members; establishing the powers and duties of the commission; requiring reports to the Legislature; and setting a sunset date for the termination of the commission"; to the Committee on Energy and Manufacturing then Government Organization.

By Delegates Kessinger, Barrett, Capito, Storch, Pack, Espinosa, Maynor, Wamsley, Hanna and Longanacre:

H. B. 4760 - "A Bill to amend and reenact §11-21-71 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-24-44, all relating

to providing a tax credit against the state corporate net income tax to for-profit corporations or a tax credit against payroll withholdings for nonprofit corporations for expenditures related to the establishment and operation of employer-provided child-care facilities"; to the Committee on Finance.

By Delegate Rohrbach:

H. B. 4761 - "A Bill to amend and reenact §33-4A-8 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of the Department of Health and Human Resources to develop a submission procedures manual for the all-payer claims database and adopt the same as a procedural rule"; to the Committee on Health and Human Resources.

By Delegate Hott:

H. B. 4762 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to allowing a personal income tax exemption for first Responders"; to the Committee on Finance.

By Delegates Walker and Zukoff:

H. B. 4763 - "A Bill to amend and reenact §21-6-3 of the Code of West Virginia, 1931 as amended, relating to authorizing children age 12 or older to referee youth sporting events; and establishing conditions for eligibility"; to the Committee on Education.

By Delegates Howell, Miller, Zatezalo, Dean, Hamrick, Hornbuckle, Storch, Smith and Paynter:

H. B. 4764 - "A Bill to repeal §11-14C-1, §11-14C-2, §11-14C-3, §11-14C-4, §11-14C-5, §11-14C-6, §11-14C-6a, §11-14C-7, §11-14C-8, §11-14C-9, §11-14C-9a, §11-14C-10, §11-14C-11, §11-14C-12, §11-14C-13, §11-14C-14, §11-14C-15, §11-14C-16, §11-14C-17, §11-14C-18, §11-14C-19, §11-14C-20, §11-14C-21, §11-14C-22, §11-14C-23, §11-14C-24, §11-14C-25, §11-14C-26, §11-14C-27, §11-14C-28, §11-14C-29, §11-14C-30, §11-14C-31, §11-14C-32, §11-14C-33, §11-14C-34, §11-14C-35, §11-14C-36, §11-14C-37, §11-14C-38, §11-14C-39, §11-14C-40, §11-14C-41, §11-14C-42, §11-14C-43, §11-14C-44, §11-14C-45, §11-14C-46, §11-14C-47, and §11-14C-48 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new

article, designated §11-14D-1, §11-14D-2, and §11-14D-3, all relating to the elimination of the motor fuel excise tax; providing legislative findings in support of the elimination of the motor fuel excise tax; establishing the elimination of the motor fuel excise tax and implementing an equivalent increase in sales tax collected; and providing for an effective date for the article"; to the Committee on Finance.

By Delegate Hornbuckle:

H. B. 4765 - "A Bill to amend and reenact §61-2-15a of the Code of West Virginia, as amended, relating to increasing the fines for conviction of assault or battery of athletic officials"; to the Committee on the Judiciary.

By Delegate Capito:

H. B. 4766 - "A Bill to amend and reenact §24D-1-1, §24D-1-13, §24D-1-14, §24D-1-16, §24D-1-17, and §24D-1-18 of the Code of West Virginia, 1931, as amended, all relating to establishing uniform customer service and technical standards for the provision of cable service; including uniform customer service and technical standards in the purpose of the Cable Television Systems Act; requiring review and approval by the Public Service Commission prior to the imposition of special surcharges, costs, and fees on cable subscribers; adding additional customer service standards for cable operators, including the adoption of the FCC customer service and technical standards; clarifying when a refund or credit is due a cable subscriber; setting requirements for business offices, including requiring business offices to be located in the county seat of each county in which the cable operator provides cable service and requiring an in-state customer call center; and requiring annual reports to be provided to franchise authorities"; to the Committee on the Judiciary.

By Delegate Conley:

H. B. 4767 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-20-1, §16-20-2, and §16-20-3, all relating to prohibiting discrimination in eligibility for organ transplantation based upon an individual's COVID-19 vaccine status"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Capito:

H. B. 4768 - "A Bill to amend and reenact §24-2H-6b of the Code of West Virginia, 1931, as amended, relating to utility hearings, changing hearing location and customer notice provisions"; to the Committee on Government Organization.

By Delegate Capito:

H. B. 4769 - "A Bill to amend and reenact §24-1-9 of the Code of West Virginia, 1931, as amended, relating to eliminating the requirement to send recommended decisions by certified mail"; to the Committee on Government Organization.

By Delegate Linville:

H. B. 4770 - "A Bill to amend and reenact §48-7-103 of the Code of West Virginia, 1931, as amended, relating to domestic violence convictions and the division of marital property without a valid agreement"; to the Committee on the Judiciary.

By Delegate Hornbuckle:

H. B. 4771 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, and §9-11-3, all relating to creating the Fair Chance Act; establishing eligibility; providing services to eligible persons, and establishing that benefits are prospective only"; to the Committee on the Judiciary.

By Delegates Kimble, Pinson, Evans, Pritt, G. Ward, Conley, Burkhammer, Mazzocchi, Kessinger, Phillips and Keaton:

H. B. 4772 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-24-7x, relating to requiring hospitals without an American Sign Language (ASL) interpreter on staff to provide technology to assist with communication for hearing or speech impaired patients and visitors"; to the Committee on Health and Human Resources.

By Delegate Steele:

H. B. 4773 - "A Bill to amend and reenact §24D-1-14 and §24D-1-17 of the Code of West Virginia, 1931, as amended, all relating to the Public Service Commission; the Cable Television

Systems Act; adoption of the FCC customer service and technical standards and requiring certain cable operators to operate an in-state customer call center"; to the Committee on the Judiciary.

By Delegate Statler:

H. B. 4774 - "A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new article, designated §55-7L-1, §55-7L-2, and §55-7L-3, all relating to liability and standard of proof in certain civil actions against business organizations and their owners, members, managers, directors, officers or other representatives; applicability of 'corporate veil piercing' analysis to impose personal liability on a member or manager of a limited liability company; establishing the intent and policy of the Legislature to modify the applicability of 'corporate veil piercing' analysis adopted in Joseph Kubican v. The Tavern, LLC, 232 W.Va. 268, 752 S.E.2d 299 (2013) with respect to certain claims against a limited liability company; clarifying circumstances in which members of a limited liability company may be held liable in their capacity as members for debts, obligations, or liabilities of the company; establishing criteria required for court to apply 'corporate veil piercing analysis' in certain claims asserted against a limited liability company; providing for liability of non-human members of a limited liability company under doctrine of joint enterprise liability; providing for liability of a member of a limited liability company as a tortfeasor; authorizing a creditor of a limited liability company to seek 'clawback' from a member of a limited liability company under certain circumstances; defining terms; standards of proof in civil actions where business structure sought to be disregarded; making findings; establishing clear and convincing evidence as standard for personal liability of business debts; adopting standards for determining personal liability for business debts; defining terms; and establishing safe harbor requirements"; to the Committee on the Judiciary.

By Delegate Kimble:

H. B. 4775 - "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 Health and Human Resources then the Judiciary.

By Delegates Capito, Young, Kessinger, Pack, Storch and Bates:

H. B. 4776 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, §21-5J-4, §21-5J-5, §21-5J-6, §21-5J-7, §21-5J-8, §21-5J-9, and §21-5J-10, all relating to creating a paid parental leave pilot program; providing findings and purpose; definitions; paid parental leave and requirements for claiming benefits; requiring employer to continue group health insurance coverage for employee; employment benefits and seniority position upon return from leave; benefits not to accrue during period of leave; employers required to respond to survey to Department of Labor; requiring department to report to Joint Committee on Government Organization; authorizing emergency rulemaking authority; and providing December 31, 2026, sunset"; to the Committee on Health and Human Resources then Finance.

By Delegates Hornbuckle, Lovejoy, Capito, Burkhammer, Cooper, Rohrbach, Zukoff, Fluharty, Skaff, Griffith and Graves:

H. B. 4777 - "A Bill to amend and reenact §33-13-25 of the Code of West Virginia, 1931, as amended, to amend and reenact §33-14-8 of said code; to amend and reenact §33-15A-6 of said code; to amend and reenact §33-15-1b of said code; to amend said code by adding thereto new section, designated §33-16-11a; and to amend and reenact §33-25-8 of said code, all relating to prohibiting an insurer from declining or limiting coverage on a person under any life insurance policy, major medical coverage policy, disability insurance policy, or long-term care insurance policy solely due to the status of that person as a living organ donor"; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegate Criss:

H. B. 4778 - "A Bill to amend and reenact §31A-4-33 of the Code of West Virginia, 1931, as amended, all relating to establishing duties of financial institutions with regard to multiple-

fiduciary accounts and payments of multiple fiduciary accounts; and defining terms"; to the Committee on the Judiciary.

By Delegate Criss:

H. B. 4779 - "A Bill to amend and reenact §7-6-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-13-22a of said code; and to amend and reenact §12-1-4 of said code, all relating to county depositories; relating to the bonds of depositories; and relating to the investment of municipal funds for municipal corporations and bonds to be given by state depositories"; to the Committee on the Judiciary.

By Delegate Westfall:

H. B. 4780 - "A Bill to amend and reenact § 22-6-2 of the Code of West Virginia, 1931, as amended, relating to bankruptcy, excluding all of proceeds from life insurance policy from creditors in bankruptcy proceeding"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Westfall:

H. B. 4781 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, and §17-30-4; all relating to responsible driving, providing that a person who was an uninsured motorist and who sustained bodily injury or property damage as the result of a motor vehicle accident may not recover noneconcomic damages for the person's bodily injury or property damage"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Walker, Young, Hansen, Zukoff, Fleischauer, Pushkin, Thompson, Griffith and Fluharty:

H. B. 4782 - "A Bill to amend and reenact §16-54-8 of the Code of West Virginia, 1931, as amended, relating to increasing the number of pain management visits insurance companies must cover under the opioid reduction act"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Hornbuckle:

H. B. 4783 - "A Bill to amend and reenact §31-15-6 of the Code of West Virginia, 1931, as amended, relating to the West

Virginia Economic Development Authority; and its obligation to provide effective technical and business advisory services to African-Americans and minority-owned and-operated enterprises that are available under the Community Development and Financial Institutions Act of 1994 and the Federal emergency Capital Investment Program (ECIP) established by the Consolidated Appropriations Act of 2021"; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegate Kimble:

H. B. 4784 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4G-1, §16-4G-2, §16-4G-3, and §16-4G-4, all relating to protecting the genetic privacy of newborn infants; defining terms; requiring consent of parent or guardian for genetic screening, retention of blood samples, and retention of test results; mandating the proposal of legislative rules to limit the amount of blood that may be sampled or taken from newborn infants; limiting the purposes for which blood samples and test results may be used; and declaring that the requirement for informed, voluntary consent may not be abrogated"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Steele, Householder, Criss, Westfall, Riley, Pinson, Keaton, Burkhammer, Foster and Queen:

H. B. 4785 - "A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, relating to judicial vacancies; providing that a vacancy occurring in the offices of Justice of the Supreme Court of Appeals, judge of the Intermediate Court of Appeals, judge of a circuit court, or judge of a family court is filled by the Governor of the state by appointment if the unexpired term be for a period of not more than three years; and clarifying that the amendment shall apply to judicial vacancies existing at the date of passage"; to the Committee on the Judiciary.

By Delegates Kimble, Phillips, McGeehan, G. Ward, Sypolt and Mazzocchi:

H. B. 4786 - "A Bill to amend §18B-20-1, §18B-20-3, §18B-20-5, §18B-20-6, §18B-20-7, and §18B-20-9 of the Code of West

Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §18B-20-10 and §18B-20-11, all relating to establishing the Forming Open and Robust University Minds (FORUM) Act through strengthening existing free expression on campus laws; providing for legislative findings regarding the exercise of First Amendment rights on public university campuses in this state as being critical components of the education experience for students; clarifying the definition of public forums; modifying certain time, place, and manner restrictions; strengthening development of policies and procedures; ensuring a reporting requirement and establishing the framework for reporting requirements; clarifying the statute of limitations; providing for immunity; and providing for severability"; to the Committee on Education then the Judiciary.

By Delegate Capito:

H. B. 4787 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17H-1-1, §17H-1-2, §17H-1-3, §17H-1-4, §17H-1-5, §17H-1-6, §17H-1-7, §17H-1-8, §17H-1-9, §17H-1-10, §17H-1-11, §17H-1-12, §17H-1-13, §17H-1-14, §17H-1-15, §17H-1-16, and §17H-1-17, all relating to establishing the Highly Automated Motor Vehicle Act; defining terms; providing purpose; allowing for the operation of highly automated motor vehicles (HAMV) with or without a highly automated driver on board, highly automated motor carrier vehicles, and HAMV transportation network services; establishing licensing and insurance requirements; requiring description of HAMV in title; providing monetary penalties for violations; providing rulemaking authority; setting equipment standards for HAMV; and for the creation of the Highly Automated Vehicle Advisory Committee"; to the Committee on the Judiciary.

By Delegate Longanacre:

H. B. 4788 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §17B-2C-1, §17B-2C-2, §17B-2C-3, §17B-2C-4, §17B-2C-5, and §17B-2C-6, all relating to establishing a special plate with a medical condition diagnosis for persons with medical conditions affecting speech,

mobility, or other motor functions; providing for a short title; providing for obtaining a medical condition designated driver's license, providing for obtaining a medical condition designated license plate; providing for confidentiality of medical records; providing for rule-making authority; and providing for an effective date"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Reynolds, Pinson, Steele, Ferrell, Hott, Mallow, Toney and Barnhart:

H. B. 4789 - "A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-3-3a of said code, all relating to providing a municipal court clerk the ability to suspend the driver's license if a person has failed to enter into a payment plan or pay towards his or her of costs, fines, forfeitures, restitution, or penalties in a certain time period following judgment"; to the Committee on Government Organization.

By Delegates Young and Pinson:

H. B. 4790 - "A Bill to amend and reenact §17C-6-1 and §17C-6-7a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17C-6-7b, all relating to establishing a program for camera assisted speed enforcement in active school zones in this state; authorizing the Commissioner of Highways to set speed limits in school zones on public highways; establishing use of school zone speed control systems as an exception to the prohibition against photo monitoring devices for traffic law enforcement; establishing duty of vehicle owners to ensure lawful operation of their vehicles on public highways; defining terms; authorizing the use of school zone speed control systems for enforcement of speed restrictions in active school zones; specifying lawful uses of equipment and setting conditions upon their operation; specifying qualifications of system operators; establishing specification and restrictions for machine functions; providing for administration of enforcement program by contractor; requiring written notice of violations to be provided to vehicle owners, with specification for contents and manner of delivery; establishing civil penalties for violations and

limiting the effect and use of admissions and assessments; establishing response options for owner and the owner's obligation to respond; providing for default for owner's failure to respond and suspension of vehicle registration; authorizing collection of delinquent penalties; providing for administrative hearing, notice of hearing, and judicial review of decisions; restricting the use of images and providing an exception from the Freedom of Information Act; requiring the proposal and acceptance of legislative rules; correcting references to other sections; and requiring the submission of annual reports"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Walker:

H. B. 4791 - "A Bill amend and reenact §31G-1A-2 of the Code of West Virginia, 1931, as amended relating to powers and duties of the Office of Broadband; and requiring broadband operators to offer reduced rates to persons receiving social security supplemental security income (SSI), aid to families with dependent children (AFDC), aid to families with dependent children—unemployed (AFDC-U), or food stamps, if such food stamp recipients are 60 years of age or older"; to the Committee on Technology and Infrastructure then Finance.

By Delegate Young:

H. B. 4792 - "A Bill to amend and reenact §49-2-121 of the Code of West Virginia, 1931, as amended, relating to rule-making by the Secretary of the Department of Health and Human Resources; and requiring a rule for child subsidies to be based on monthly enrollment rather than daily attendance"; to the Committee on Health and Human Resources then Finance.

By Delegate Young:

H. B. 4793 - "A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13MM-1, all relating to providing tax credits for employer provided and employer sponsored child care facilities; defining terms; setting amount of credit; establishing terms for the credit; requiring certain actions when a recapture event occurs; and providing rulemaking"; to the Committee on Finance.

By Delegate Foster:

H. B. 4794 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-9B-5, relating to requiring counties to provide certain information to the State Auditor for inclusion in the financial transparency website"; to the Committee on Government Organization.

By Delegate Foster:

H. B. 4795 - "A Bill to repeal §19-2C-1, §19-2C-2, §19-2C-3, §19-2C-3a, §19-2C-3b, §19-2C-4, §19-2C-5, §19-2C-5a, §19-2C-5b, §19-2C-6, §19-2C-6a, §19-2C-6b, §19-2C-6c, §19-2C-7, §19-2C-8, §19-2C-8a, §19-2C-9, §19-2C-9a, and §19-2C-10 of the Code of West Virginia, 1931, as amended, relating to requiring the licensing of auctioneers"; to the Committee on Government Organization.

By Delegate Foster:

H. B. 4796 - "A Bill to amend and reenact §62-1-5 of the Code of West Virginia, 1931, as amended, relating to criminal procedure; preliminary procedure; and when a mug shot of an accused person may be made public"; to the Committee on the Judiciary.

By Delegate Toney:

H. B. 4797 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §58-11-1, relating to the economic development plan for electric vehicle infrastructure"; to the Committee on Government Organization.

By Delegates Miller, Zatezalo, Reynolds, Smith, Westfall, Ferrell, Mallow, Crouse, Householder, Booth and J. Jeffries:

H. B. 4798 - "A Bill to amend and reenact §18-7A-38 of the Code of West Virginia, 1931, as amended, relating to permitting retirees under the state Teachers Retirement System to work as substitute teachers for up to 180 days without loss of the payment of monthly retirement benefits; adding a legislative finding; changing the allowed period of employment; and providing that no additional retirement system contributions will be made from such employment"; to the Committee on Education then Finance.

By Delegates Anderson and J. Kelly:

H. B. 4799 - "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 to amend said code by adding thereto a new section, designated §24-2A-1, all relating to providing a senior citizen and low-income residential electric customer tax credit; establishing legislative findings; authorizing Tax Commissioner to direct state portion of severance taxes to fund modifications to coal-fired electric generating plants; defining qualifying modifications; authorizing Tax Commissioner to determine amount of credit; providing eligibility for tax credit; requiring annual reports; and authorizing Public Service Commission and Public Energy Authority to determine and approve all qualifying modifications"; to the Committee on Finance.

By Delegates Pritt, Haynes, Reed, Keaton, Martin and Phillips:

H. B. 4800 - "A Bill to amend and reenact §51-9-1a of the Code of West Virginia, 1931, as amended, relating to including family court judges in the Judges' Retirement System"; to the Committee on Pensions and Retirement then Finance.

By Delegate Holstein:

H. B. 4801 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-2D-1, §20-2D-2, §20-2D-3, §20-2D-4, and §20-2D-5, all relating to establishing the Hunting and Fishing Access to Private Lands Act; short title; Legislative intent; establishing a program within the Division of Natural Resources to allow public access onto private lands for hunting and fishing; conditions and requirements of program participants; limitation of duties and liability of participating landowners; and providing for legislative rulemaking"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Young:

H. B. 4802 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-19-1, §20-19-2, and §20-19-3, all relating to energy storage, establishing

legislative intent, defining terms, establishing mechanisms for procurement, and providing for legislative rules"; to the Committee on Energy and Manufacturing.

By Delegate Young:

H. B. 4803 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15F-1, §33-15F-2, §33-15F-3, §33-15F-4, §33-15F-5, §33-15F-6, and §33-15F-7, all relating to requiring medical insurance providers to include infertility services in their policies; making findings; providing for determination of infertility; providing prohibited and permissible limitations on coverage; requiring rule-making; establishing an effective date; providing for severability; and defining terms"; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegate Young:

H. B. 4804 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-19-1 and §20-19-2, all relating to energy storage systems, and providing for energy storage system access"; to the Committee on Energy and Manufacturing.

By Delegate Walker:

H. B. 4805 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-65-1, relating to a state of emergency lasting more than 6 months, providing the department of highways will reimburse any vehicle damages without including auto insurance deductibles"; to the Committee on Banking and Insurance then Finance.

By Delegate Walker:

H. B. 4806 - "A Bill to amend and reenact §7-1-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-11-3a; to amend said code by adding thereto a new section, designated §19-20-3a; and to amend and reenact §33-6-14 of said code, all relating to prohibiting the enactment or enforcement of any statute, ordinance, legislative rule, policy or law that applies specifically to a particular dog breed

or dog breed mix"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Walker:

H. B. 4807 - "A Bill to amend and reenact §19-1-4a of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of Agriculture to provide grant money for pollinator friendly gardening and horticulture habitats"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Young:

H. B. 4808 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-30, relating to creating the Men's Equality Act; and requiring 100 percent coverage under the West Virginia Public Employees Insurance plan for voluntary male sterilization"; to the Committee on Health and Human Resources then Finance.

By Delegate Young:

H. B. 4809 - "A Bill to amend and reenact §17B-2-15 of the Code of West Virginia, 1931, as amended, relating to authorizing the commissioner to promulgate a legislative rule to develop a driver's license permit process for parolees under supervision by the West Virginia Division of Corrections and parole services"; to the Select Committee on Jails and Prisons then the Judiciary.

By Delegate Young:

H. B. 4810 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-17-1, all related to providing Covid-19 supplemental sick leave; defining terms; establishing entitlement to Covid-19 supplemental sick leave"; to the Committee on Finance.

By Delegate Rowe:

H. B. 4811 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, §5B-2K-6, and §5B-2K-7, all relating to establishing a program to facilitate the recovery of areas of the state that have been impacted by the reduction of coal production and consumption; providing

legislative findings; authorizing the Department of Commerce to administer the program; providing for a Just Transition Advisory Committee to study and advise the department; defining terms; requiring submission of plans to the Legislature; providing that certain coal operations and electric utilities provide information to the department relating to job losses when a facility is closing; and providing for expiration of the article"; to the Select Committee on Coalfield Communities then Government Organization.

By Delegates Hornbuckle and Pack:

H. B. 4812 - "A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to allowing the State Board of Education to establish a Prevention of Youth Problem Gambling and Gaming pilot program to be implemented in at least five public high schools, for the duration of three years"; to the Committee on Education then Finance.

By Delegate Walker:

H. B. 4813 - "A Bill to amend the Code of West Virginia, 1931, amended, by adding thereto a new section, designated §37-6-31, relating to creating a Renter's Bill of Rights and Tenant Protection Act; limiting rental rate increases under certain circumstances; setting forth exclusions; providing definitions; and providing an effective date"; to the Committee on the Judiciary.

By Delegate Walker:

H. B. 4814 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-21A-1, all related to creating a state youth advisory council"; to the Committee on Education.

By Delegate Walker:

H. B. 4815 - "A Bill to repeal §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to permits for excess size and weight"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Walker:

H. B. 4816 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1,

§21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, and §21-5A-9, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring contractors to ascertain rates and to include rates in contract specifications; requiring annual determinations of prevailing wage rates; establishing procedures to file objections to prevailing wage rate determinations; providing for hearings, judicial review and appeal; requiring mandatory provisions in contracts and sub-contracts; providing for posting of rates and record-keeping; establishing criminal penalties for violations of the act; and limiting the scope of the law to post-enactment contracts"; to the Committee on Workforce Development then Government Organization then the Judiciary.

By Delegate Walker:

H. B. 4817 - "A Bill to amend and reenact §48-18-108 of the Code of West Virginia, 1931, as amended, relating to fees for collection of child support; and providing that fees may not be assessed to an employer of an obligor, whether transfer by the employer is electronic or by check"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegate Walker:

H. B. 4818 - "A Bill to amend and reenact §51-1-4a of the Code of West Virginia, 1931, as amended, relating to authorize the Supreme Court of Appeals to promulgate rules defining legal apprenticeships and designing and approving a plan for legal apprentices to work and study as apprentices in a law office with the goal to allow the apprentices to qualify to take the bar exam without attending law school"; to the Committee on Government Organization then the Judiciary.

By Delegate Walker:

H. B. 4819 - "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, and §11-13MM-4, relating to school personnel, providing for a housing tax credit for teachers residing in West Virginia for five years or greater"; to the Committee on Education then Finance.

By Delegate Walker:

H. B. 4820 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to excluding income from West Virginia retirement systems and social security from inclusion in adjusted gross income or resident individuals"; to the Committee on Pensions and Retirement then Finance.

By Delegate Walker:

H. B. 4821 - "A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to increasing the PROMISE scholarship award to include all tuition costs regardless of the major, double majors, or courses of interest"; to the Committee on Education then Finance.

By Delegate Walker:

H. B. 4822 - "A Bill to amend the Code of West Virginia, 1931, amended, by adding thereto a new section, designated §15A-4-22, relating to restricting the use of solitary confinement or administrative segregation to discipline inmates incarcerated with the division of corrections"; to the Select Committee on Jails and Prisons then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 2598, Modifying the inspection requirements and the definition of an above ground storage tank; 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. 132)**, and there were—yeas 77, nays 22, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barach, Barrett, Capito, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Nestor, Pack, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Lovejoy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2598) passed.

On motion of Delegate J. Kelly, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2598 - "A Bill to amend and reenact §22-30-3, §22-30-5, and §22-30-6 of the Code of West Virginia, 1931, as amended, relating to modifying an exception to the definition of an aboveground storage tank to also except out certain tanks in zones of peripheral concern which used for transportation and storage of hydrocarbons; providing that the secretary may not, as part of the regulatory program, require any regulated tanks to be lifted, moved, or otherwise physically altered in connection with a visual leak detection program in the absence of a confirmed release; and providing that tanks used for hydrocarbon production, transportation, and storage activities and tanks used for roadway snow and ice pretreatment, as identified under §22-30-3(1)(M) and (N) that are located in a zone of critical concern are exempt from inspection and certification by a third party, but must be self-inspected and self-certified by its owner or operator at least once per year; and tanks used for roadway snow and ice pretreatment, as identified under §22-30-3(1)(M) and (N) that are located in a zone of critical concern are required to have secondary containment inspections performed by the owner or operator at least once per month."

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

Com. Sub. for H. B. 4004, Relating to limiting an abortion to fifteen weeks' gestation; on third reading, coming up in regular order, with amendment pending, was reported by the Clerk.

Delegates Zukoff and Fleischauer moved to amend the bill on page two, section one, lines twenty and twenty-six, following the words "medical emergency", by inserting the words "or if the pregnancy was the result of a rape or incest,".

During debate on the amendment, an inquiry of the Chair was made regarding the germaneness of the question Delegate Fluharty addressed to Delegate Rohrbach.

The Speaker ruled that the question was germane but that it was up to the Delegate whether or not he wished to answer it.

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

The yeas and nays having been ordered, they were taken **(Roll No. 133)**, and there were—yeas 21, nays 78, absent and not voting 1, with the yeas and the absent and not voting being as follows:

Yeas: Barach, Capito, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Pethtel, Pushkin, Rowe, Skaff, Storch, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Lovejoy.

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

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. 134)**, and there were—yeas 81, nays 18, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Ellington, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Lovejoy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4004) passed.

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

At 1:24 p.m., on motion of Delegate Summers, the House of Delegates recessed until 4:00 p.m.

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Afternoon Session

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

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

Com. Sub. for S. B. 33 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays, if the offer includes a free gift or trial; providing that a business shall provide certain mechanisms for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing

notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing for tolling of the statute of limitations; and providing exemptions"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 330 - "A Bill to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the

rules as modified and amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the examination and issuance of driver's license; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to dealer licensing; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the collection of tax on the sale of a vehicle; and relating to authorizing the Department of Transportation to promulgate a legislative rule relating to employment procedures"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2022, and requested the concurrence of the House of Delegates in the passage, of

S. B. 531 - "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-4-2 of said code; and to amend and reenact §18A-4-8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of public school teachers; increasing annual salaries of school service personnel; and providing an effective date for these increases"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 532 - "A Bill to amend and reenact §8-22-25a of the Code of West Virginia, 1931, as amended, relating to requiring actuarial reports to be prepared and presented to the Legislature's Joint Committee on Pensions and Retirement regarding active deferred retirement option plans every five years"; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 46 "Supporting North Central West Virginia's aviation and aerospace industries as critical to the economy and further economic development of the State of West Virginia."

Whereas, The Mid-Atlantic Aerospace Complex in Bridgeport, West Virginia, along with the other aviation and aerospace companies located across the region, are a significant economic engine for North Central West Virginia and the surrounding region and have created thousands of good-paying jobs for West Virginians; and

Whereas, The Harrison County Commission and the Marion County Commission have worked collaboratively to support and promote the success and expansion of these industries in North Central West Virginia; and

Whereas, The Robert C. Byrd National Aerospace Education Center, a component of Fairmont State University, Pierpont Community, and Technical College, offers associate and bachelor's degree programs in aviation technology, creating the skilled labor force necessary to successfully manage the needs of these growing industries in West Virginia; and

Whereas, Aviation and aerospace programs are growing and increasing in West Virginia's institutions of higher education, including pilot training, aviation maintenance technician training, and aerospace and mechanical engineering programs; and

Whereas, Regardless of whether a West Virginia student wants to design an airplane, fly an airplane, or work on an airplane, all the training and jobs are right here in the state, and this highly trained and skilled workforce never has to leave West Virginia; and

Whereas, The North Central West Virginia Airport, and the businesses that call it home, have a total estimated annual regional

economic output of $1.1 billion and is one of the largest employers in the region; and

Whereas, The continued growth of the aviation and aerospace industries in North Central West Virginia has resulted in the economic development of billions of dollars in this region of West Virginia; and

Whereas, North Central West Virginia's aviation and aerospace industries will continue to be integral to supporting economic development across the region and the state for years to come; and

Whereas, The United States Bureau of Labor Statistics projects overall employment of aircraft and avionics equipment mechanics and technicians is projected to grow 11 percent from 2020 to 2030, faster than the average for all occupations, and the aviation and aerospace industries in North Central West Virginia are on pace to meet or exceed those projections; and

Whereas, The North Central West Virginia Airport and the air service-related employment associated with it provides over 100 jobs with $13.4 million in annual payroll; and

Whereas, The aviation and aerospace industries and their related businesses and educational components have a positive effect on multiple economic drivers, including tourism, hospitality, and industrial development; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby fully supports North Central West Virginia's aviation and aerospace industries and the post-secondary programs offered at the region's institutions of higher education as critical to West Virginia's successful economic future; and, be it

Further Resolved, That the Legislature recognizes the importance to the state's economy of the continued development of North Central West Virginia's aerospace and aviation industries, as well as the importance of the post-secondary programs offered

in the region to the continued growth and success of those industries; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Harrison County Commission, the Marion County Commission, the Higher Education Policy Commission, the Benedum Airport Authority, and the Mid-Atlantic Aerospace Complex.

Special Calendar

Third Reading

- continued -

Com. Sub. for H. B. 4005, Relating to fetal body parts; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegate Young, the bill was amended on page two, section seventeen, line thirty-three, by striking out the period, inserting in lieu thereof a semi colon, and the following:

"and

(4) The reimbursement or payment associated with collection, processing, preservation, storage, quality control, or transportation of fetus tissues for the purposes authorized by this subsection."

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. 135)**, and there were, including pairs—yeas 82, nays 15, absent and not voting 3, with the paired, the nays and the absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Brown Nay: Pushkin

Yea: McGeehan Nay: Garcia

Nays: Diserio, Doyle, Evans, Fleischauer, Fluharty, Hansen, Hornbuckle, Pethtel, Rowe, Thompson, Walker, Williams and Young.

Absent and Not Voting: Ellington, Howell and Lovejoy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4005) passed.

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

Com. Sub. for H. B. 4008, Relating to Higher Education Policy Commission funding formula; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 4126, Authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; 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. 136)**, and there were—yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Paynter and Pushkin.

Absent and Not Voting: Brown, Ellington, Howell, Lovejoy and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4126) passed.

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

On this question, the yeas and nays were taken **(Roll No. 137)**, and there were—yeas 94, nays 2, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Fleischauer and Pushkin.

Absent and Not Voting: Brown, Ellington, Lovejoy and McGeehan.

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. 4126) 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. 4307, Increase some benefits payable from Crime Victims Compensation Fund; 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. 138)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Ellington, Lovejoy and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4307) passed.

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

H. B. 4396, Reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads paid electronically; on third reading, coming up in regular order, was read a third time.

Delegate Gearheart requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 139)**, and there were—yeas 75, nays 21, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Dean, Diserio, Evans, Fleischauer, Fluharty, Garcia, Gearheart, Hansen, Kimes, Martin, Paynter, Storch, Thompson, Toney, Walker, G. Ward, Young and Zukoff.

Absent and Not Voting: Brown, Ellington, Lovejoy and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4396) passed.

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

H. B. 4410, Specifying allocation, apportionment and treatment of income of flow-through entities; 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. 140)**, and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Brown, Ellington, Lovejoy and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4410) passed.

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

Com. Sub. for H. B. 4461, Relating to the consolidation of all administrative fees collected by the agency into the existing "Tax Administration Services Fund"; 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. 141)**, and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Linville.

Absent and Not Voting: Brown, Ellington, Lovejoy and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4461) passed.

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

Com. Sub. for H. B. 4484, Declaring certain claims against agencies of the state to be moral obligations of the state; on third reading, coming up in regular order, was read a third time.

Delegate Summers requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that if the Delegate had an actual claim covered by the bill, she would be directly impacted by the bill and excused the Lady from voting.

Delegate Summers subsequently announced that the payments actually come from the Senate bill.

Whereupon,

The Speaker replied that the Lady would not be excused from voting and directed the Delegate to vote.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 142)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Ellington, Lovejoy and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4484) passed.

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

On this question, the yeas and nays were taken **(Roll No. 143)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Ellington, Lovejoy and McGeehan.

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. 4484) 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

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. 4002, Creating the Certified Sites and Development Readiness Program,

Com. Sub. for H. B. 4259, Creating the West Virginia Small Business Jumpstart Act,

Com. Sub. for H. B. 4351, Relating to the implementation of an acuity-based patient classification system,

H. B. 4352, Decreasing federal taxable income,

Com. Sub. for H. B. 4426, Repeal article 33-25G-1 *et seq.* creating provider sponsored networks,

Com. Sub. for H. B. 4451, Eliminating the requirement that otherwise qualified investment assets be located or installed at or within 2 miles of a preexisting manufacturing facility,

H. B. 4460, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax,

Com. Sub. for H. B. 4465, Relating to the tax credit for apprenticeship training,

Com. Sub. for H. B. 4470, Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility,

And,

Com. Sub. for H. B. 4489, Require counties to post open positions on statewide job bank.

First Reading

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

H. J. R. 102, Clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection,

Com. Sub. for H. B. 4025, Providing exemption to severance tax for severing rare earth elements and other critical minerals,

Com. Sub. for H. B. 4329, To clarify the definition of an "interested person" for purposes of the West Virginia Small Estate Act,

H. B. 4331, West Virginia's Urban Mass Transportation Authority Act,

Com. Sub. for H. B. 4562, Relating generally to the suspension and dismissal of school personnel by board and the appeals process,

And,

H. B. 4578, Relating to authorizing the Superintendent of the State Police to administer the Handle with Care program.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Lovejoy.

Miscellaneous Business

Delegate Howell noted to the Clerk that he was absent when the votes were taken on the passage of Com. Sub. for H. B. 4005 and Com. Sub. for H. B. 4126, and had he been present, he would have voted "Yea" thereon.

Pursuant to House Rule 132, consent was requested and obtained to print the following remarks in the Appendix to the Journal:

- Delegate Barnhart regarding Com. Sub. for H. B. 2598

- Delegates Burkhammer, D. Kelly and Zukoff regarding Com. Sub. for H. B. 4004

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2160: Delegate Toney;

H. B. 3068: Delegate Holstein;

H. B. 2908: Delegate Sypolt;

H. B. 4042: Delegate Sypolt;

H. B. 4104: Delegate Holstein;

H. B. 4462: Delegate Espinosa;

H. B. 4508: Delegate Holstein;

H. B. 4519: Delegate Holstein;

H. B. 4595: Delegate Haynes;

H. B. 4626: Delegate Holstein;

H. B. 4657: Delegate Holstein;

H. B. 4662: Delegates Crouse and Tully;

H. B. 4753: Delegate Pack;

H. B. 4695: Delegate Bates;

And,

H. C. R. 69: Delegate Holstein.

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

H. B. 4033: Delegate Zatezalo;

And,

H. B. 4082: Delegate Haynes.

At 5:00 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 16, 2022.

Wednesday, February 16, 2022

THIRTY-SIXTH DAY

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

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

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

The Clerk proceeded to read the Journal of Tuesday, February 15, 2022, 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. 4524, Reducing the rate of interest on delinquent property taxes,

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. 4524) was referred to the Committee on Finance.

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. 4559, Providing for legislative rulemaking relating to the disposition of unidentified and unclaimed remains in the possession of the Chief Medical Examiner,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4559 - "A Bill to amend and reenact §61-12-3, §61-12-5, §61-12-6, §61-12-7, §61-12-10, §61-12-10a, §61-12-11, §61-12-12, §61-12-13, §61-12-14 and §61-12-15 of the Code of West Virginia, 1931, as amended, all relating to Office of the Chief Medical Examiner and the disposition of unidentified and unclaimed remains; authorizing the Office of the Chief Medical Examiner to locate lands suitable for use as a cemetery; authorizing the Office of the Chief Medical Examiner to determine the appropriate length of time a decedent may be kept prior to burial or cremation; establishing burial for certain conditions; establishing cremation of certain conditions; authorizing the Chief Medical Officer or a designee to return a decedent's remains to next of kin and remove a decedent from the cemetery; and prohibiting any cause of action against the Office of the Medical Examiner,"

And,

H. B. 4596, Relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4596 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated as §62-11B-7b ; to amend and reenact §15A-7-5 of said Code; to amend and reenact §30-29-1 of said code; to amend and reenact §49-4-719 of said code; to amend and reenact §61-7-11a of said code; to amend and reenact §62-11B-7a of said code; to amend and reenact §62-12-5, of said code; and to amend and reenact §62-12-6 of said code, all relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act; clarifying that home incarceration supervisors, state adult probation officers, juvenile probation officers, and state parole officers are, by virtue of their duties, qualified law enforcement officers who may carry a concealed firearm nationwide, as authorized by the federal Law-Enforcement Officers Safety Act; exempting certain persons from prohibition

for carrying deadly weapons on the premises of educational facilities; providing the statutory authority to give home incarceration supervisors, state probation officers, juvenile probation officers, and parole officers the option to carry firearms pursuant to applicable federal law; requiring annual firearm training pursuant to federal law; removing inconsistent language relating to probation officers; clarifying that supervisory entities retain sole discretion as to authorizing participation of qualified officers in such program; providing for training to enable home incarceration supervisors, state probation officers, juvenile probation officers, and state parole officers to fully qualify as law-enforcement officers if they have not previously done so; setting forth the duties of supervising authorities as to participation of home incarceration supervisors, state probation officers, juvenile probation officers, and state parole officers, and removing a duplicative reference to probation officers in code,"

With the recommendation that the committee substitutes each do pass.

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. 4627, To provide for no more than two licensed laboratories for medical cannabis testing in this state,

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

Delegate Rohrbach, 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. 4631, Establishing a bone marrow and peripheral blood stem donation awareness program,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4631 – "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §16-21-2, relating to establishing an awareness program; directing the Department of Health and Human Resources to create a website; providing contents of electronic brochure; providing contents of website; and providing for consultation with certain health care providers to promote awareness,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 2798, Relating to requiring the Health Department to mandate mucopolysaccharidosis type 1 (MPS1) test for newborn babies, to be known as Embie's Law,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2798 – "A Bill to amend and reenact §16-22-3 of the Code of West Virginia, 1931 as amended, relating to requiring the Bureau for Public Health to test for mucopolysaccharidosis type 1 (MPS1),"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4348, Relating to Pharmacy Technicians,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4348 – "A Bill amend and reenact §30-5-11a and §30-5-26 of the Code of West Virginia, 1931, as amended, all relating to the practice of pharmacist care; relating to the qualifications for pharmacy technician trainees; requiring certain information to be included on a prescription; and requiring a prescription change be communicated to a pharmacist,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4585, Relating to controlled substance monitoring; and removing a dispensing prohibition,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4585 – "A Bill to amend and reenact §60A-9-4 of the Code of West Virginia, 1931, as amended, relating to controlled substance monitoring; removing the reporting of an opioid antagonist and removing a dispensing prohibition,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4649, Transferring the operations of the West Virginia Children's Health Insurance Program to the Bureau for Medical Services,

And reports the same back with the recommendation that it 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. 4488, Relating to coal mining and changing fees for permitting actions,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4488 - "A Bill to amend and reenact §22-11-10 of the Code of West Virginia, 1931, as amended, relating to coal mining operations, permitting, and fees paid to the Department of Environmental Protection; increasing certain defined fees for permitting actions; and establishing and defining certain new fees for permitting actions,"

With the recommendation that the committee substitute 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 (Com. Sub. for H. B. 4488) to the Committee on Finance was abrogated.

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. 4491, To establish requirements for carbon dioxide sequestration,

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. 4491) was referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 4386, Expand the scope of hunting, fishing, and trapping benefits provided to former members of the United States Armed forces,

And,

H. B. 4439, Creating a special revenue account known as the Military Authority Federal Matching Grant Fund,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4386 and H. B. 4439) were each referred to the Committee on Finance.

Delegate Rohrbach, 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. 4377, To update the involuntary commitment process,

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. 4377) was referred to the Committee on the Judiciary.

On motion for leave a bill was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it do pass, but that it first be referred to the Committee on Finance), which was read by its title, as follows:

By Delegates Rohrbach, Summers, Zukoff, Honaker, Walker, Griffith, Miller and Forsht:

H. B. 4020 – "A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended, relating to reorganizing the Department of Health and Human Resources."

Pursuant to House Rule 80, the Speaker referred the bill to the Committee on Finance.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 15th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 2325, Removing the requirement of continuing education for barbers and cosmetologists.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 15th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 4301, Reforming membership requirements of Huntington Park and Recreation District Board.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 15th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 4074, Require schools provide eating disorder and self-harm training for teacher and students.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 15th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 4062, Removing the residency requirement for the Commissioner of the Division of Highways.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 14th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 436, Correcting code citation for authority of State Fire Marshal.

Reports of Select Committees

On motions for leave, the following bills were introduced (Originating in the Select Committee on Coalfield Communities and reported with the recommendation that they each do pass), which were read by their titles, as follows:

By Delegates Dean, Evans, Bridges, Brown, Hansen, Haynes, Holstein, Paynter, Reynolds, Toney and Zukoff:

H. B. 4823 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42; to amend said code by adding thereto a new article designated §18-21A-1, §18-21A-2, §18-21A-3, §18-21A-4, §18-21A-5, §18-21A-6 and §18-21A-7; and to amend said code by adding thereto a new article, designated §18-34-1 and §18-34-2, all relating to vocational and technical education programs; requiring the State Board and Commerce Department to create lists of apprenticeships and certifications and credentials to provide to students; creating a career and technical education pilot program to introduce middle school students career and technical education opportunities in the state; allowing for non-certified persons provide student instruction; providing state board authorize and establish conditions thereto and promote the pilot program; directing local public education institutions participation; requiring county school districts to provide certain information to students; and establishing the Governor's Workforce Credential,"

By Delegates Dean, Evans, Bridges, Brown, Hansen, Haynes, Holstein, Paynter, Reynolds, Toney and Zukoff:

H. B. 4824 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1 and §7-28-2, and to amend said code by adding thereto a new article, designated §8-20B-1, all relating to unsafe real property; providing a process by which county commissions and municipalities may compel the cleanup of hazardous real property conditions; directing each assessor to identify obviously dilapidated, unsafe, or defective condition that renders it unfit for the intended use of the property or the structures upon it; providing that assessors staff receive training; directing the Division of Emergency Management establish a training course; providing a

power to assert a lien if a real property owner fails to comply with a county commission's or municipality's hazardous condition resolution; providing notice ane a hearing an appeals process regarding unsafe condition determinations made; providing a process by which local governing bodies may compel the cleanup of hazardous real property conditions; providing a power to assert a lien if a real property owner fails to comply with a local governing body's hazardous condition resolution; and providing a hearing an appeals process on unsafe condition determinations made by local governing bodies,"

And,

By Delegates Dean, Evans, Bridges, Brown, Hansen, Haynes, Holstein, Paynter, Reynolds, Toney and Zukoff:

H. B. 4825 – "A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board."

Pursuant to House Rule 80, the Speaker referred H. B. 4823 to the Committee on Education then Finance; and H. B. 4824 and H. B. 4825 to the Committee on the Judiciary.

Resolutions Introduced

Delegates Linville and Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 76 - "Requesting the Division of Highways name bridge number: 22-037/00-003.29 (22A163), at mile post 3.29, locally known as Fourteen Mile Tub Girder Bridge, carrying WV 37 over Fourteen Mile Creek in Lincoln County, the 'U. S. Navy BM1 Farris Burton Memorial Bridge'."

Whereas, Farris Burton was born April 26, 1925, in Logan County, WV, to Carr and Bessie Burton. He grew up in Amherstdale near Man, WV, along with his siblings. This is also

where he met his first love and future wife of 54 years, Bessie (Hager); and

Whereas, Farris Burton enlisted in the United States Navy on April 26, 1942, his 17th birthday, during World War II. During the next four years of service, he travelled to six continents and served on the ships Firethorn and Zaandam, attaining the rank of Boatswain's Mate First Class (BM1). He bravely served his country during wartime aboard ship across the seas earning medals for service, bravery, and heroism; and

Whereas, As an old man, decades after the war, a fellow sailor contacted BM1 Farris Burton to thank him for saving his life by pulling him, nearly unconscious, aboard a lifeboat. In a separate incident, without regard for his personal safety, BM1 Farris Burton took off his own life jacket and gave it to another man who was struggling in turbulent waters overboard their capsized ship. During his tenure, he survived not one, but two sinking ships, once sailing in a damaged lifeboat for 8 days before the survivors made landfall off the coast of Brazil. It was during his days aboard ship that he said a still small voice began speaking to his conscience. BM1 Farris Burton would later not only give his life to the Lord, but become an ordained minister leading hundreds of souls to Christ; and

Whereas, BM1 Farris Burton received an honorable discharge from duty on April 26, 1946. For his service, BM1 Farris Burton received numerous awards, including the Navy and Marine Corp Medal for outstanding duty, World War II Victory Medal, American Campaign Medal, Asiatic Pacific Campaign Medal, European-African-Middle Eastern Campaign Medal, Combat Action Ribbon, Discharge Button, and the Honorable Discharge Button; and

Whereas, After his service in the US Navy, BM1 Farris Burton became a family man and he and his wife Bessie made their home in Ranger, WV, raising nine children. Farris worked as a coal miner and for the WV Department of Highways to provide for his family while also spending countless hours traveling the roads of Lincoln,

Logan, and surrounding counties to preach the gospel of Christ and minister to those in need; and

Whereas, BM1 Farris Burton became an ordained minister in the Bethlehem Association of United Baptist Churches in 1956 and, at the time of his passing, was the longest tenured minister in the association. During his time in the ministry, he performed approximately 400 marriages. He served as pastor at Center Point United Baptist Church in West Hamlin, WV, for 18 years until 1977, when he retired. He continued to preach the Lord's message in regular appointments until recent years when his health declined, and he was no longer able; and

Whereas, BM1 Farris Burton was preceded in death by his first wife and mother of his children, Bessie (Hager) as well as three children: Ivan (Shirley) Burton, Gloria Donahue, David (Kathy) Burton, a son-in-law, Donald Salmons, and infant granddaughter, Michelle; and

Whereas, BM1 Farris Burton was survived by his wife of 22 years, Mildred (Thompson). He is also survived by six children: Farris Jr. (Sandra) of West Hamlin, WV; Carolyn Salmons of Canton, OH; Darrell (Coni) Burton of Williamstown, WV; Janice "Darlene" Colegrove (George) of Salt Rock, WV; Beth "Amy" Jackson (Ray) of Surfside Beach, SC; Rebecca Clay (Cameron) of Hamlin, WV; and a son-in-law, Keith Donahue I (Betsy) of Culloden, WV. Papaw Burton is lovingly remembered by his 26 grandchildren, 55 great-grandchildren and a great, great-grandchild, all of whom he taught to pray, wink, snap, and joke, and he was always there to give chewing gum or other goodies. Farris is also survived by a large, loving extended family and church family; and

Whereas, It is fitting that an enduring memorial be established to commemorate BM1 Farris Burton and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number: 22-037/00-003.29 (22A163), at milepost 3.29, locally known as Fourteen Mile Tub Girder Bridge, carrying WV 37 over Fourteen Mile Creek in Lincoln county., the "U. S. Navy BM1 Farris Burton Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Navy BM1 Farris Burton Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Walker offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 77 - "Requesting the Joint Committee on Government and Finance study the feasibility of a commuter rail line to run between Huntington, West Virginia and Charleston, West Virginia."

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the feasibility of a commuter rail line to run between Huntington, West Virginia and Charleston, West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the possibility of stops on the commuter rail line in Hurricane, West Virginia and in South Charleston, West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the possibility of including extensions to Montgomery, West Virginia and Ashland, Kentucky; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Regular Session of the Legislature, 2023,

on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegate Walker offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. C. R. 78 - "Requesting the Joint Committee on Government and Finance study equal access to HIV prevention and treatment."

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study equal access to HIV prevention and treatment in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance study whether Medicaid insureds need a prior authorization for medication or for doctor visits; and, be it

Further Resolved, That the Joint Committee on Government and Finance study whether or not such HIV treatment includes patient choice; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the number of those West Virginia residents who seek HIV treatment in surrounding states of West Virginia, such as Pennsylvania, Virginia, Ohio, Kentucky and Maryland; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Regular Session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk:

H. C. R. 1, Alex Perdue Memorial Bridge,

H. C. R. 4, John B. Short Memorial Bridge,

H. C. R. 7, Daniel Edward Kolhton "Red" Haney Memorial Bridge,

H. C. R. 9, U.S. Army SSG James C. Vickers Silver Star Highway,

H. C. R. 13, The Doctor Enrique Aguilar Memorial Bridge,

H. C. R. 14, Colonel Ronald John "Ron" Chiccehitto Memorial Road,

H. C. R. 25, SP5 Terry Lee McClanahan Memorial Bridge,

H. C. R. 26, Charleston Police Officer Cassie Johnson - Fallen Heroes Memorial Bridge,

H. C. R. 36, John Calvin "J.C." Baker Memorial Bridge,

H. C. R. 46, U.S. Navy Seaman Donald Homer Wheeler Memorial Bridge,

H. C. R. 47, U.S. Army CPL Billy Earl Duty Memorial Bridge,

H. C. R. 48, WVSP Sergeant John S. Syner Memorial Road,

H. C. R. 49, Charles M. "Charlie" Biggs Memorial Highway,

H. C. R. 50, John Ellison Road,

H. C. R. 52, U.S. Army SGT Roy E. Givens Memorial Road,

And,

H. C. R. 61, Timothy Wayne Farley Memorial Bridge.

In the absence of objection, the following resolutions (H. C. R. 1, H. C. R. 4, H. C. R. 7, H. C. R. 9, H. C. R. 13, H. C. R. 25, H. C. R. 36, H. C. R. 46, H. C. R. 47, H. C. R. 48, H. C. R. 49, H. C. R. 50, H. C. R. 52 and H. C. R. 61) were then voted on in masse, and adopted.

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

The House of Delegates then proceeded to consideration of **H. C. R. 14**, Colonel Ronald John "Ron" Chiccehitto Memorial Road.

On the question of the 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. 144)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Hornbuckle and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 14) adopted.

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

The House of Delegates then proceeded to consideration of **H. C. R. 26**, Charleston Police Officer Cassie Johnson - Fallen Heroes Memorial Bridge.

On the question of the 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. 145)**, 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: Boggs and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 26) adopted.

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

Third Reading

Com. Sub. for H. B. 4002, Creating the Certified Sites and Development Readiness Program; 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. 146)**, 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: Boggs and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4002) passed.

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

Com. Sub. for H. B. 4008, Relating to Higher Education Policy Commission funding formula; 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. 147)**, 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: Boggs and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4008) passed.

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

Com. Sub. for H. B. 4259, Creating the West Virginia Small Business Jumpstart Act; 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. 148)**, and there were—yeas 95, nays 2, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Kimble and McGeehan.

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4259) passed.

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

On this question, the yeas and nays were taken **(Roll No. 149)**, and there were—yeas 95, nays 2, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Kimble and McGeehan.

Absent and Not Voting: Boggs, J. Kelly and Pinson.

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. 4259) 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.

Com. Sub. for H. B. 4351, Relating to the implementation of an acuity-based patient classification system; 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. 150)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4351) passed.

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

H. B. 4352, Decreasing federal taxable income; 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. 151)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4352) passed.

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

Com. Sub. for H. B. 4426, Repeal article 33-25G-1 *et seq.* creating provider sponsored networks; 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. 152)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Dean, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4426) passed.

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

Com. Sub. for H. B. 4451, Eliminating the requirement that otherwise qualified investment assets be located or installed at or within 2 miles of a preexisting manufacturing facility; on third reading, coming up in regular order, was read a third time.

Delegate Espinosa requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 153)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4451) passed.

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

H. B. 4460, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; 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. 154)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4460) passed.

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

Com. Sub. for H. B. 4465, Relating to the tax credit for apprenticeship training; 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. 155)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Honaker, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4465) passed.

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

Com. Sub. for H. B. 4470, Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility; 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. 156)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4470) passed.

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

Com. Sub. for H. B. 4489, Require counties to post open positions on statewide job bank; 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. 157)**, and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4489) passed.

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

Second Reading

H. J. R. 102, Clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4025, Providing exemption to severance tax for severing rare earth elements and other critical minerals; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Howell, the bill was amended on page two, section three-c, line twenty-one, after the word "zinc" and the comma, by striking the word "and".

And,

On page two, section three-c, line twenty-one, after the word "zirconium" and before the period, by inserting a comma and the words "uranium, osmium, strontium, rhenium, potash, and bauxite".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4329, To clarify the definition of an "interested person" for purposes of the West Virginia Small Estate Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4331, West Virginia's Urban Mass Transportation Authority Act; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 4562, Relating generally to the suspension and dismissal of school personnel by board and the appeals process; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4578, Relating to authorizing the Superintendent of the State Police to administer the Handle with Care program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third 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 S. B. 445, Modifying police and firemen's pension plans for trustees,

Com. Sub. for H. B. 2910, To modify the allowable number of magistrate judges per county,

Com. Sub. for H. B. 4077, Provide certain classes of property protections from creditor collections,

Com. Sub. for H. B. 4141, Authorizing the Governor's Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards,

Com. Sub. for H. B. 4242, Authorizing the Division of Labor to promulgate a legislative rule relating to Child Labor,

H. B. 4314, Exclude Solicitor from the definition of Investment Advisor,

H. B. 4338, Reducing annual permit fee for each video lottery terminal owned or leased by a limited video lottery licensee,

Com. Sub. for H. B. 4340, Relating to maximizing the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education,

Com. Sub. for H. B. 4406, To establish the West Virginia Military Hall of Fame,

Com. Sub. for H. B. 4430, Relating to definitions of base salary and overtime for police and firemen pensions,

H. B. 4433, Providing that retirement benefits are not subject to execution,

H. B. 4462, Relating to Deferred Retirement Option Plan evaluations,

And,

Com. Sub. for H. B. 4583, Clarifying the definition of incapacity so that incarceration in the penal system or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney.

There being no objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

Com. Sub. for S. B. 262, Relating generally to financial institutions engaged in boycotts of energy companies,

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 (Com. Sub. for S. B. 262) was referred to the Committee on Finance.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

Com. Sub. for S. B. 505, Updating laws on licensure and regulation of money transmitters,

And reports the same back, with a title 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 (Com. Sub. for S. B. 505) was referred to the Committee on the Judiciary.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 4394, To reaffirm and enhance the workers compensation excusive remedy rule or doctrine,

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. 4394) was referred to the Committee on the Judiciary.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs and J. Kelly.

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. 2096: Delegate Wamsley;

H. B. 2292: Delegate Lovejoy;

H. B. 4455: Delegate Fast;

H. B. 4558: Delegate Riley;

H. B. 4595: Delegate Zatezalo;

And,

H. B. 4689: Delegates Clark, Hanshaw (Mr. Speaker), Howell, Keaton, Martin, Skaff and Williams.

At 1:47 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 17, 2022.

Thursday, February 17, 2022

THIRTY-SEVENTH 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, February 16, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. J. R. 102 on Third Reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for H. B. 2910 and H. B. 4331 on Second Reading, Special Calendar, had been moved to the House Calendar; H. B. 4627 on First Reading, Special Calendar, had been transferred to the House Calendar; H. B. 4568 on Second Reading, House Calendar, had been moved to the Special Calendar; and H. B. 4264 on First Reading, House Calendar, had been moved to the Special Calendar.

Committee Reports

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Ellington, Clark and Longanacre:

H. B. 4019 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5G-16, relating to deadlines for public charter school contract execution and student enrollment application, lottery and

enrollment for schools intending to open in school year beginning July 1, 2022, only; and delaying deadlines."

On motion for leave a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass, but that it first be referred to the Committee on Finance), which was read by its title, as follows:

By Delegates Horst, Clark, Tully, Toney, Longanacre, Thompson, Doyle, Bridges, Evans, Walker and Mazzocchi:

H. B. 4021 - "A Bill to amend and reenact §18C-3-1 of the Code of West Virginia, 1931, as amended, relating to the Medical Student Loan Program; defining terms; establishing programs at certain schools, authorizing medical schools to make loans; authorizing the use of special revolving funds for program use; establishing eligibility requirements; setting maximum loan amount; requiring an agreement for persons participating; requiring persons participating to select service commitment area; establishing repayment obligation for those participants who do not satisfy commitment obligation; creating procedure for person to request working less than full-time; and establishing school reporting requirements."

Pursuant to House Rule 80, the Speaker referred the bill to the Committee on Finance.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 4294, Providing income tax credit for first responders,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4294) was referred to the Committee on Finance.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 4608, To require the State Fire Commission to propose minimum standards for persons to be certified as probationary status volunteer firefighters,

And reports the same back with the recommendation that it do pass, 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. 4608) was referred to the Committee on Government Organization.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 2292, Including three types of cancer for which rebuttable presumption of injury from employment exists for firefighters,

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. 2292) was referred to the Committee on the Judiciary.

Delegate Steele, 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. 3223, Prohibit state, county, and municipal governments from dedicating or naming any public structure for a public official who is holding office at the time,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3223 - "A Bill to amend and reenact §5-6-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §7-3-19; and to amend said code by adding thereto a new section, designated §8-12-22, all relating to prohibiting the dedication or naming any state, county, or municipal building or public structure for a public official who is holding office at the time of the proposed dedication or naming,"

With the recommendation that the committee substitute do pass.

Delegate Steele, 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. 4511, To make numerous amendments to modernize and increase efficiencies in the administration of the West Virginia Unclaimed Property Act,

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. 4511) was referred to the Committee on the Judiciary.

Delegate Steele, 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. 4463, To increase the compensation members of the State Athletic Commission may receive for their attendance and participation in the commission's public meetings,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4463) was referred to the Committee on Finance.

Delegate Steele, 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. 4606, Authorizing programs to assist at-risk veterans and their families with existing resources to combat suicide,

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

Delegate Steele, 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. 4644, Prohibiting the restriction, regulation, use or administration of lawn care and pest care products,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4644 - "A Bill amend and reenact §19-16A-14 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Pesticide Control Act; and exempting from the requirement of an annual pesticide business license for persons applying products that are generally available through retail sale at groceries, drug stores, and other stores offering a broad variety of consumer products,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 4566, Creating the Economic Enhancement Grant Fund,

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

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

Your Committee on Finance has had under consideration:

H. B. 4591, Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax,

And,

H. B. 4604, Relating to abolishing the Workforce Development Initiative Program Advisory Council,

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

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

Your Committee on Finance has had under consideration:

H. B. 2096, Reinstating the film investment tax credit,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2096 - "A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §11-13X-8, §11-13X-11, §11-13X-12, and §11-13X-13 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry

Investment Act; reinstating the film investment tax credit; providing the coordination and management by the West Virginia development office; defining development office and multi-state distribution; excluding short-term depreciation from credit; raising the minimum threshold of cumulative annual expenditures necessary to qualify for credit; establishing an annual limit in credits available; requiring the development office to develop a database of locations, music, and other resources to be made available to film production teams; providing development office discretion to determine if project negatively portrays West Virginia; providing effective date; and providing sunset provision,"

And,

H. B. 4567, Relating to business and occupation or privilege tax,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4567 - "A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating the limiting of the imposition of the municipal business and occupation or privilege tax on the business of selling automobiles to used automobiles only, and stating that any sales proceeds from the sale of new automobiles that have never been registered in the name of an individual are exempt from the municipal business and occupation or privilege tax,"

With the recommendation that the committee substitutes each do pass.

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. 2753, Provide programs to educate senior citizens,

H. B. 4102, To allow money paid to state employees to go to their estate if they pass away before their retirement date,

H. B. 4415, Establishing the Katherine Johnson Academy,

H. B. 4579, Relating to public school personnel,

And,

H. B. 4602, Relating to student suicide prevention,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2753, H. B. 4102, H. B. 4415, H. B. 4579 and H. B. 4602) were each referred to the Committee on Finance.

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. 2686, Establish a system to remediate fiscal emergencies of local governments,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2686) was referred to the Committee on Finance.

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. 2751, Modernize the process for dissolution of municipal corporations in this State,

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. 2751) was referred to the Committee on the Judiciary.

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. 4516, To require medication-assisted treatment programs to have written policies concerning community relations,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4516) was referred to the Committee on Health and Human Resources.

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. 2324, Relating to charging fees for municipal services,

And,

H. B. 4440, Ban sanctuary cities in West Virginia,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, 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. 2324 and H. B. 4440) were each referred to the Committee on the Judiciary.

Delegate Kessinger, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

Com. Sub. for S. B. 431, Relating generally to Uniform Controlled Substances Act,

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 (Com. Sub. for S. B. 431) was referred to the Committee on the Judiciary.

Delegate Kessinger, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

Com. Sub. for S. B. 419, Establishing pilot project to evaluate impact of certain post-substance use disorder residential treatments,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 419) was referred to the Committee on Health and Human Resources.

Delegate Kessinger, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

H. B. 4457, Providing tax credits for hiring those in recovery for substance abuse,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4457) was referred to the Committee on Finance.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4441, The purpose of this bill is to create a Class M air rifle stamp which permits a hunter to hunt big game with an air rifle, as otherwise permitted by law.,

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. 4441) was referred to the Committee on Government Organization.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4073, Permit lifetime hunting and fishing license for volunteer firefighters with five years of service,

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. 4073) was referred to the Committee on Finance.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4408, Relating to contracts for construction of recreational facilities in state parks and forests,

And reports the same back with the recommendation that it do pass, 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. 4408) was referred to the Committee on Government Organization.

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4570, To allow veterinary telehealth in West Virginia with out of state providers,

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. 4570) was referred to the Committee on Government Organization.

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2819, Exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2819) was referred to the Committee on Finance.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 16th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 279, Authorizing DEP to promulgate legislative rules,

S. B. 450, Updating definitions of WV Personal Income Tax Act,

And

S. B. 451, Updating definitions of WV Corporation Net Income Tax Act.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 35, David Allen Drake, Sr. Memorial Bridge,

H. C. R. 45, SP4 Dennis Harvey Roberts Bridge, McDowell County,

H. C. R. 54, "Mayor George Karos Bridge",

H. C. R. 62, "Raymond Jarrell Jr. Memorial Highway",

H. C. R. 63, MSGT Donald Lewis Coen Memorial Bridge,

H. C. R. 64, Robin W. Ames Memorial Road,

H. C. R. 65, Jesse Alexander Jennings Memorial Bridge,

H. C. R. 70, Calvin Hansbrough Shifflett Memorial Bridge,

H. C. R. 71, North Branch of Short Creek, "White Angel Falls",

H. C. R. 72, Dana Vaughn Perkins Memorial Bridge,

H. C. R. 73, Halstead Brothers WWII Veterans Memorial Bridge,

H. C. R. 74, Judge William Les Fury Bridge,

H. C. R. 75, "Pastor Glenn F. Lough Memorial Bridge",

And,

H. C. R. 76, U. S. Navy BM1 Farris Burton Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

Messages from the Executive

Communications from His Excellency, the Governor, advised that on February 16, 2022, he approved **H. B. 4301, S. B. 435, S. B. 437** and **S. B. 449**.

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

Com. Sub. for S. B. 86 - "A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the offenses of extortion and attempted extortion; including threats to publish images of a person's intimate body parts as a means of committing extortion or attempted extortion; defining the phrase 'anything of value, or other consideration' to include certain defined sexual acts and defining 'images of intimate body parts'; and setting forth criminal penalties"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 146 - "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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 415 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-20b, relating to severance taxes; capping severance tax collections in general revenue at a specified percentage and dedicating any excess above the specified percentage to a special revenue account; creating a special revenue account; setting out the purpose of the account and use of funds therein; setting an effective date; and providing for administration of the account"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 442 - "A Bill to amend and reenact §5-10-14 and §5-10-30 of the Code of West Virginia, 1931, as amended, all relating to service credit, retroactive provisions, and the refund of accumulated contributions for certain members of the West Virginia Public Employees Retirement System"; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 443 - "A Bill to amend and reenact §8-22-18 of the Code of West Virginia, 1931, as amended, relating to including retired police officers or firefighters as electors of trustees for pension and relief funds"; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 524 - "A Bill to repeal §10-1-12, §10-1-13, §10-1-14, §10-1-14a, §10-1-15, §10-1-16, §10-1-17, §10-1-18, §10-1-18a, §10-1-19, §10-1-20, §10-1-21, §10-1-22, §10-1-23, and §10-1-24 of the Code of West Virginia, 1931, as amended; to repeal §29-27-1, §29-27-2, §29-27-3, §29-27-4, §29-27-5, and §29-27-6 of said code; to amend and reenact §5F-2-1 of said code; to amend and reenact §29-1-1 of said code; and to amend said code by adding thereto two new sections, designated §29-1-8c and §29-1-8d, all relating to placing the duties and functions of certain boards and commissions under the Department of Arts, Culture, and History; repealing certain sections related to the powers and

authority of the State Library Commission; creating a state library section in the Department of Arts, Culture, and History; amending the makeup of the State Library Commission; providing for appointment of state library section director; establishing powers and duties of the state library section; providing for powers and duties of State Library Commission; creating National Coal Heritage Area Commission; providing for makeup of National Coal Heritage Area Commission; setting forth powers and duties of National Coal Heritage Area Commission; and repealing article related to National Coal Heritage Area Authority"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 542 - "A Bill to amend and reenact §31G-1-3 of the Code of West Virginia, 1931, as amended, relating to transferring the Broadband Enhancement Council from the Department of Commerce to the Department of Economic Development; removing the Secretary of Commerce from the Broadband Enhancement Council; designating the Secretary of the Department of Economic Development as a voting member; and removing archaic language"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 570 - "A Bill to amend and reenact §30-29-5a of the Code of West Virginia, 1931, as amended, relating to criminal justice training for law-enforcement officers and correction officers regarding individuals with Alzheimer's and dementias; development of course instruction; defining terms; providing for training in appropriate interactions with individuals with Alzheimer's and dementias; and authorizing the Law-Enforcement Professional Standards Subcommittee to develop guidelines for

law-enforcement and correction officer response to individuals experiencing Alzheimer's and dementias who are victims or witnesses to a crime, or suspected or convicted of a crime"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 591 - "A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to the process for filling vacancies in the state Legislature; clarifying the process for filling a vacancy if the member was elected to a multi-county senatorial or delegate district; and authorizing the county executive committee of single-county senatorial or delegate district to fill vacancies"; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegate Forsht offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 15 - "Amending House Rules 94 and 94b to allow unlimited joint sponsors of bills as well as unrestricted adding and deleting of joint sponsors of bills and resolutions."

Resolved by the House of Delegates:

That House Rule 94 and 94b be amended to read as follows:

Joint Sponsors of Bill

94. A bill may be introduced bearing the names of ~~not more than eleven~~ additional members as joint sponsors. ~~of the bill~~

Removal or Addition of Name as Sponsor of a Bill or Resolution

94b. Any Delegate whose name appears as a ~~cosponsor~~ joint sponsor of a bill or resolution may have his or her name removed as a sponsor of the bill or resolution by submitting ~~a~~ an ~~written~~

electronic request to the House Clerk via the delegate console not later than the day the bill or resolution is reported from its final committee: *Provided*, That the removal shall only be permitted if the member is not the last remaining sponsor of the bill or resolution.

Any Delegate wishing to be added as a ~~cosponsor~~ joint sponsor of a bill or resolution shall be added by the Clerk if ~~written~~ an electronic request is made to the Clerk via the delegate console not later than the day the bill or resolution is reported from its final committee. ~~if the lead sponsor of the bill or resolution agrees in writing to the addition and if the bill has less than the maximum number of sponsors allowed by these rules~~

This amended rule shall not take effect earlier than the beginning of the 2023 Session and the completion of the update to the delegate console to support this amended rule. Nothing herein requires reprinting by the Clerk of paper copies of the bill to reflect the addition or removal of sponsors. Any such changes shall appear in electronic form only until reprinting of the bill is required by these rules.

Delegates Pinson and Hanshaw (Mr. Speaker) offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 79 - "Designating February 21 as the official start day to National FFA Week in West Virginia."

Whereas, The National FFA (Future Farmers of America) Organization prepares students for future career and leadership success through agricultural education in middle and high schools; and

Whereas, The West Virginia membership of the FFA organization continues to be strongly represented by agriculture education students in 83 chapters throughout the state, with 4,778 members; and

Whereas, The motto of the FFA organization, "Learning to Do, Doing to Learn, Earning to Live, Living to Serve," motivates

members to be active members in their community, school, state, and nation; and

Whereas, The National FFA week is for students, educators, alumni, and supporters to celebrate the continual growth of the organization and its role in the development of the United States' future leaders; and

Whereas, The West Virginia Legislature recognizes the importance of agriculture to the economy of this state, as well as the importance of the education and training students receive through agricultural education programs that develop competent and assertive agricultural leadership; and

Whereas, National FFA Week always runs Saturday to Saturday and encompasses February 22, George Washington's birthday; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature declares that February 21 be the official start to National FFA Week in West Virginia; and, be it

Further Resolved, That the Legislature of West Virginia also recognizes and commends the 2021-2022 state FFA officers as follows: Gabby Wolfe, president; Shayla Bourn, secretary; Chloe Gilkerson, vice president; Allison Wickline, vice president; Kaitlyn Luikhart, vice president; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the State President of the West Virginia FFA State Association.

Delegates Boggs, Sypolt, Jennings and Phillips offered the following resolution, which was read by its title and referred to the Committee on Agriculture and Natural Resources then Rules:

H. C. R. 80 - "Declaring Blackwater Falls the official state waterfall."

Whereas, Blackwater Falls is a waterfall located in Tucker County within the Blackwater Falls State Park; and

Whereas, The earliest written account of Blackwater Falls dates to 1746. Visitors have been drawn to the "great falls" of the Blackwater since the mid-1800s. In 1853, David Hunter Strother, also known by the pen name "Porte Crayon" introduced readers to Blackwater Falls in a series of articles in the Harpers New Monthly Magazine; In the 1870s, the area around the falls would become dotted with railroad lines to transport timber and coal to the neighboring towns of Davis and Thomas. The timber was nearly all taken from Blackwater Canyon and the soil was almost destroyed; and

Whereas, In 1937, the Blackwater State Park was created on 446 acres of land leased by the West Virginia Power and Transmission Company. Through the replanting of trees by the Civilian Conservation Corp (CCC) and continued expansion of land, the park has grown to 1,688 acres and offers more recreational opportunities; and

Whereas, The treasure of the park is the 57 foot waterfall, tinted by the tannic acid of fallen hemlock and red spruce needles. The falls is one of the most photographed views in West Virginia. Blackwater Falls is listed as number one on the Best Waterfall Trails in West Virginia, with 20 miles of hiking trails. The Blackwater Falls results from the Blackwater River, which is 35 miles long, running entirely in Tucker County. After it runs past Davis, West Virginia; it drops around 62 feet over Blackwater Falls and flows into the Blackwater Canyon in Blackwater State Falls State Park; and

Whereas, From a 2015 Economic Impact Executive Summary report, 855,085 people visited Blackwater Falls and provided an estimated contribution to the economy in the amount of $20,500,000; therefore, be it

Resolved by the Legislature of West Virginia:

That Blackwater Falls is hereby designated and declared to be the official state waterfall; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Braxton County Middle School.

Delegates Skaff, Barach, Barnhart, Bates, Booth, Crouse, Diserio, Doyle, Evans, Fleischauer, Fluharty, Forsht, Garcia, Gearheart, Griffith, Honaker, Hornbuckle, Longanacre, Mallow, Mandt, Martin, Miller, Pushkin, Queen, Reed, Riley, Rowan, Smith, Thompson, Walker, Wamsley, Westfall, Williams, Worrell, Young, Zatezalo and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 81 - "Requesting the Division of Highways name Bridge Number: 44-013/00-007.41 (44A028), (38.63102,-81.47307) locally known as POCA TRUSS (SSTT), carrying County Route 13 over POCATALICO RIVER in Roane County, the 'U. S. Army Chief Warrant Officer Milford Arnold Cunningham Memorial Bridge'."

Whereas, Chief Warrant Officer Milford Arnold Cunningham was born February 4, 1931, at Prenter, West Virginia, and raised in Walton, Roane County, West Virginia. He preferred the name "Bill" to Milford; and

Whereas, Chief Warrant Officer "Bill" Arnold Cunningham enlisted in the United States Army, serving from 1948 to 1968. During his army career, he was stationed at Fort Belvoir, Virginia, and then served in Germany, Japan, Vietnam, and Korea. He was awarded three Purple Hearts; and

Whereas, Upon his retirement from active military duty, Bill Cunningham was transferred to the Kennedy Space Center (NASA) where he worked as a transport specialist moving the rockets from the hanger to the launch pad for all spacecraft; and

Whereas, Chief Warrant Officer Milford "Bill" Arnold Cunningham passed on February 11, 1998; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army Chief Warrant Officer Milford Arnold Cunningham and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 44-013/00-007.41 (44A028), (38.63102,-81.47307) locally known as POCA TRUSS (SSTT), carrying County Route 13 over POCATALICO RIVER in Roane county, the "U. S. Army Chief Warrant Officer Milford Arnold Cunningham Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army Chief Warrant Officer Milford Arnold Cunningham Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Brown, Lovejoy and Dean offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 82 - "Requesting the Division of Highways name Bridge Number: 30-003/05-002.58 (30A012), (37.81677, -82.25903) locally known as Canterbury Box Beam, carrying County Road 3/5 over Laurel Creek, in Mingo County, the 'Alleen Ledson Memorial Bridge'."

Whereas, Alleen Ledson was born on August 31, 1928, in Lenore, Mingo County; she was married for 69 years to Marion C. Ledson; together, she and her husband had seven children; and

Whereas, When Alleen Ledson was a young mother, she and other women on Laurel Creek beat up rocks and put them in holes in the road, which led to having a blacktop road on Laurel Creek; and

Whereas, Alleen Ledson enjoyed shopping with her four daughters and often prepared food for fish fries at Laurel Lake, welcoming all to come; and

Whereas, Alleen Ledson began working when her children were little, cleaning peoples' houses, being a teacher's aid at Laurel Grade School and started working for JCPenney in Williamson when she was 45 years old, where she worked for 21 years; and

Whereas, Alleen Ledson was a member of Bethany Church, often referred to as the "Old Regular Baptist Church"; and

Whereas, Alleen Ledson and her husband lived all of their lives together at the end of the bridge over Laurel Fork; and

Whereas, Alleen Ledson died April 30, 2015, after having faithfully served her family, her neighbors, her church, and her community at large virtually all of her life; and

Whereas, It is fitting that an enduring memorial in honor of Alleen Ledson be established near her lifelong home and community to commemorate her contributions to her family, church, and community, our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 30-003/05-002.58 (30A012), (37.81677, -82.25903) locally known as Canterbury Box Beam, carrying County Route 3/5 over Laurel Creek, in Mingo County, the "Alleen Ledson Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Alleen Ledson Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Special Calendar

Third Reading

Com. Sub. for H. B. 4025, Providing exemption to severance tax for severing rare earth elements and other critical minerals; 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. 158)**, and there were—yeas 94, nays 4, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Doyle, Fluharty, Pushkin and Zukoff.

Absent and Not Voting: Boggs and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4025) passed.

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

Com. Sub. for H. B. 4329, To clarify the definition of an "interested person" for purposes of the West Virginia Small Estate Act; 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. 159)**, 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: Boggs and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4329) passed.

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

Com. Sub. for H. B. 4562, Relating generally to the suspension and dismissal of school personnel by board and the appeals process; 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. 160)**, and there were—yeas 94, nays 4, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Fleischauer, Griffith, Thompson and Walker.

Absent and Not Voting: Boggs and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4562) passed.

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

H. B. 4578, Relating to authorizing the Superintendent of the State Police to administer the Handle with Care program; 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. 161)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Fleischauer, Horst and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4578) passed.

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 S. B. 445, Modifying police and firemen's pension plans for trustees; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 4077, Provide certain classes of property protections from creditor collections; on second reading, coming up in regular order, was read a second time.

Delegates Westfall and Williams moved to amend the bill on page one, immediately following the enacting section by inserting the following new section, to read as follows:

"**CHAPTER 38. LIENS.**

ARTICLE 10. FEDERAL TAX LIENS; ORDERS AND DECREES IN BANKRUPTCY.

§38-10-4. Exemptions of property in bankruptcy proceedings.

Any person who files a petition under the federal bankruptcy law may exempt from property of the estate in a bankruptcy proceeding the following property:

(a) The debtor's interest, not to exceed $35,000 in value, in real property or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor: *Provided,* That when the debtor is a physician licensed to practice medicine in this state under §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code, and has commenced a bankruptcy proceeding in part due to a verdict or judgment entered in a medical professional liability action, if the physician has current medical malpractice insurance in the amount of at least $1 million for each occurrence, the debtor physician's interest that is exempt under this subdivision may

exceed $35,000 in value but may not exceed $250,000 per household.

(b) The debtor's interest, not to exceed $7,500 in value, in one motor vehicle.

(c) The debtor's interest, not to exceed $400 in value in any particular item, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor: *Provided,* That the total amount of personal property exempted under this subdivision may not exceed $8,000.

(d) The debtor's interest, not to exceed $1,000 in value, in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

(e) The debtor's interest, not to exceed in value $800 plus any unused amount of the exemption provided under subdivision (a) of this subsection in any property.

(f) The debtor's interest, not to exceed $1,500 in value, in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

(g) Any unmeasured life insurance contract owned by the debtor, other than a credit life insurance contract.

(h) Any and all life insurance proceeds paid to the debtor as a beneficiary.

(i) The debtor's interest, not to exceed in value $8,000 less any amount of property of the estate transferred in the manner specified in 11 U.S.C. § 542(d), in any accrued dividend or interest under, or loan value of, any unmeasured life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent.

~~(i)~~ (j) Professionally prescribed health aids for the debtor or a dependent of the debtor.

~~(j)~~ (k) The debtor's right to receive:

(1) A Social Security benefit, unemployment compensation, or a local public assistance benefit;

(2) A veterans' benefit;

(3) A disability, illness, or unemployment benefit;

(4) Alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(5) A payment under a stock bonus, pension, profit sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, and funds on deposit in an individual retirement account, including a simplified employee pension regardless of the amount of funds, unless:

(A) The plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under the plan or contract arose;

(B) The payment is on account of age or length of service;

(C) The plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, or 409 of the Internal Revenue Code of 1986; and

(D) With respect to an individual retirement account, including a simplified employee pension, the amount is subject to the excise tax on excess contributions under Section 4973 and/or Section 4979 of the Internal Revenue Code of 1986, or any successor provisions, regardless of whether the tax is paid.

~~(k)~~ (l) The debtor's right to receive or property that is traceable to:

(1) An award under a crime victim's reparation law;

(2) A payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(3) ~~A payment under a life insurance contract that insured the life of an individual of whom the debtor was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;~~

~~(4)~~ A payment, not to exceed $15,000 on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent;

~~(5)~~ (4) A payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

~~(6)~~ (5) Payments made to the prepaid tuition trust fund or to the savings plan trust fund, including earnings, in accordance with §18-30-1 *et seq.* of this code on behalf of any beneficiary.

~~(l)~~ (m) Solely for the purpose of applying the provisions of 11 U.S.C. § 522(b)(2) in a federal bankruptcy proceeding and only to the extent otherwise allowed by applicable federal law, an individual debtor domiciled in this state may exempt from property of the debtor's bankruptcy estate the property specified under 11 U.S.C. § 522(d).

~~(m)~~ (n) The amendments made to this section during the 2021 regular session of the Legislature, as amended during the first extraordinary session of the Legislature, 2021, shall apply to bankruptcies filed on or after the effective date of those amendments.

CHAPTER 46A. WEST VIRGINIA CONSUMER CREDIT AND PROTECTION ACT."

Delegate Fast arose to inquire of the Chair regarding the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the bill.

The bill was then ordered to engrossment third reading.

Com. Sub. for H. B. 4141, Authorizing the Governor's Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4242, Authorizing the Division of Labor to promulgate a legislative rule relating to Child Labor; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4314, Exclude Solicitor from the definition of Investment Advisor; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4338, Reducing annual permit fee for each video lottery terminal owned or leased by a limited video lottery licensee; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4340, Relating to maximizing the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4406, To establish the West Virginia Military Hall of Fame; on second reading, coming up in regular order, was read a second time.

Delegate Mandt moved to amendment the bill, on page one, section one, line two, by striking out the word "and", and inserting in lieu thereof the word "or".

And,

On page one, section one, line three, by striking out the words "valor for".

The question before the House being the adoption of the amendment, the same was put and did not prevail.

The bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 4430, Relating to definitions of base salary and overtime for police and firemen pensions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4433, Providing that retirement benefits are not subject to execution; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4462, Relating to Deferred Retirement Option Plan evaluations; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4568, To allow phased rehabilitations of certified historic structures; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Householder, the bill was amended on page three, section twenty-three-a, line sixty, following the word "taxpayer", by inserting a comma and the words "including, but not limited to, the applicant or a third-party transferee of the tax credit, as applicable,"

And,

On page three, section twenty-three-a, line sixty-three, following the word "Work" and the comma, by inserting the words "for the rehabilitation".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4583, Clarifying the definition of incapacity so that incarceration in the penal system or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

Com. Sub. for H. B. 2798, Relating to requiring the Health Department to mandate mucopolysaccharidosis type 1 (MPS1) test for newborn babies, to be known as Embie's Law; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4264, Change name of Glenville State College to "Glenville State University"; on first reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 4348, Relating to Pharmacy Technicians; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4488, Relating to coal mining and changing fees for permitting actions; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4559, Providing for legislative rulemaking relating to the disposition of unidentified and unclaimed remains in the possession of the Chief Medical Examiner; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4585, Relating to controlled substance monitoring; and removing a dispensing prohibition; on first

reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4596, Relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4631, Establishing a bone marrow and peripheral blood stem donation awareness program; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4649, Transferring the operations of the West Virginia Children's Health Insurance Program to the Bureau for Medical Services; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs and Wamsley.

Miscellaneous Business

Pursuant to House Rule 132, consent was obtained to print the following remarks in the Appendix to the Journal:

- Delegate Mazzocchi during Remarks by Members on February 16, 2022

Delegate Hanna noted to the Clerk that he was absent when the vote was taken on Com. Sub. for H. B. 2257 on February 14, 2022, and had he been present, he would have voted "Yea" thereon.

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 4566: Delegate Hott;

H. B. 4558: Delegate Linville;

H. B. 4675: Delegates Criss, Espinosa, Fast, Hardy and Keaton;

H. B. 4689: Delegates Holstein and Hornbuckle;

H. B. 4718: Delegate Young;

H. B. 4742: Delegate Young;

H. B. 4770: Delegate Lovejoy;

H. B. 4787: Delegate Linville;

H. B. 4792: Delegate Summers;

H. B. 4813: Delegate Young;

H. B. 4814: Delegate Young;

And,

H. B. 4819: Delegate Young.

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. 4020: Delegate Summers.

At 12:23 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 18, 2022.

Friday, February 18, 2022

THIRTY-EIGHTH DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 17, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 4344, Relating to foster care,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4344 - "A Bill to repeal §49-2-125 of the Code of West Virginia, 1931, as amended; amend and reenact §49-1-203 of said code; to amend and reenact §49-2-111a and §49-2-111c of said code; to amend said code by adding thereto two new sections, designated §49-2-111d and §49-2-111e; to amend and reenact §49-4-405, §49-4-501 and §49-4-601 of said code; to amend and reenact §49-5-101 of said code; and to amend and reenact §49-9-101, §49-9-103, §49-9-105, §49-9-106 and §49-9-107 of said code, all relating to foster care; creating new definitions; deleting outdated language; requiring bureau of social services to issue a request for proposal to incorporate into its PATH system a matching database, and to create a dashboard database; requiring study of centralized intake; requiring salaries of direct

service employees be increased and the Division of Personnel to increase certain salary ranges; implementation of the pay rates and employment requirements shall not be subject to grievance procedures or private lawsuits; requiring circuit courts to enable multidisciplinary treatment team to meet monthly; including managed care case coordinator in multidisciplinary treatment team; allowing department to hire counsel; requiring sheriff's office to serve notice of hearing without additional compensation; permitting child agency or facility to disclose confidential information in certain circumstances; requiring foster care ombudsman to make recommendations in accordance with the Foster Child Bill of Rights and the Foster and Kinship Parent Bill of Rights; authorizing ombudsman to have access to kinship family; exempting foster care ombudsman from testifying about official duties; making ombudsman's records confidential and not admissible in evidence; removing circumstance for authorizing disclosure of confidential matters; making investigation of complaint confidential except when imminent risk of harm reported to foster care ombudsman; and requiring ombudsman to maintain confidentiality with respect to all matters and exceptions,"

And,

H. B. 4479, Establishing the Coalfield Communities Grant Facilitation Commission,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4479 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, and §5B-2K-6, all relating to establishing the Coalfield Communities Grant Facilitation Commission; providing legislative findings; establishing the Commission and providing for its membership and duties; providing for commission assistance from the Economic Development Authority and certain institutions of higher education; authorizing the Commission to provide the local match portion for local public and private entities applying for grants from federal, state and private sources; providing what

constitutes a public purpose for eligibility for grant match; establishing a special revenue account; directing the creation of a special subcommittee of the Commission to assist the Commission and grant applicants with training and other technical expertise as directed by the Commission; and providing for annual electronic reports to the Legislature's Joint Committee on Government and Finance,"

With the recommendation that the committee substitutes each do pass.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Capito, Queen, Westfall and Fluharty:

H. B. 4826 - "A Bill to amend and reenact §29-22D-3 of the Code of West Virginia, 1931, as amended relating to e-sports; providing a definition of e-sports; and including e-sports in the definition of a sports event or sporting event."

Pursuant to House Rule 80, the Speaker referred the bill to the Committee on Finance.

On motion for leave, a bill was introduced (Originating in the Committee on Energy and Manufacturing and reported with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary), which was read by its title, as follows:

By Delegates Anderson, J. Kelly, Westfall, Zatezalo and Cooper:

H. B. 4022 - "A Bill to amend and reenact §37B-1-4 of the Code of West Virginia, 1931, as amended, generally relating to altering the applicability of the Cotenancy Modernization and Majority Protection Act; eliminating the pre-condition for applicability of the act which requires seven or more royalty owners; and correcting internal citations."

Pursuant to House Rule 80, the Speaker referred the bill to the Committee on the Judiciary.

Delegate Steele, 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. 4345, Relating to motor vehicle registration cards by establishing electronic or mobile registration cards,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4345 - "A Bill to amend and reenact §17A-3-13 of the Code of West Virginia, 1931, as amended, relating to motor vehicle registration cards by establishing electronic or mobile registration cards; removing the requirement that physical registration cards be signed,"

H. B. 4691, Provide a 45 day waiting period before a water and sewer rate increase may go into effect for any locally rate regulated municipality,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4691 - "A Bill to amend and reenact §8-11-4 of the Code of West Virginia, 1931, as amended, relating to providing for a 45 day waiting period before a water and/or sewer rate increase may go into effect for any locally rate regulated municipality; and other technical changes,"

H. B. 4742, To provide for the full restoration of the Holly Grove Mansion,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4742 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-15, relating to the restoration of the Holly Grove Mansion; providing for legislative findings and the background of the Holly Grove Mansion; explaining the restoration; providing for funding in a separate appropriations bill; providing for the establishment of a commission to oversee the restoration and

designating representatives; providing for the disbanding of the commission upon completion of the project; and shifting control of the Holly Grove Mansion from General Services to the Division of Arts, Culture, and History upon completion of the restoration,"

H. B. 4768, Relating to change hearing location and customer notice provisions,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4768 - "A Bill to amend and reenact §24-2H-6b of the Code of West Virginia, 1931, as amended, relating to utility hearings, changing hearing location and customer notice provisions,"

And,

H. B. 4797, To create an EV Infrastructure Deployment Plan for West Virginia that describes how our state intends to use its share of NEVI Formula Program funds,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4797 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-11-1, relating to the economic development plan for electric vehicle infrastructure,"

With the recommendation that the committee substitutes each do pass.

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. 4636, Clarifying when business and occupation taxes owed to a city or municipality are considered to be remitted on time,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4636 - "A Bill to amend and reenact §11-13-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-13-32, all relating to clarifying that business and occupation taxes, as well as city service fees, that are owed to a city or municipality are considered to be remitted 'on time' when the date that they are postmarked is on or before the deadline date, rather than on the date that such taxes are physically received by a city or municipality; and clarifying that cities and municipalities may not impose a late fee or penalty for those taxes owed to them so long as they are postmarked on or before the deadline date,"

H. B. 4667, Prohibition on county, city, or municipality restrictions on advanced air mobility aircraft,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4667 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-16-3, relating generally to creating a prohibition on county, municipality, city or town restrictions on advanced air mobility aircraft and advanced air mobility systems and defining terms,"

And,

H. B. 4785, Relating to judicial vacancies,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4785 - "A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, relating to judicial vacancies; providing that a vacancy occurring in the offices of Justice of the Supreme Court of Appeals, judge of the Intermediate Court of Appeals, judge of a circuit court, or judge of a family court is filled by the Governor of the state by appointment if the unexpired term be for a period of not more than three years; and clarifying that the amendment shall apply to judicial vacancies existing at the date of passage,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

H. B. 4496, Allowing interest and earnings on federal COVID-19 relief moneys to be retained in the funds or accounts where those moneys are invested,

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

Delegate Steele, 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. 4769, Eliminate the requirement to send recommended decisions by certified mail,

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

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

Your Committee on Finance has had under consideration:

H. B. 4391, Relating generally to school nurses,

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

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

Your Committee on Finance has had under consideration:

H. B. 3082, Stabilizing funding sources for the DEP Division of Air Quality,

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

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. 4668, Relating to air bag fraud,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4668 - "A Bill to amend and reenact §17C-15-50 of the Code of West Virginia, 1931, as amended, relating to air bag fraud; prohibiting counterfeit and nonfunctional air bags; establishing penalties for prohibited activities related to air bag fraud; specifying the applicability of the section; and creating exceptions,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4675, Relating to autonomous delivery vehicles,

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. 4675) was referred to the Committee on the Judiciary.

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. 4645, Allowing for surplus money collected above voter approved excess levy requests to remain with specific county and placed in general fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4645) was referred to the Committee on Finance.

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. 4758, Relating to developing and maintaining a database to track reclamation liabilities in the West Virginia Department of Environmental Protection Special Reclamation Program,

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

Delegate Rohrbach, 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. 4647, Relating to the Board of Funeral Service Examiners,

And reports the same back with the recommendation that it do pass, 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. 4647) was referred to the Committee on Government Organization.

Delegate Rohrbach, 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. 4607, To remove opioid treatment programs from requiring a certificate of need,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4607 – "A Bill to repeal §16-5Y-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2D-9 and §16-2D-11; all relating to certificate of need; removing a health services from the list of services which may not be developed; and exempting health services from certificate of need,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4643, Exempting certain health services from certificate of need,

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

Delegate Rohrbach, 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. 4625, To remove Medicare or Medicaid-certified facilities from COVID-19 immunization exemption requirements,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4625 – "A Bill to amend and reenact §16-3-4b of the Code of West Virginia, 1931, as amended, relating to COVID-19 immunization exemption requirements; defining terms; and specifying terminology,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4761, Authorizing the Secretary of the Department of Health and Human Resources to develop a submission procedures manual and adopt the same as a procedural rule,

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

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. 4580, To authorize retired bus operators, cooks or aides to work in areas of critical need,

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. 4580) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. C. R. 42, A resolution to support the relocation of university-level Chinese language immersion programs from the People's Republic of China (PRC) to Taiwan,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. C. R. 42) was referred to the Committee on Rules.

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. 4571, Modifying foundation allowance to account for transportation by electric powered buses,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4571) was referred to the Committee on Finance.

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. 2364, Permit teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer,

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. 2364) was referred to the Committee on the Judiciary.

Delegate Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 17th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates.

H. B. 4024, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience,

Com. Sub. for H. B. 4067, To make certain agency reports electronic or eliminating certain agency reports altogether,

And,

Com. Sub. for H. B. 4276, WVU to create a Parkinson's disease registry.

Reports of Select Committees

On motion for leave, a bill was introduced (Originating in the Select Committee on Tourism and Economic Diversification and reported with the recommendation that it do pass, but that it first be referred to the Committee on Finance), which was read by its title, as follows:

By Delegate Howell:

H. B. 4827 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4 and §5B-2K-5, all relating to the promotion of the development of public-use vertiports."

Pursuant to House Rule 80, the Speaker referred the bill to the Committee on Finance.

In the absence of objection, the Speaker subsequently changed the reference to the Committee on the Judiciary.

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

Your Select Committee on Tourism and Economic Diversification has had under consideration:

H. B. 4684, To exempt a county that has a single CVB with a hotel or motel collection of less than $150,000 annually,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4684) was referred to the Committee on Finance.

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

Your Select Committee on Tourism and Economic Diversification has had under consideration:

H. B. 4652, To create the Proficient Customer Service Communications Act,

H. B. 4653, West Virginia Economic Diversification Act,

H. B. 4655, To create commercial opportunity zones to attract new businesses to West Virginia,

H. B. 4656, To create the Remote Worker Home Development Act,

H. B. 4659, West Virginia Heavy Duty Truck Excise Tax Elimination Act,

And,

H. B. 4689, Creation of a tax credit for electric vehicle manufacturing,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4652, H. B. 4653, H. B. 4655, H. B. 4656, H. B. 4659 and H. B. 4689) were each referred to the Committee on Finance.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 3312, Establishing a memorial to child labor and child workers who died in the course of employment in this state.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

Com. Sub. for S. C. R. 27 - "Requesting the Division of Highways name bridge number 39-026/00-019.09 (39A051), (39.49472, -79.64520), locally known as Albright Bridge, carrying WV 26 over Cheat River in Preston County, as the 'U.S. Army TSGT Harold William Schmidle Memorial Bridge'."

Whereas, Harold William Schmidle was born in the year 1921, to the son of Joseph and Jennie Schmidle in Albright, West Virginia, and was one of 14 children; and

Whereas, Harold William Schmidle, also called "Teen", enlisted in the Infantry as a young man to serve his country during World War II; and

Whereas, TSGT Harold William Schmidle served 37 months in the Pacific and fought against the Japanese; and

Whereas, TSGT Harold William Schmidle was killed in action during the Battle of Banzai Point on the Island of Corregidor in the Philippines on February 19, 1945, where he served as a rifle squad leader (S/SGT) in the 2nd platoon, Company "D", 503rd Parachute Infantry Regiment, when he and his squad were overrun by the Japanese; and

Whereas, TSGT Harold William Schmidle had three brothers who also served their country at the time: George Schmidle was stationed in Texas; and Williard "Woody" Schmidle and Cottrill Schmidle served in the European Theater; and

Whereas, TSGT Harold William Schmidle posthumously received the Silver Star for gallantry in action on February 19, 1945, for taking up a dangerous flank position, with utter disregard for his own life, repulsing several enemy rushes, and holding his position until mortally wounded without asking for help. His Silver Star citation provides that his courage, initiative, and coolness under fire materially aided in the reorganization of his unit for successful attack on the enemy and constituted the finest of soldierly performance of duty; and

Whereas, TSGT Harold William Schmidle was also the recipient of a Bronze Star, Purple Heart, and various other medals and awards; and

Whereas, It is fitting that an enduring memorial be established to commemorate TSGT Harold William Schmidle and his sacrifice to our state and country will never be forgotten; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 39-026/00-019.09 (39A051), (39.49472, -79.64520), locally known as Albright Bridge, carrying WV 26 over Cheat River in Preston County, as the "U.S. Army TSGT Harold William Schmidle Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army TSGT Harold William Schmidle Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

Com. Sub. for S. C. R. 38 - "Requesting the Division of Highways name bridge number 17-050/00-006.08 (EB and WB) (17A187, 17A189), (39.28925, -80.49021), locally known as Log Cabin Bridge, carrying U.S. Route 50 (EB and WB) over Tenmile Creek, Harrison County, the 'Cox Brothers Veterans Memorial Bridge'."

Whereas, The Cox Family demonstrated their utmost patriotism for the United States with 11 of 15 brothers in a family of 21 children serving in the U.S. military, including seven brothers who served during WWII; and

Whereas, Vaughn Cox was with the 101st Airborne, serving as a paratrooper on D-Day he was shot several times before hitting the ground. Thereafter, Vaughn Cox was picked up by burial crews who discovered he was still alive, after which he recovered and returned home with a glass eye having earned three Purple Hearts; and

Whereas, Glenn Cox was stationed with the Navy on Ocracoke Island at a top secret amphibious training base where he operated from the "Loop Shack" to track Nazi U-Boats. At the end of the war, as reported by his daughter, Glenn had the honor of transcribing the radio code message announcing the end of WWII to his fellow sailors; and

Whereas, Edward Cox fought during the battles for Guadalcanal and the Southern Philippines during WWII. He reenlisted and served in the Korean War, garnering multiple honors, including medals for the Asiatic-Pacific Theater Campaign with two bronze stars, Philippine Liberation Ribbon with one bronze star, and the Army of Occupation Medal, Korea; and

Whereas, Paul Loutrell Cox was a U.S. Marine, PFC-6, during WWII, serving in the Central Pacific throughout those difficult times; and

Whereas, Carlos Walter Cox was a Staff Sergeant in the Army who served in Northern France and the Rhineland during WWII, earning multiple service ribbons for valor and bravery; and

Whereas, Calvin Leco Cox served his country in the Army as Private First Class-Ordinance in Walla Walla, Washington; and

Whereas, The Cox brothers' half-brother, Kenneth Bickerstaff, was in the Army and stationed in Australia during WWII to help fight off the Japanese invasion in the Pacific; and

Whereas, All seven of the Cox brothers who served in WWII were listed on the Honor Memorial in Wolf Summit, West Virginia, dedicated in 1946, symbolizing their heroism and sacrifice for continued freedom of the United States and our democracy; and

Whereas, It is fitting that an enduring memorial be established to commemorate all seven of the Cox brothers, who served in WWII, and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-050/00-006.08 (EB and WB) (17A187, 17A189), (39.28925, -80.49021), locally known as Log Cabin Bridge, carrying U.S. Route 50 (EB and WB) over Tenmile Creek, Harrison County, the "Cox Brothers Veterans Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Cox Brothers Veterans Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways"; which was referred to the Committee on Rules.

Resolutions Introduced

Delegate Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 83 - "Requesting the Division of Highways name a portion of County Route 30/1, beginning at (38.239066), (-82.192876) and ending at (38.239066), (-82.200978), locally known as Sheridan Road, in Lincoln County, the 'U.S. Army SGT Charles L. Toppings Memorial Road'."

Whereas, Charles L. Toppings was born in Man, West Virginia, on October 13, 1930, the son of Sesco and Elva Toppings; and

Whereas, Charles L. Toppings was a graduate of Hamlin High School and entered the U.S. Army; and

Whereas, SGT Charles L. Toppings served in Company C, 72nd Tank Battalion, 2nd Infantry in Korea; and

Whereas, On May 18, 1951, SGT Charles L. Toppings distinguished himself by heroic achievement near Chaun-ni, Korea, while riding in a tank retriever attempting to run an enemy roadblock. The retriever crew saw several wounded soldiers exposed to enemy fire when SGT Charles L. Toppings, while being exposed to enemy fire, manned a machine gun and delivered heavy fire on the enemy. He then left the retriever and moved the wounded soldiers into the retriever; and

Whereas, SGT Charles L. Toppings, for his heroism on that day, was awarded the Bronze Star; and

Whereas, SGT Charles L. Toppings worked for the C&O Railroad in West Virginia for over 30 years; and

Whereas, SGT Charles L. Toppings passed away on April 5, 2017, survived by three sons: Charles Toppings and wife, Sheila; William (Bill) Toppings and wife, Vicki; and Steve Toppings and wife, Karen; and

Whereas, It is fitting that an enduring memorial be established to commemorate SGT Charles L. Toppings and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of County Route 30/, beginning at (38.239066), (-82.192876) and ending at (38.239066), (-82.200978), locally known as Sheridan Road, in Lincoln County, the "U.S. Army SGT Charles L. Toppings Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the portion of road as the "U.S. Army SGT Charles L. Toppings Memorial Road"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Booth, Martin, Nestor, Mallow, Griffith, Sypolt, Barnhart, Mandt and Linville offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 84 - "Requesting the Division of Highways informally name Keyser Street in Wayne, in Wayne County, the 'U. S. Navy, Water Tender 3rd Class, V-6, Lewis Glenn Mills Memorial Boulevard'."

Whereas, Lewis Glenn Mills was born on October 24, 1922, in a log cabin on Ed's Branch in East Lynn, West Virginia. He was the ninth born of the 11 Mills children in his family. His father

passed away when he was just seven years old. When he was 14 years old, he left school and home to work in the Civilian Conservation Corps to support his family during the Great Depression. He worked on Black Mountain, in Pocahontas County, WV, and helped cut timbers for the railroad until he enlisted in the United States Navy at the age of 21; and

Whereas, In 1943, Lewis Glenn was stationed on the U.S.S. Sims where he served as a gunner to a 40 caliber machine gun, and a Water Tender when his ship was not in duress. His ship escorted supply ships from New York to Derry, Ireland for almost two years. During this time, his boat protected the supply ships against Nazi submarines (U-Boats). His ship was then reassigned to the Pacific when the theater of war shifted from Europe to Asia in 1944. He spent over one year in the hospital recovering from his wounds and extreme exposure, after he was severely wounded in 1944; and

Whereas, Lewis Glenn was honorably discharged from the U.S. Navy on April 28, 1945, and returned home to Wayne, West Virginia. He mined coal in East Lynn, but soon decided to go back to school to make a better living. He attended Marshall College where he obtained a bachelor's degree in elementary education then his master's degree in School Administration. He taught elementary school at Hobbs Elementary, Dunlow Elementary, Genoa Elementary and East Lynn Elementary. He then became principal at Dunlow Elementary and Genoa Elementary; and

Whereas, Lewis Glenn served in the West Virginia House of Delegates from 1961 to 1964 and was a member of West Virginia's Centennial House. One of his accomplishments included cosponsoring of the bill that made Marshall College, Marshall University. He then ran for Assessor for Wayne County and won his next six elections, serving a total of 24 years as the Assessor of Wayne County. During those years, Lewis Glenn also served as an EMT for Wayne County 911, was a member of the Odd Fellows, served as Chairman of the Board of Prestera, and was designated a Silver Leader of the Disabled American Veterans or D.A.V. On June 12, 1982, he was appointed by A. James Manchin as West Virginia's Ambassador of Humanitarianism. Lewis Glenn was an

avid supporter of mental health and the working class during his entire tenure as a public servant; and

Whereas, Lewis Glenn Mills retired with over 40 years of public service in 1988 and enjoyed being with his wife Erma Ferguson Mills and family until he passed away February 11, 2010, at the age of 87, at his home on Keyser Street where he resided for nearly six decades; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Navy, Water Tender 3rd Class V-6 Lewis Glenn Mills and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to informally name Keyser Street, in Wayne, in Wayne County, the "U. S. Navy, Water Tender 3rd Class, V-6, Lewis Glenn Mills Memorial Boulevard"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the street as the "U. S. Navy, Water Tender 3rd Class, V-6, Lewis Glenn Mills Memorial Boulevard"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order as unfinished business, were, in the absence of objection, considered en masse, and adopted:

H. C. R. 35, David Allen Drake, Sr. Memorial Bridge,

H. C. R. 45, U.S. Army SP4 Dennis Harvey Roberts Memorial Bridge,

H. C. R. 54, Mayor George Karos Bridge,

H. C. R. 62, Raymond Jarrell, Jr., Memorial Road,

H. C. R. 63, U.S. Army MSGT Donald Lewis Coen Memorial Bridge,

H. C. R. 64, Robin W. Ames Memorial Road,

H. C. R. 65, U.S. Army Major Jesse A. Jennings Memorial Bridge,

H. C. R. 70, Calvin H. Shifflett Memorial Bridge,

H. C. R. 71, White Angel Falls waterfall,

H. C. R. 72, U.S. Army SP5 Dana V. Perkins Memorial Bridge,

H. C. R. 73, Halstead Brothers WWII Veterans Memorial Bridge,

H. C. R. 74, Judge Les Fury Memorial Bridge,

H. C. R. 75, Pastor Glenn F. Lough Memorial Bridge,

And,

H. C. R. 76, U. S. Navy BM1 Farris Burton Memorial Bridge.

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

Third Reading

Com. Sub. for S. B. 445, Modifying police and firemen's pension plans for trustees; 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. 162)**, and there were—yeas 95, nays none,

absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Hamrick, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 445) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for H. B. 4077, Provide certain classes of property protections from creditor collections; 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. 163)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Hamrick, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4077) passed.

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

Com. Sub. for H. B. 4141, Authorizing the Governor's Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards; 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. 164)**, and there were—yeas 92, nays 2, absent

and not voting 6, with the nays and the absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Boggs, Dean, Ellington, Hamrick, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4141) passed.

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

On this question, the yeas and nays were taken **(Roll No. 165)**, and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Boggs, Ellington, Hamrick, Westfall and Young.

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. 4141) 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.

Com. Sub. for H. B. 4242, Authorizing the Division of Labor to promulgate a legislative rule relating to Child Labor; 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. 166)**, and there were—yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries and Paynter.

Absent and Not Voting: Boggs, Ellington, Hamrick, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4242) passed.

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

On this question, the yeas and nays were taken **(Roll No. 167)**, and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Graves, Hamrick, Mallow, Westfall and Young.

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. 4242) 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. 4314, Exclude Solicitor from the definition of Investment Advisor; on third reading, coming up in regular order, was read a third time.

Delegate Summers asked unanimous consent that further action on the bill be postponed one day, which consent was not given, objection being heard.

Delegate Summers then moved that further action on the bill be postponed one day.

On this motion, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken **(Roll No. 168)**, and there were—yeas 77, nays 17, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Lovejoy, McGeehan, Pethtel, Pushkin, Thompson, Walker, G. Ward and Zukoff.

Absent and Not Voting: Boggs, Ellington, Hamrick, Mallow, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the motion prevailed.

H. B. 4338, Reducing annual permit fee for each video lottery terminal owned or leased by a limited video lottery licensee; on third reading, coming up in regular order, was read a third time.

Delegates Martin and Steele requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegates were members of a class of persons possibly to be affected and directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 169)**, and there were—yeas 69, nays 24, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Burkhammer, Conley, Fast, Ferrell, Hanna, Honaker, D. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Longanacre, Mandt, Mazzocchi, Pack, Pinson, Sypolt, B. Ward, G. Ward and Worrell.

Absent and Not Voting: Boggs, Ellington, Hamrick, Mallow, Wamsley, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4338) passed.

Com. Sub. for H. B. 4340, Relating to maximizing the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education; 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. 170)**, and there were—yeas 89, nays 4, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Fast, Howell, Martin and Mazzocchi.

Absent and Not Voting: Boggs, Diserio, Ellington, Hamrick, Mallow, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4340) passed.

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

Com. Sub. for H. B. 4406, To establish the West Virginia Military Hall of Fame; on third reading, coming up in regular order, was reported by the Clerk.

Unanimous consent was obtained to permit amendment of the bill on third reading, and the rule was suspended to permit the offering and consideration of an amendment.

On motion of Delegate Howell, the bill was amended on page 1, section 1, line 8, after the word "for" by striking "25 years or more" and inserting in lieu thereof the words "10 years or a majority of their lives";

On page 1, section 1, line 9, after the word "application" by inserting a comma;

And,

On page 1, section 1, line 9, after the word "DD214" by inserting the following: "and/or other supporting Department of Defense personnel records, or national or state archive records,".

There being no further amendments, and having been engrossed, 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. 171)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Hamrick, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4406) passed.

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

In the absence of objection, **H. B. 4338**, Reducing annual permit fee for each video lottery terminal owned or leased by a limited video lottery licensee, was taken up for further consideration.

Delegate Summers moved that the bill take effect May 1, 2022.

On this question, the yeas and nays were taken **(Roll No. 172)**, and there were—yeas 86, nays 9, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Conley, Fast, Jennings, Kimble, Mallow, Mandt, G. Ward and Worrell.

Absent and Not Voting: Boggs, Ellington, Hamrick, Westfall and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4338) takes effect May 1, 2022.

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

Com. Sub. for H. B. 4430, Relating to definitions of base salary and overtime for police and firemen pensions; 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. 173)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Hamrick, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4430) passed.

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

H. B. 4433, Providing that retirement benefits are not subject to execution; 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. 174)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Hamrick, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4433) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 4433 – "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §8-22-25b, relating to the protection of benefits and assets of members of a policemen's pension and relief fund or a firemen's pension and relief fund from execution, assignment or other process and certain taxes; and providing exceptions."

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

H. B. 4462, Relating to Deferred Retirement Option Plan evaluations; on third reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

H. B. 4568, To allow phased rehabilitations of certified historic structures ; 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. 175)**, and there were—yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Fluharty and Foster.

Absent and Not Voting: Boggs, Ellington, Hamrick, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4568) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 4568 – "A Bill to amend and reenact §11-24-23a of the Code of West Virginia, 1931, as amended, relating to tax credits for qualified rehabilitation expenditures for certified historic structures; elimination of certain limitations on and allocations of tax credits allowed against corporation net income tax and personal income tax per year and per rehabilitation of a certified historic

structure; elimination of allocation of portion of limited tax credits for certified rehabilitation projects with proposed tax credits of $500,000; authorizing phased rehabilitations of certified historic structures; authorizing tax credit certificates for completed phases of a phased rehabilitation; providing for recapture of tax credits; removing provisions providing for guarantee of tax credits; and requiring issuance of tax credit certificates based on issuance of Phase Advisory Determination in certain circumstances."

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

Com. Sub. for H. B. 4583, Clarifying the definition of incapacity so that incarceration in the penal system or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney; 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. 176)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Ellington, Hamrick, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4583) passed.

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. 2798, Relating to requiring the Health Department to mandate mucopolysaccharidosis type 1 (MPS1) test for newborn babies, to be known as Embie's Law; on second

reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4348, Relating to Pharmacy Technicians; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4488, Relating to coal mining and changing fees for permitting actions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4559, Providing for legislative rulemaking relating to the disposition of unidentified and unclaimed remains in the possession of the Chief Medical Examiner; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page 10, immediately following section 15, line 23, by inserting a new section, to read as follows:

"**§61-12-16. Disposition of unidentified or unclaimed remains pursuant to legislative rule.**

The Office of the Chief Medical Examiner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code which provide for the disposition of unidentified or unclaimed remains in the possession of the Office of the Chief Medical Examiner, in a manner which does not conflict with the provisions of this article.

Further, the Office of the Chief Medical Examiner shall promulgate emergency rules pursuant to §29A-3-15 of this code providing for the disposition of unidentified or unclaimed remains in their possession, in a manner which does not conflict with the provisions of this article."

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4585, Relating to controlled substance monitoring; and removing a dispensing prohibition; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4596, Relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4631, Establishing a bone marrow and peripheral blood stem donation awareness program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

And,

H. B. 4649, Transferring the operations of the West Virginia Children's Health Insurance Program to the Bureau for Medical Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third 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. 2096, Reinstating the film investment tax credit,

Com. Sub. for H. B. 3223, Prohibit state, county, and municipal governments from dedicating or naming any public structure for a public official who is holding office at the time,

H. B. 4019, Relating to deadlines for public charter schools,

H. B. 4264, Change name of Glenville State College to "Glenville State University",

H. B. 4566, Creating the Economic Enhancement Grant Fund,

Com. Sub. for H. B. 4567, Relating to business and occupation or privilege tax,

H. B. 4591, Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax,

H. B. 4604, Relating to abolishing the Workforce Development Initiative Program Advisory Council,

H. B. 4606, Authorizing programs to assist at-risk veterans and their families with existing resources to combat suicide,

And,

Com. Sub. for H. B. 4644, Prohibiting the restriction, regulation, use or administration of lawn care and pest care products.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Ellington, Hamrick, Westfall and Young.

Miscellaneous Business

Prior to Unfinished Business, Delegates Clark and Horst asked and obtained unanimous consent to be added as cosponsors of H. C. R. 65.

During the XII Order of Business, Delegate Mandt asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 3223.

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 4558: Delegate Hott;

H. B. 4636: Delegate Fast;

H. B. 4667: Delegate Fast;

H. B. 4668: Delegate Fast;

And,

H. B. 4826: Delegate Riley.

At 12:37 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 21, 2022.

Monday, February 21, 2022

FORTY-FIRST DAY

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

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

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

The Clerk proceeded to read the Journal of Friday, February 18, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, it was announced that H. B. 4314 and H. B. 4462 on Third Reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for H. B. 3122, Com. Sub. for H. B. 4087, Com. Sub. for H. B. 4282 and Com. Sub. for H. B. 4418 on Third Reading, House Calendar, had been moved to the Special Calendar; and Com. Sub. for H. B. 4262 on Second Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on Education has had under consideration:

S. B. 228, Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV,

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

In accordance with the former direction of the Speaker, the bill (S. B. 228) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 229, Requiring impact statement in certain instances of school closing or consolidation,

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 (Com. Sub. for S. B. 229) was referred to the Committee on Finance.

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. 4372, Creating the Public/Private Small Business Enhancement Program,

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. 4372) was referred to the Committee on Finance.

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. 4491, To establish requirements for carbon dioxide sequestration,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4491 - "A Bill to amend and reenact §22-11A-3 and §22C-9-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §22-11B-1, §22-11B-2, §22-11B-3, §22-11B-4, §22-11B-5, §22-11B-6, §22-11B-7, §22-11B-8, §22-11B-9, §22-11B-10, §22-11B-11, §22-11B-12, §22-11B-13, §22-11B-14, §22-11B-15, §22-11B-16, §22-11B-17, §22-11B-18, §22-11B-19, §22-11B-20, and §22-11B-21, all relating to regulating the permitting, drilling, operation, and closure of injection wells for the sequestration of carbon dioxide in underground storage reservoirs; declaring legislative purpose; defining terms; amending and specifying the scope of the prior program; providing an option for holders of pre-existing permits to pursue permit modifications under the prior or new law; establishing requirements for permitting; specifying application requirements and fees; clarifying that the provisions apply only to underground carbon dioxide sequestration operations and facilities; directing and authorizing the promulgation of rules by the Department of Environmental Protection and the Oil and Gas Conservation Commission; providing for public notice, participation, and hearings; authorizing certain conditions in permits and orders; preserving other existing powers of the secretary and the commission; preserving rights of existing mineral owners and authorizing cooperative agreements; declaring that carbon dioxide injected into an underground storage facility is not a pollutant and not a public nuisance; requiring permit holders to provide and update identification of a local agent; excluding enhanced oil, natural gas, or coalbed methane recovery projects using carbon dioxide injection from requirements of underground carbon dioxide storage permits; specifying requirements for completion of an underground carbon dioxide storage project; directing transfer of carbon dioxide ownership to surface owners upon completion of project; providing for all liability and regulatory responsibilities to transfer to the state upon completion; establishing state responsibility for maintenance and monitoring after completion; establishing the Carbon Dioxide Storage Facility Administrative Fund and the Carbon Dioxide Storage Facility Trust Fund as

special revenue accounts and describing the source of revenue, authorized purposes and uses of the funds; providing a process for completion of underground carbon dioxide storage projects; requiring fees for underground storage of carbon dioxide; limiting state and permittee liability; authorizing the secretary to make determinations of the amount of carbon dioxide able to be sequestered at a location; specifying local filing requirements; defining ownership of pore space formations; authorizing entry onto lands to conduct seismic surveys and establishing requirements and conditions therefore; requiring permit applicants and storage facility operators to identify and obtain consent from pore space owners; providing for acquisition and pooling of interests of nonconsenting pore space owners for the construction and operation of a storage facility; providing for acquisition and pooling of interests of unknown and unlocatable pore space owners for the construction and operation of a storage facility; providing for just and reasonable compensation for unknown, unlocatable, and nonconsenting pore space owners; providing for hearings to establish interests of pore space owners in reservoirs; providing for management of funds of unknown and unlocatable owners; limiting and establishing requirements for surface use; expanding the jurisdiction of the Oil and Gas Conservation Commission; providing for reporting; and providing for judicial review,"

And,

H. B. 4712, Require the prompt enrollment in payment plans for costs, fines, forfeitures, restitution, or penalties in circuit court and magistrate court,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4712 - "A Bill to amend and reenact §50-3-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-4-17 of said code, all relating to reducing the time period allowed for enrollment in magistrate court and circuit court payment plans and limiting the maximum length of payment plans,"

With the recommendation that the committee substitutes each do pass.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 42, A resolution to support the relocation of university-level Chinese language immersion programs from the People's Republic of China (PRC) to Taiwan,

H. C. R. 79, A resolution to designate February 21st as the official start day to National FFA Week in West Virginia,

And,

H. R. 12, Supporting the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan),

And reports the same back with the recommendation that they each be adopted.

At the request of Delegate Summers, and by unanimous consent H. C. R. 79 was taken up for immediate consideration.

On the question of the 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. 177)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Graves, Lovejoy and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 79) adopted.

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

Messages from the Executive

A communication from His Excellency, the Governor, advised that on February 18, 2022, he approved **S. B. 436**.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect July 1, 2022, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 3220, Restrictions on Taxpayer funded lobbying.

On motion of Delegate Summers, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"**ARTICLE 3. LOBBYISTS.**

§6B-3-10. Provisions may be adopted by local governments; disclosures by state agencies, municipalities, counties, and school districts relating to lobbying activities.

(a) An incorporated municipality may enact lobbyist regulation provisions substantially similar to the provisions of this article which may be modified to the extent necessary to make the provisions relevant to that jurisdiction and which may be further modified to the extent deemed necessary and appropriate by and for that jurisdiction.

(b) Beginning on July 1, 2022, every state agency, municipality, county, and school district in the state that contracts for lobbying services shall disclose, and when applicable provide

copies of, the following information to the West Virginia Ethics Commission:

(1) Contract details, including, but not limited to, the identities of the parties to the contract, the date on which the contract becomes or became effective, any applicable extension dates, payment and reimbursement terms, and duration;

(2) A copy of the contract for lobbying services;

(3) All costs to be paid or reimbursed, or already paid or reimbursed, for lobbying services associated with or related to the contract for lobbying services, including itemized expenses such as dinners, meals, or events; and

(4) The identities of any individuals or entities engaging in activities pursuant to the contract for lobbying services that may require the individual or entity to register as a lobbyist.

(c) On July 1, 2023, and on July 1 of each year thereafter, every state agency, municipality, county, and school district in the state that has contracted for lobbying services in the preceding year shall report to the Ethics Commission all information required by the provisions of subsection (b) of this section."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 3220 - "A Bill to amend and reenact §6B-3-10 of the Code of West Virginia, 1931, as amended, relating to required disclosure of information from state agencies, municipalities, counties, or school districts that have contracted for lobbying services; requiring certain information relating to, and copy of, lobbying contract be furnished to Ethics Commission; mandating annual reporting of information to Ethics Commission relating to lobbying activity pursuant to contract; and establishing effective date."

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 178)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Lovejoy, Maynard and Thompson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3220) passed.

Delegate Summers moved that the bill take effect July 1, 2022.

On this question, the yeas and nays were taken **(Roll No. 179)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Lovejoy, Maynard and Thompson.

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. 3220) takes effect July 1, 2022.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4114, Authorizing certain agencies of the Department of Administration to promulgate legislative rules.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 4308, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits.

On motion of Delegate Summers, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"**CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.**

ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.

§14-2A-11a. Application when the victim is the subject of a civil abuse or neglect petition; confidentiality of records.

(a) An application for benefits on behalf of a minor child who is the subject of a civil abuse and neglect petition may be filed by a foster parent, legal guardian of the minor child, court appointed guardian ad litem, or any person or entity having legal custody of the minor child, including the agency which filed the civil abuse and neglect petition.

(b) All crime victims' compensation fund records and proceedings related to a claim filed on behalf of a minor child who is the subject of a civil abuse and neglect petition are confidential and may not be disclosed to any person who is not a necessary participant in the proceedings. Information, details, and identities of parties in the claim shall not be published, except in the form of statistical reporting, identified only by claim number, as necessary to satisfy the requirements of federal and state law.

§14-2A-14. Grounds for denial of claim or reduction of awards; maximum award.

(a) Except as provided in §14-2A-10(b) of this code, the commissioner may not approve an award of compensation to a claimant who did not file his or her application for an award of compensation within two years after the date of the occurrence of the criminally injurious conduct that caused the injury or death for which he or she is seeking an award of compensation.

(b) The commissioner may not approve an award of compensation if the criminally injurious conduct upon which the claim is based was not reported to a law-enforcement officer or agency or, in the case of sexual offense, the victim did not undergo a forensic medical examination, within 96 hours after the occurrence of the conduct, unless it is determined that good cause existed for the failure to report the conduct or undergo a forensic medical examination within the 96-hour period: *Provided,* That ~~no~~ reporting to a law-enforcement officer or agency or a forensic medical examination is not required if the victim is a juvenile in order for a commissioner to approve an award of compensation: *Provided, however,* That the filing of a civil abuse and neglect petition in a circuit court satisfies the reporting requirement, thereby allowing the minor child who is the subject of the petition to file an application for benefits, with the claims process to proceed in accordance with this code. ~~The agency filing the civil abuse and neglect petition shall file an application for benefits on behalf of the minor child~~

(c) The commissioner may not approve an award of compensation to a claimant who is the offender or an accomplice of the offender who committed the criminally injurious conduct, nor to any claimant if the award would unjustly benefit the offender or his or her accomplice.

(d) A commissioner, upon a finding that the claimant or victim has not fully cooperated with appropriate law-enforcement agencies or the claim investigator, may deny a claim, reduce an award of compensation, or reconsider a claim already approved.

(e) A commissioner may not approve an award of compensation if the injury occurred while the victim was confined in any state, county, or regional jail, prison, private prison, or correctional facility.

(f) After reaching a decision to approve an award of compensation, but prior to announcing the approval, the commissioner shall require the claimant to submit current information as to collateral sources on forms prescribed by the Clerk of the West Virginia Legislative Claims Commission. The

commissioner shall reduce an award of compensation or deny a claim for an award of compensation that is otherwise payable to a claimant to the extent that the economic loss upon which the claim is based is or will be recouped from other persons, including collateral sources, or if the reduction or denial is determined to be reasonable because of the contributory misconduct of the claimant or of a victim through whom he or she claims. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source: *Provided,* That if it is thereafter determined that the claimant will not receive all or part of the expected recoupment, the claim shall be reopened and an award shall be approved in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source, subject to the limitation set forth in subsection (g) of this section.

(g)(1) Except in the case of death, or as provided in subdivision (2) of this subsection, compensation payable to a victim and to all other claimants sustaining economic loss because of injury to that victim may not exceed $35,000 in the aggregate. Compensation payable to all claimants because of the death of the victim may not exceed $50,000 in the aggregate.

(2) In the event the victim's personal injuries are so severe as to leave the victim with a disability, as defined in Section 223 of the Social Security Act, as amended, as codified in 42 U. S. C. §423, the commission may award an additional amount, not to exceed $100,000, for special needs attributable to the injury.

(h) If an award of compensation of $5,000 or more is made to a minor, a guardian shall be appointed pursuant to the provisions of §44-10-1 *et seq.* of this code to manage the minor's estate.

ARTICLE 5. RECORD KEEPING AND DATABASE.

§49-5-101. Confidentiality of records; non-release of records; exceptions; penalties.

(a) Except as otherwise provided in this chapter or by order of the court, all records and information concerning a child or juvenile which are maintained by the Division of ~~Juvenile Services~~ Corrections and Rehabilitation, the Department of Health and Human Resources, a child agency or facility, or court or law-enforcement agency, are confidential and ~~shall~~ may not be released or disclosed to anyone, including any federal or state agency.

(b) Notwithstanding the provisions of subsection (a) of this section or any other provision of this code to the contrary, records concerning a child or juvenile, except adoption records and records disclosing the identity of a person making a complaint of child abuse or neglect, may be made available:

(1) Where otherwise authorized by this chapter;

(2) To:

(A) The child;

(B) A parent whose parental rights have not been terminated; ~~or~~

(C) The attorney of the child or parent; and

(D) The Juvenile Justice Commission and its' designees acting in the course of their official duties;

(3) With the written consent of the child or of someone authorized to act on the child's behalf; ~~or~~ and

(4) Pursuant to an order of a court of record. ~~However,~~ :*Provided*, That the court shall review the record or records for relevancy and materiality to the issues in the proceeding and safety, and may issue an order to limit the examination and use of the records or any part thereof.

(c) In addition to those persons or entities to whom information may be disclosed under subsection (b) of this section, information related to child abuse or neglect proceedings, except information relating to the identity of the person reporting or making a

complaint of child abuse or neglect, shall be made available, upon request, to:

(1) Federal, state, or local government entities, or any agent of those entities, including law-enforcement agencies and prosecuting attorneys, having a need for that information in order to carry out its responsibilities under law to protect children from abuse and neglect;

(2) The child fatality review team;

(3) Child abuse citizen review panels;

(4) Multidisciplinary investigative and treatment teams; or

(5) A grand jury, circuit court, or family court, upon a finding that information in the records is necessary for the determination of an issue before the grand jury, circuit court, or family court; and

(6) The West Virginia Crime Victims Compensation Fund and its designees acting in the course of their official duties.

(d) I~~n the event of~~ If there is a child fatality or near fatality due to child abuse and neglect, information relating to a fatality or near fatality shall be made public by the Department of Health and Human Resources and provided to the entities described in subsection (c) of this section, all under the circumstances described in that subsection. ~~However,~~ : *Provided*, That information released by the Department of Health and Human Resources pursuant to this subsection may not include the identity of a person reporting or making a complaint of child abuse or neglect. For purposes of this subsection, "near fatality" means any medical condition of the child which is certified by the attending physician to be life threatening.

(e) Except in juvenile proceedings which are transferred to criminal proceedings, law-enforcement records and files concerning a child or juvenile shall be kept separate from the records and files of adults and not included within the court files. Law-enforcement records and files concerning a child or juvenile

shall only be open to inspection pursuant to ~~section one hundred three of this article.~~ §49-5-103 of this code.

(f) Any person who willfully violates ~~this~~ the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, or confined in jail for not more than six months, or both fined and confined. A person convicted of violating this section is also liable for damages in the amount of $300, or actual damages, whichever is greater.

(g) Notwithstanding the provisions of this section, or any other provision of this code to the contrary, the name and identity of any juvenile adjudicated or convicted of a violent or felonious crime shall be made available to the public;

(h)(1) Notwithstanding the provisions of this section or any other provision of this code to the contrary, the Division of ~~Juvenile Services~~ Corrections and Rehabilitation may provide access to, and the confidential use of, a treatment plan, court records, or other records of a juvenile to an agency in another state which:

(A) Performs the same functions in that state that are performed by the Division of ~~Juvenile Services~~ Corrections and Rehabilitation in this state;

(B) Has a reciprocal agreement with this state; and

(C) Has legal custody of the juvenile.

(2) A record which is shared under this subsection may only provide information which is relevant to the supervision, care, custody, and treatment of the juvenile.

(3) The Division of ~~Juvenile Services~~ Corrections and Rehabilitation ~~is authorized to~~ may enter into reciprocal agreements with other states and ~~to~~ propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement this subsection; and

(4) Other than the authorization explicitly given in this subsection, this subsection may not be construed to enlarge or

restrict access to juvenile records as provided elsewhere in this code.

(i) The records subject to disclosure pursuant to subsection (b) of this section ~~shall~~ may not include a recorded/videotaped interview, as defined in §62-6B-2(6) of this code, the disclosure of which is exclusively subject to ~~the provisions of~~ §62-6B-6 of this code.

(j) Notwithstanding the provisions of subsection (a) of this section, records in the possession of the Division of Corrections and Rehabilitation declared to be confidential by the provisions of subsection (a) of this section may be published and disclosed for use in an employee grievance if the disclosure is done in compliance with subsections (k), (l), and (m) of this section.

(k) Records or information declared confidential by the provisions of this section may not be released for use in a grievance proceeding except:

(1) Upon written motion of a party; and

(2) Upon an order of the Public Employee's Grievance Board entered after an in-camera hearing as to the relevance of the record or information.

(l) If production of confidential records or information is disclosed to a grievant, his or her counsel or representative, pursuant to subsection (k) of this section:

1) The division shall ensure that written records or information is redacted of all identifying information of any juvenile which is not relevant to the resolution of the grievance;

2) Relevant video and audio records may be disclosed without redaction; and

3) Records or other information released to a grievant or his or her counsel or representative pursuant to subsection (k) of this section may only be used for purposes of his or her grievance proceeding and may not be disclosed, published, copied, or

distributed for any other purpose, and upon the conclusion of the grievance procedure, returned to the Division of Corrections and Rehabilitation.

(m) If a grievant or the Division of Corrections and Rehabilitation seek judicial review of a decision of the Public Employee's Grievance Board, the relevant confidential records disclosed and used in the grievance proceeding may be used in the appeal proceeding upon entry of an order by the circuit court, the order shall contain a provision limiting disclosure or publication of the records or information to purposes necessary to the proceeding and prohibiting unauthorized use and reproduction.

(n) Nothing in this section may be construed to abrogate the provisions of §29B-1-1 *et seq.* of this code."

And,

By amending the title of the bill to read as follows:

H. B. 4308 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §14-2A-11a; to amend and reenact §14-2A-14 of said code; and to amend and reenact §49-5-101 of said code, all relating generally to confidentiality of juvenile records and exceptions thereto; declaring that records in the possession of the Crime Victim Compensation Fund regarding juveniles who are the subject of an abuse or neglect petition are confidential; expanding the class of persons who may apply to the Crime Victim's Fund on behalf of a child who is the subject of a civil abuse and neglect petition; specifying that official records relating to a child or juvenile may be disclosed for evaluation of a Crime Victims' Compensation Fund application; including the Juvenile Justice Commission and its designees acting in the courses of their official duties to the list of persons and entities granted access to confidential juvenile records; granting the West Virginia Crime Victims Compensation Fund and its designees access to certain information related to child abuse or neglect proceedings; granting a current or former employee of the Division of Corrections and Rehabilitation access to relevant juvenile records for purposes of pursuing a grievance;

permitting the release of such records only after a hearing to determine relevance, held before the Public Employees Grievance Board; providing for the sealing of such relevant records from public view and the redaction of any identifying information related to the juvenile; placing certain limitations on the grieving party's use of such records; permitting a grieving party's attorney or representative access to such records; requiring records be returned following conclusion of grievance procedure; requiring a court order for any further use of such records outside of the grievance proceeding; requiring that such court orders limit disclosure to the purposes of the proceeding; and clarifying that nothing in the section may be construed to abrogate the Freedom of Information Act."

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 180)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Lovejoy, Maynard and Thompson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4308) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

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. 213 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-31A-1, §30-31A-2, §30-31A-3, §30-31A-4, §30-31A-5, §30-31A-6, §30-31A-7, §30-31A-8, §30-31A-9, §30-31A-10, §30-31A-11, §30-31A-12, §30-31A-13, §30-31A-14, and §30-31A-15, all

relating to establishing a licensed professional counseling compact"; which was referred to the Committee on Health and Human Resources then Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 247 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to certified community behavioral health clinics; providing that the state Medicaid agency shall develop, seek approval of, and implement a Medicaid state plan amendment as necessary and appropriate to effectuate a system of Certified Community Behavioral Health Clinics; providing that a state certification system for Certified Community Behavioral Health Clinics shall be developed; setting forth state certification requirements; providing parties eligible to apply for certification as a Certified Community Behavioral Health Clinic; and providing that participation in the Certified Community Behavioral Health Clinic program is voluntary"; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 268 - "A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to creating a new exemption from compulsory school attendance for a child who participates in a learning pod or microschool; defining learning pod and microschool; requiring parent or custodian to present to the county superintendent or county board a notice of intent to participate in the learning pod or microschool; establishing qualifications for person or persons providing instruction; requiring annual academic assessment of the child in one of four specified ways; requiring the county board upon request to notify the parents or legal guardian of the services available to

assist in the assessment of the child's eligibility for special education services; requiring the county superintendent to offer such assistance as may assist the person or persons providing instruction; allowing any child participating in a learning pod or microschool to attend any class offered by the county board under certain conditions; providing that no learning pod or microschool is subject to any other provision of law relating to education; and clarifying that learning pods and microschools are not the same as homeschooling"; which was referred to the Committee on Education.

A message from the Senate, by

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

Com. Sub. for S. B. 438 - "A Bill to amend and reenact §12-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §12-1B-1, §12-1B-2, §12-1B-3, §12-1B-4, §12-1B-5, §12-1B-6, §12-1B-7, §12-1B-8, §12-1B-9, §12-1B-10, §12-1B-11, §12-1B-12, §12-1B-13, and §12-1B-14; all relating generally to the West Virginia Security for Public Deposits Act; requiring rule-making by the State Treasurer and authorizing emergency rules related to securing public deposits; providing a short title; providing legislative findings; specifying the act's applicability; defining terms; establishing the West Virginia Security for Public Deposits Program and requiring the program be operable by a certain date; establishing the Treasurer's Collateral Administration Fund as a special revenue account in the State Treasury and requirements for said fund; establishing powers and duties of the State Treasurer with regard to the West Virginia Security for Public Deposits Program; requiring rule-making by the State Treasurer and authorizing emergency rules related to the program; authorizing administrative fees, fines, penalties, and service charges; authorizing designated state depositories to secure public deposits pursuant to the act; clarifying that designated state depositories securing public deposits under the act are not required to secure deposits by other methods; establishing the duties of

designated state depositories securing deposits pursuant to the act; allowing designated state depositories to secure public deposits through a pooled method; subrogating the State Treasurer to certain claims of a depositor and requiring distribution of assets; requiring that deposits of public funds pursuant to the act be made in designated state depositories; authorizing public depositors to make public deposits; limiting liability of public depositors in certain circumstances; setting forth reporting requirements for designated state depositories; and clarifying that the act controls over inconsistent provisions of state or local law"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 543 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21A-10-23, relating to authorizing the Commissioner of Workforce West Virginia to create an Unemployment Compensation Insurance Fraud Unit; establishing training and experience requirements; specifying duties; granting certain authorities necessary to conduct investigations into alleged unemployment insurance fraud; authorizing certain personnel to operate a state vehicle and carry a firearm; establishing training requirements for carrying a firearm; and exempting the Unemployment Compensation Fraud Unit from the requirements of the Freedom of Information Act and the Open Government Proceedings Act"; which was referred to the Committee on the Judiciary then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 584 - "A Bill to amend and reenact §31-15A-10 and §31-15A-17c of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia Infrastructure

and Jobs Development Council; modifying when funds may be converted to grants; removing congressional district limitations; increasing the cap on annual spending that may be made on the pre-application process to project sponsors; critical needs and failing systems sub account; increasing the cap relating to providing extensions to a water facility or wastewater facility from $1 million to $2 million; and permitting a person or governmental agency to pay any overages of an approved project not to exceed 10 percent of the total project cost"; which was referred to the Committee on Finance.

Resolutions Introduced

Delegate Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 85 - "Requesting the Division of Highways name bridge number 13-017/02-000.34 (13A250), (37.94358, -80.47152), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the 'McClintic Family Bridge'."

Whereas, Alexander McClintock was born in Ireland in 1717 and came to America in 1725. He settled in the Bath County, Virginia area and revised the spelling of "McClintock" to "McClintic," most likely because Alexander McClintic could not read or write. He served in the army of General Andrew Lewis and took part in the Battle of Point Pleasant. Alexander McClintic's name is on the monument commemorating that battle; and

Whereas, Robert McClintic, Alexander McClintic's youngest son, married Jane Mann, came to Greenbrier County and settled on the land that borders Culverson Creek, in Williamsburg, West Virginia in 1802. The historic home that is still standing today was built in 1829 for Robert McClintic's youngest son, Robert Mann McClintic II, who was a Methodist minister, and his wife, Mary Griffin (Leonard) McClintic; and

Whereas, Michael Leonard McClintic was the 10th child of Robert Mann McClintic II and Mary McClintic. He and his wife,

Laura Jane Lynch, later took over the house after the passing of Michael Leonard McClintic's parents. They raised nine children in the home and the eldest was Clifton Forest McClintic; and

Whereas, Dr. Clifton Forest McClintic was born on August 9, 1884, in the home at Williamsburg along Culverson Creek. Dr. Clifton Forest McClintic graduated from Randolph-Macon College and received his medical degree from Cincinnati. He served as the West Virginia Director of Conservation Commission, in the West Virginia House of Delegates, as warden of Moundsville Penitentiary, and was appointed state Health Commissioner. The Dr. Clinton Forest McClintic Wildlife Station State Park and Management Area in Mason County, West Virginia bears his name; and

Whereas, Dr. Clifton Forest McClintic never married or had children, and after his father passed away, he returned home and took over the farm on Culverson Creek. He expanded the farm and remodeled the house. He added cabins along the creek, which he later donated to the Boy Scout Association, and it served for many years as the state camp for Boy Scouts in West Virginia during the 1940's and 1950's; and

Whereas, Dr. Clifton Forest McClintic died in 1952 and deeded the farm to his nephew, Bunyan Leonard McClintic. Bunyan "Bun" Leonard McClintic and his wife, Aena Alice Neely, had nine children: Levi, Patrick, James "Alan", Doris "Gay", Alice "Joan", Wayne, Bedford, Robert, and Jerry. Many of their children were born at the home and all of the children grew up working the farm, hunting in the fields, playing in Culverson Creek near the bridge, and attended the Frankford School; and

Whereas, Five of the McClintic boys served in the United States Army overseas from 1957-1979. All seven boys attended college in West Virginia and earned their college degrees. Five returned to Williamsburg area and continued to contribute to the local Frankford/Williamsburg, West Virginia community, with four serving as educators in the public school system; and

Whereas, Levi McDonald McClintic was born in 1934 and attended Potomac State and West Virginia University, earning a Bachelors of Science degree in Agriculture. He joined the United States Army in 1957 and was stationed in Fort Benning, Georgia and Bamberg, Germany. He returned to Greenbrier County and was employed as a meat inspector from 1966-1992. He and his wife Ramona Hanna have five children, eight grandchildren, and six great grandchildren. His grandson, Christopher Wiseman, served 12 years in the United States Navy. Levi and Ramona McClintic operate the McClintic farm today; and

Whereas, Patrick Wallace McClintic was born in 1935 and attended Potomac State and West Virginia University, earning a degree in Agriculture. He joined the United States Army in 1958 and retired in 1985. Patrick "Pat" Wallace McClintic rose to the rank of Colonel and completed assignments in Fort Dix, New Jersey, Korea, Germany, Fort Leavenworth, Kansas, Virginia, Florida, Pennsylvania, and the Pentagon in Washington, D.C. Colonel Patrick "Pat" Wallace McClintic also served two tours in Vietnam. He later served as a professor of Military Science at West Virginia University. Colonel McClintic, who died in 1995, was a recipient of the Bronze Star, and is buried at the Arlington National Cemetery in Washington, D.C. He and his wife Bobbie Ann Cole have two children and three grandchildren; and

Whereas, James Alan McClintic was born in 1937 and joined the United States Army in 1961 after graduating from Potomac State and West Virginia University, earning a degree in Physical Education. He was stationed in Fort Benning, Georgia and Fort Sill, Oklahoma for two years. He returned to Greenbrier County and taught until his retirement from Renick Junior High School/Greenbrier County public schools in 1989. James "Alan" McClintic and Frances Spencer divorced, but have four children and 11 grandchildren. Son, Kevin McClintic, retired from the United States Army, and grandson Trevor Weikle has 12 years' service in the United States Army and continues today to serve in the United States Army Reserves. James "Alan" McClintic and his wife, Dora Whitt, have two children and four grandchildren, and continue to live on and operate part of the McClintic farm; and

Whereas, Wayne Leonard McClintic was born in 1943 and was a ROTC Army cadet at West Virginia University. Upon completing a master's degree in Agricultural Engineering in 1967, Wayne joined the United States Army and was stationed at Fort Belvoir, Virginia, Saudi Arabia, and Fort Leonard Wood, Missouri as Second Lieutenant of the Corps of Engineers. Wayne and his wife, Thomasine Michael, have four children and eight grandchildren; and

Whereas, Bedford Rader McClintic was born in 1946 and was a ROTC Army cadet at West Virginia University. He graduated with degrees in Physical Education in 1968, and from the University of Kentucky in 1969. He entered the United States Army and served assignments in Indiana, Georgia, and overseas in Germany and Vietnam. He continued to serve in the United States Army Reserves until 1979. He served as principal of Frankford School, his alma mater, from 1978-2017, when he retired from the Greenbrier County public school system. He and his wife, Patricia Dodson, have two children and three grandchildren. His daughter, Debbie, and her husband Jason were married on the bridge in 2009. Bedford Rader McClintic and Patricia Dodson have a "camp" along the creek that borders the old Boy Scout camp, part of the original McClintic homestead; and

Whereas, Robert Ray McClintic was born in 1950 and earned degrees from Concord College and West Virginia University. Robert "Bob" Ray McClintic returned to Greenbrier County where he served as a coach and taught in the public school system from 1972-2006, when he retired after 33 years of service. He and his wife, Elizabeth "Jane" Renick, have four children and six grandchildren. Robert "Bob" Ray McClintic and his wife continue to live on the family homestead; and

Whereas, Jerry Moore McClintic was born in 1954 and graduated from Concord College and West Virginia University with degrees in Physical Education, Library Science, and Communications. He coached and taught in the public school systems of Monroe and Greenbrier counties, until he retired from Frankford School in 2009. Jerry Moore McClintic and his wife,

Sara Hill, have three children and four grandchildren. Jerry Moore McClintic and his wife continue to live on the family farm; and

Whereas, Bunyan "Bun" Leonard McClintic died in 1978 and his wife Aena Alice Neely continued to live in the McClintic home until her passing in 2000. Four of the McClintic sons and their families continue to live on the homestead today. The historic Dr. Clifton Forest McClintic home is a gathering place for the extended McClintic family, and the bridge and Culverson Creek remain a respite for the grandchildren and for future generations to come; and

Whereas, It is fitting that an enduring memorial be established to commemorate the McClintic family's decades of public service and contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 13-017/02-000.34 (13A250), (37.94358, -80.47152), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the "McClintic Family Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "McClintic Family Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Skaff, Hornbuckle, Walker, Barach, Griffith, Pushkin, Evans, Zukoff, Garcia, Diserio and Thompson offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 86 - "Proclaiming and declaring support for admitting Washington, D.C. into the Union as a state of the United States of America and to urge the United States Congress to enact legislation granting statehood to the people of Washington, D.C."

Whereas, The people living on the land that would eventually be designated as the District of Columbia were provided the right to vote for representation in Congress when the U.S. Constitution was ratified in 1788; and

Whereas, The passage of the Organic Act of 1801 placed the District of Columbia under the exclusive authority of Congress and abolished residents' right to vote for members of Congress and the President and Vice President of the United States; and

Whereas, Residents of the District of Columbia were granted the right to vote for electors of the President and Vice President through passage of the Twenty-third Amendment to the U.S. Constitution in 1961, but they still lack full representation in Congress; and

Whereas, As of 2020, the U.S. Census Bureau estimates that the District of Columbia's resident population is almost 690,000, comparable to the populations of Wyoming (576,851), Vermont (643,077), Alaska (733,391), and North Dakota (779,094); and

Whereas, Residents of the District of Columbia share all of the responsibilities of citizenship, including paying federal taxes, serving on federal juries, and defending the country as members of the U.S. Armed Forces, yet they are denied full representation in Congress; and

Whereas, Congress has repeatedly interfered with the District of Columbia's limited self–government by enacting laws that affect its expenditure of locally-raised tax revenue. This interference has included barring the use of local revenue, violating a fundamental principle of democracy that states and local governments are best suited to enact legislation that represents the will of their citizens; and

Whereas, Although the District of Columbia has passed consecutive balanced budgets since 1997, it still faces the possibility of being shut down yearly because of congressional deliberations over the federal budget; and

Whereas, The residents of the District of Columbia lack full democracy, equality, and citizenship enjoyed by the residents of the 50 states; and

Whereas, No other democratic nation denies the right of self-government, including participation in its national legislature, to the residents of its capital. The United Nations Human Rights Committee has called on Congress to address the District of Columbia's lack of political equality, and the Organization of American States has declared the disenfranchisement of District of Columbia residents a violation of its charter agreement to which the United States is a signatory; and

Whereas, The residents of the District of Columbia have endorsed statehood and passed a referendum on November 8, 2016, which favored statehood with nearly 86 percent of voters approving; and

Whereas, It is time for Congress to act on this matter and grant residents of Washington, D.C., the same rights enjoyed by residents of the 50 states. District of Columbia U.S. Delegate Eleanor Holmes Norton and Delaware U.S. Senator Tom Carper have introduced H.R. 51 and S. 51, respectively, the Washington, D.C. Admission Act, to admit the State of Washington, Douglass Commonwealth into the Union; therefore, be it

Resolved by the Legislature of West Virginia:

That we support admitting Washington, D.C. into the Union as a state of the United States of America and urge the United States Congress to enact legislation granting statehood to the people of Washington, D.C.; and, be it

Further Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the West Virginia congressional delegation.

Delegates Hanna and Booth offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 87 - "Requesting the Division of Highways name the intersection of WV 82 and WV 20 in Cowan, Webster County, the 'Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection'."

Whereas, Fire Chief Joseph Allen Wyatt graduated from Cowen High School in 1966. He attended Potomac State College and graduated from West Virginia University. He was in the United States Army Reserves for nearly 15 years, having achieved the rank of First Lieutenant; and

Whereas, Fire Chief Wyatt was a substitute teacher, worked for the West Virginia Alcohol Beverage Commission before becoming Sanitarian for the Webster County Health Department. Fire Chief Wyatt later worked for the West Virginia Department of Health and Human Resources as Assistant Director of Environmental Health, Infectious Medical Waste Division; and

Whereas, Fire Chief Wyatt had been a president of the West Virginia Public Health Association, a member of Trinity United Methodist Church in Cowen, West Virginia, and had a first degree black belt of Budo Ki Karate; and

Whereas, Fire Chief Wyatt was active in the local volunteer Emergency Medical Services, and joined Cowen Volunteer Fire Department in the early1960s and spent more than 30 years as a member until he retired in the early 2000s. He also taught Firemanship 1, 2, and 3 as well as Hazardous Material Classes for RESA Certified EMT, and was a certified instructor for First Aid; and

Whereas, Fire Chief Wyatt was Fire Chief of the Cowen Volunteer Fire Department until he passed away in May of 2009; and

Whereas, Fire Chief Joseph Allen Wyatt's life was an outstanding example of dedicated public service and it is fitting to name the intersection in Webster County, West Virginia, "Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the intersection of WV 82 and WV 20 in Cowan, Webster County, the "Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the intersection as the "Joseph Allen Wyatt, Fire Chief of Cowen Volunteer Fire Department Memorial Intersection"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

At the respective requests of Delegate Summers, and by unanimous consent, reference of H. C. R. 16 to a committee was dispensed with, and it was taken up for immediate consideration.

The resolution, offered by Delegates Westfall, D. Jeffries, Kimes, J. Kelly, Anderson, and Criss, was read by the Clerk:

H. R. 16 – "Expressing the collective sadness of the members of the House of Delegates concerning the death of the Honorable Gene A. Haynes, former member of the House from the County of Wood."

Whereas, The many friends and colleagues of the Honorable Gene A. Haynes were saddened to learn of his passing on December 19, 2021, at age 93, and pause to remember his life. Born in Parkersburg on November 15, 1927, to Delana A. and Gladys (Bane) Haynes. Both of his parents' families trace their West Virginia lineage back multiple generations, to years well before statehood. Gene was predeceased by his wife Joyce (Cassis) Haynes, and brothers Roy L. and Glenn L. Haynes. He is survived by his sister Rosalie Owens; daughters Leslie Haynes-DuBeau (Matthew), and Stacey Haynes Archer; by grandsons Henry Austin and August Michael DuBeau; by nieces and nephews of several generations, his office colleagues, and his cherished pug Reagan.

Gene served the citizens of West Virginia as a member of the Parkersburg City Council starting in 1956, and for three terms in the West Virginia House of Delegates–1970, 1972 and 1984–representing the 8th District. He was an elected delegate to the Republican National Committee for multiple presidential nominating conventions. By proclamation of the Governor, flags were flown at half-staff over the West Virginia Capitol complex in Charleston and at State offices in his native Wood County; therefore, be it

Resolved by the House of Delegates:

That the members of the House of Delegates of the second session of the 85th Legislature hereby publicly note the life, accomplishments, service and friendship of a devoted and esteemed colleague; that sadness is hereby expressed upon his passing and that we hereby acknowledge that Delegate Gene A. Haynes remains with those of us who knew him; and, be it

Further Resolved, That the life and service of former House of Delegates member Gene A. Haynes be memorialized and remembered; and, be it

Further Resolved, That the Clerk forward a copy of this resolution to the family of the late Honorable Gene A. Haynes.

On the question of the 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. 181)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Kessinger, Lovejoy and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. R. 16) adopted.

Special Calendar

Third Reading

Com. Sub. for H. B. 2798, Relating to requiring the Health Department to mandate mucopolysaccharidosis type 1 (MPS1) test

for newborn babies, to be known as Embie's Law; 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. 182)**, 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: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2798) passed.

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

Com. Sub. for H. B. 3122, Relating to the establishment and operation of regional water, wastewater and stormwater authorities; 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. 183)**, and there were—yeas 85, nays 14, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Dean, Fast, Foster, Horst, Howell, D. Jeffries, J. Jeffries, Jennings, Kimes, Longanacre, McGeehan, Paynter and Phillips.

Absent and Not Voting: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3122) passed.

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

Com. Sub. for H. B. 4087, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage; 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. 184)**, 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: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4087) passed.

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

Com. Sub. for H. B. 4282, Relating to establishing next generation 911 services in this state; 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. 185)**, 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: Hamrick and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4282) passed.

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

Com. Sub. for H. B. 4348, Relating to Pharmacy Technicians; 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. 186)**, 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: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4348) passed.

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

Com. Sub. for H. B. 4418, Relating to the Small Business Supplier Certification Assistance Program; 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. 187)**, 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: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4418) passed.

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

Com. Sub. for H. B. 4488, Relating to coal mining and changing fees for permitting actions; 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. 188)**, and there were—yeas 90, nays 9, absent

and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Foster, Hanna, Horst, J. Jeffries, Kimes, Martin, Mazzocchi, McGeehan and Paynter.

Absent and Not Voting: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4488) passed.

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

Com. Sub. for H. B. 4559, Providing for legislative rulemaking relating to the disposition of unidentified and unclaimed remains in the possession of the Chief Medical Examiner; 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. 189)**, and there were—yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Howell.

Absent and Not Voting: Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4559) passed.

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

Com. Sub. for H. B. 4559 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-12-16; and to amend and reenact §61-12-3, §61-12-5, §61-12-6, §61-12-7, §61-12-10, §61-12-10a, §61-12-11,

§61-12-12, §61-12-13, §61-12-14 and §61-12-15 of said Code, all relating to the Office of the Chief Medical Examiner and the disposition of unidentified and unclaimed remains; authorizing the Office of the Chief Medical Examiner to locate lands suitable for use as a cemetery; authorizing the Office of the Chief Medical Examiner to determine the appropriate length of time a decedent may be kept prior to burial or cremation; establishing burial for certain conditions; establishing cremation of certain conditions; authorizing the Chief Medical Examiner or a designee to return a decedent's remains to next of kin and remove a decedent from the cemetery; prohibiting any cause of action against the Office of the Chief Medical Examiner for disposal of remains consistent with these provisions; providing for the final disposition of unidentified and unclaimed remains in the possession of the Office of the Chief Medical Examiner pursuant to legislative rule; and providing for emergency legislative rulemaking allowing for the final disposition of unidentified and unclaimed remains."

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

Com. Sub. for H. B. 4585, Relating to controlled substance monitoring; and removing a dispensing prohibition; 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. 190)**, 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: Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4585) passed.

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

Com. Sub. for H. B. 4596, Relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act; 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. 191)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Graves, Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4596) passed.

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

Com. Sub. for H. B. 4631, Establishing a bone marrow and peripheral blood stem donation awareness program; 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. 192)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: J. Jeffries, Longanacre, Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4631) passed.

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

H. B. 4649, Transferring the operations of the West Virginia Children's Health Insurance Program to the Bureau for Medical Services; 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. 193)**, 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: Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4649) passed.

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. 2096, Reinstating the film investment tax credit; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Householder and Graves, the bill was amended on page 3, section 3, line 48, following the words "motion picture" and the comma, by striking out "a commercial or other promotional video,"; and

On page 3, section 3, line 51, following the words "post-production expenditures", by striking out the comma and "as defined by this subsection,";

On page 3, section 3, line 54, following the word "year" and the period, by adding the following:

"A commercial may be a qualified project so long as it incurs a minimum of $50,000 in a calendar year in direct production expenditures and post-production expenditures in West Virginia on its own and not in combination with other projects."

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3223, Prohibit state, county, and municipal governments from dedicating or naming any public structure for a public official who is holding office at the time; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4019, Relating to deadlines for public charter schools; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4262, Relating to licensure for polygraph examiners; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Steele, the bill was amended on page 1, by striking out everything after the enacting clause and inserting in lieu thereof, the following:

"**ARTICLE 5. WAGE PAYMENT AND COLLECTION.**

§21-5-5c. ~~License required for psychophysiological detection of deception examiners; qualifications; promulgation of rules governing administration of psychophysiological detection of deception examinations~~ Requirements for persons performing psychophysiological detection of deception examinations.

Any person who is a member in good standing of the American Polygraph Association or a member of the American Association of Police Polygraphists may be hired or contracted to perform psychophysiological detection of deception examinations in this state. The person must be able to show that he or she is in good standing and has completed or is on track to complete all continuing education units for the reporting period.

~~(a) No person, firm, or corporation shall administer a psychophysiological detection of deception examination, lie detector, or other similar examination utilizing mechanical or electronic measures of physiological reactions to evaluate~~

~~truthfulness without holding a current valid license to do so as issued by the Commissioner of Labor. No examination shall be administered by a licensed corporation except by an officer or employee thereof who is also licensed.~~

~~(b) A person is qualified to receive a license as an examiner if he or she:~~

~~(1) Is at least 21 years of age;~~

~~(2) Is a citizen of the United States;~~

~~(3) Has not been convicted of a felony: *Provided*, That the commissioner shall apply §21-1-6 of this code to determine if the prior criminal conviction bears a rational nexus to the license being sought;~~

~~(4) Has not been released or discharged with other than honorable conditions from any of the armed services of the United States or that of any other nation;~~

~~(5) Has passed an examination conducted by the Commissioner of Labor or under his or her supervision to determine his or her competency to obtain a license to practice as an examiner;~~

~~(6) Has satisfactorily completed not less than six months of internship training; and~~

~~(7) Has met any other qualifications of education or training established by the Commissioner of Labor in his or her sole discretion which qualifications are to be at least as stringent as those recommended by the American Polygraph Association.~~

~~(c) The Commissioner of Labor may designate and administer any test he or she considers appropriate to those persons applying for a license to administer psychophysiological detection of deception, lie detector, or similar examination. The test shall be designed to ensure that the applicant is thoroughly familiar with the code of ethics of the American Polygraph Association and has been trained in accordance with association rules. The test must also include a rigorous examination of the applicant's knowledge of and~~

~~familiarity with all aspects of operating psychophysiological detection of deception equipment and administering psychophysiological detection of deception examinations.~~

~~(d) The license to administer psychophysiological detection of deception, lie detector, or similar examinations to any person shall be issued for a period of one year. It may be reissued from year to year. The licenses to be issued are:~~

~~(1) 'Class I license' which authorizes an individual to administer psychophysiological detection of deception examinations for all purposes which are permissible under the provisions of this article and other applicable laws and rules.~~

~~(2) 'Class II license' which authorizes an individual who is a full time employee of a law enforcement agency to administer psychophysiological detection of deception examinations to its employees or prospective employees only.~~

~~(e) The Commissioner of Labor shall charge an annual fee to be established by legislative rule. All fees paid pursuant to this section shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account hereby created in the State Treasury to be known as the Psychophysiological Examiners Fund and expended for the implementation and enforcement of this section. Through June 30, 2019, amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this section may be utilized by the commissioner as needed to meet the division's funding obligations: *Provided*, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations. In addition to any other information required, an application for a license shall include the applicant's Social Security number.~~

~~(f) The Commissioner of Labor shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code governing the administration of psychophysiological detection of deception, lie detector, or similar examination to any person: *Provided*, That all applicable rules in effect on the effective date of §21-5-5a, §21-5-5b, §21-5-5c, and §21-5-5d of this code~~

~~will remain in effect until amended, withdrawn, revoked, repealed, or replaced. The legislative rules shall include:~~

~~(1) The type and amount of training or schooling necessary for a person before which he or she may be licensed to administer or interpret a psychophysiological detection of deception, lie detector, or similar examination;~~

~~(2) Testing requirements, including the designation of the test to be administered to persons applying for licensure;~~

~~(3) Standards of accuracy which shall be met by machines or other devices to be used in psychophysiological detection of deception, lie detector, or similar examination;~~

~~(4) The conditions under which a psychophysiological detection of deception, lie detector, or similar examination may be administered;~~

~~(5) Fees for licenses, renewals of licenses, and other services provided by the commissioner;~~

~~(6) Any other qualifications or requirements, including continuing education, established by the commissioner for the issuance or renewal of licenses; and~~

~~(7) Any other purpose to carry out the requirements of §21-5-5a, §21-5-5b, §21-5-5c, and §21-5-5d of this code.~~

§21-5-5d. Penalties; cause of action.

(a) It shall be a misdemeanor to administer or interpret a psychophysiological detection of deception, lie detector or similar examination utilizing mechanical or electronic measures of physiological reactions to evaluate truthfulness without ~~having received a valid and current license to do so as issued by the commissioner of labor or in violation of any rule or regulation promulgated by the commissioner under section five-c of this article~~ being a member in good standing of the American Polygraph Association or the American Association of Police

Polygraphists. Any person convicted of violating section five-c shall be fined not more than $500.

(b) Any person who violates §21-5-5b of this ~~article~~ code is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $500.

(c) Any employee or prospective employee has a right to sue an employer or prospective employer for a violation of the provisions of §21-5-5b of this ~~article~~ code. If successful, the employee or prospective employee shall recover threefold the damages sustained by him or her, together with reasonable attorneys' fees, filing fees, and reasonable costs of the action. Reasonable costs of the action may include, but shall not be limited to, the expenses of discovery and document reproduction. Damages may include, but shall not be limited to, back pay for the period during which the employee did not work or was denied a job."

The bill was then ordered to engrossment and third reading.

H. B. 4264, Change designation of Glenville State College to "Glenville State University"; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4566, Creating the Economic Enhancement Grant Fund; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Bates and Hanshaw, the bill was amended on page three, section six-a, line forty-one, following the words "expanding water", by inserting a comma and the word "stormwater";

On page three, section six-a, line forty-seven, following the words "cost of water", by inserting a comma and the word "stormwater";

And,

On page three, section six-a, line forty-eight, following the words "rates for water", by inserting a comma and the word "stormwater".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4567, Relating to business and occupation or privilege tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4591, Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4604, Relating to abolishing the Workforce Development Initiative Program Advisory Council; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4606, Authorizing programs to assist at-risk veterans and their families with existing resources to combat suicide; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4644, Prohibiting the restriction, regulation, use or administration of lawn care and pest care products; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

H. B. 3082, Stabilizing funding sources for the DEP Division of Air Quality; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4344, Relating to foster care; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4345, Relating to motor vehicle registration cards by establishing electronic or mobile registration cards; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4391, Relating generally to school nurses; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4479, Establishing the Coalfield Communities Grant Facilitation Commission; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4496, Allowing interest and earnings on federal COVID-19 relief moneys to be retained in the funds or accounts where those moneys are invested; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4607, To remove opioid treatment programs from requiring a certificate of need; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4625, To remove Medicare or Medicaid-certified facilities from COVID-19 immunization exemption requirements; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4636, Clarifying when business and occupation taxes owed to a city or municipality are considered to be remitted on time; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4643, Exempting certain health services from certificate of need; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4667, Prohibition on county, city, or municipality restrictions on advanced air mobility aircraft; on first

reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4668, Relating to air bag fraud; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4691, Provide a 45 day waiting period before a water and sewer rate increase may go into effect for any locally rate regulated municipality; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4742, To provide for the full restoration of the Holly Grove Mansion; on first reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was committed to the Committee on Finance.

H. B. 4758, Relating to developing and maintaining a database to track reclamation liabilities in the West Virginia Department of Environmental Protection Special Reclamation Program; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4761, Authorizing the Secretary of the Department of Health and Human Resources to develop a submission procedures manual and adopt the same as a procedural rule; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4768, Relating to change hearing location and customer notice provisions; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4769, Eliminate the requirement to send recommended decisions by certified mail; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4785, Relating to judicial vacancies; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4797, To create an EV Infrastructure Deployment Plan for West Virginia that describes how our state intends to use its share of NEVI Formula Program funds; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Thompson.

Miscellaneous Business

During the XI Order of Business, Delegate Crouse asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 3223.

Pursuant to House Rule 132, consent was requested and obtained to print the following remarks in the Appendix to the Journal:

- Delegate Pinson regarding H. C. R. 79

- Delegate Boggs regarding Com. Sub. for H. B. 2798

- Delegate Walker regarding Com. Sub. for H. B. 4631

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2292: Delegate Mandt;

H. B. 3082: Delegate Riley;

H. B. 4408: Delegate Ferrell;

H. B. 4675: Delegate Pack;

H. B. 4712: Delegate Fast;

H. B. 4773: Delegates Pack and Pushkin;

H. B. 4787: Delegate Fast;

H. B. 4797: Delegates Booth and Hansen;

H. B. 4826: Delegates Miller and Nestor;

And,

H. R. 12: Delegate Linville.

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. 2806: Delegate Ferrell.

At 1:01 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 22, 2022.

Tuesday, February 22, 2022

FORTY-SECOND 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 Monday, February 21, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 4625 on Second Reading, Special Calendar, had been transferred to the House Calendar; H. J. R. 102, on Third Reading, House Calendar, had been moved to the Special Calendar; and H. B. 4627 on First Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

Delegate Steele, 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. 4492, Creating the Division of Multimodal Transportation,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4492 - "A Bill to repeal §17-16B-1, §17-16B-2, §17-16B-3, §17-16B-5, §17-16B-6, §17-16B-7, §17-16B-7a, §17-16B-7b, §17-16B-8, §17-16B-9, §17-16B-10, §17-16B-11, §17-16B-12, §17-16B-13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-17, §17-16B-18, §17-16B-19, §17-16B-20, §17-16B-21, and §17-16B-22 of the Code of West Virginia, 1931, as amended; to repeal §17-16C-1, §17-16C-2, §17-16C-3, and §17-16C-5 of the Code of West Virginia, 1931, as amended; to repeal §29-2A-1, §29-2A-2, §29-2A-3, §29-2A-4, §29-2A-5, §29-2A-6, §29-2A-7, §29-2A-8, §29-2A-10, §29-2A-11, §29-2A-11a, §29-2A-11b, §29-2A-11c, §29-2A-11d, §29-2A-11e, §29-2A-11f, §29-2A-12, §29-2A-13, §29-2A-14, and §29-2A-20 of said code; to repeal §29-18-1, §29-18-2, §29-18-3, §29-18-4, §29-18-4a, §29-18-5, §29-18-6, §29-18-7, §29-18-8, §29-18-9, §29-18-10, §29-18-11, §29-18-12, §29-18-13, §29-18-14, §29-18-15, §29-18-16, §29-18-17, §29-18-18, §29-18-19, §29-18-20, §29-18-21, §29-18-22, §29-18-23, §29-18-24, and §29-18-25 of said code; and to amend said code by adding thereto a new article, designated §17-16F-1, §17-16F-2, §17-16F-3, §17-16F-4, §17-16F-5, §17-16F-6, §17-16F-7, §17-16F-8, §17-16F-9, §17-16F-10, §17-16F-11, §17-16F-12, §17-16F-13, §17-16F-14, §17-16F-15, §17-16F-16, §17-16F-17, §17-16F-18, §17-16F-19, §17-16F-20, §17-16F-21, §17-16F-22, §17-16F-23, §17-16F-24, §17-16F-25, §17-16F-26, §17-16F-27, §17-16F-28, §17-16F-29, §17-16F-30, §17-16F-31, §17-16F-32, §17-16F-33, and §17-16F-34, all relating to creating the Division of Multimodal Transportation and combining the powers and duties and eliminating certain references to the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission; providing for legislative findings and creation of the division; transferring employees, equipment, assets, liabilities, contracts, agreements, functions and duties to the division or its sections; providing for all property currently held by the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission to be transferred to the division; authorizing the Secretary of the Department of Transportation to appoint the commissioner; establishing general powers and duties of the commissioner; defining terms; establishing the powers and duties of the division generally; requiring the division to promote, supervise and support safe, adequate and efficient transportation,

preserve rail, water and airway facilities and promote economic development and tourism; authorizing division to work cooperatively with similar entities within and without the state; providing for siting, development and operation of facilities; authorizing employment of trained and qualified staff and consultants and compensating therefor; providing the right to enter into contracts and agreements; authorizing acquisition of various types and interests in property to be held in the name of the state; authorizing use of eminent domain; authorizing acquisition and disposal of property by various means; authorizing interagency cooperation; authorizing division to act on behalf of the state in planning, financing, development, construction and operation of port, railroad and aeronautic projects or facilities; reporting annually to Legislature on status of projects, operations, finances and related information; authorizing study and assessment of state transportation needs; authorizing use of various financing options including issuing revenue bonds and receipt of grants and loans; authorizing division to make grants and loans to governmental agencies and persons for multimodal transportation projects; permitting collection of reasonable fees and charges connected to making and servicing loans, notes, bonds and other obligations; granting rule-making authority to the division; continuing all rules, policies and orders of the combined entities until revised and reissued by the division; requiring strategic plan and reports to the Governor and the Legislature; requiring collection and analysis of shipping through state ports; providing for confidentiality of collected information and providing criminal penalty for violation; providing that division employees may not have direct or indirect financial interest in contracts, sale of property of the division and providing criminal penalty for violation; providing that activities of division are for public purpose; authorizing the division to use certain property or facilities of a public utility, common carrier, public road or railroad for certain public projects; requiring the division to relocate any such property or facilities; providing for rules regarding relocation or removal of railroad or public utility located on division property; requiring the division to pay for said relocation or removal; encouraging participation of private enterprise in construction and operation of facilities; authorizing lease back to division; authorizing development of foreign trade

zones, free trade zones, ports of entry and customs zones; providing for specific duties related to port projects; authorizing the division to act on behalf of the state in developing, operating, improving and maintaining ports; authorizing the division to coordinate and cooperate with other port entities; creating the West Virginia Multimodal Operations Fund and transference of funds and liabilities of the West Virginia Public Port Authority Operations Fund; providing for specific duties related to rail projects; authorizing the exercise of powers necessary to qualify for federal subsidies; authorizing various means to carry out rail projects that are consistent with state plan with other entities; providing authority for the division to establish, fund, construct, reconstruct, acquire, repair, replace, operate, maintain and make available to other entities railroad projects; providing that research and development of railroads may be conducted; providing that contracts may be entered into to acquire various rolling stock, equipment or trackage and providing the requirements therefor; providing for the authority to enter into agreements that are beneficial to railroad projects notwithstanding other code provisions, including the authority to reject bids; authorizing division to purchase various types of insurance; authorizing the collection of fees for use of rail projects; providing for the administration and coordination of a state plan, including the distribution of federal subsidies; providing for investigation, research, promotion and development with public participation; authorizing the provision of fiscal assurances and adoption of accounting procedures necessary to continue subsidies; authorizing compliance with applicable federal regulations; authorizing all actions necessary to maximize federal assistance for rail subsidies; providing powers necessary to coordinate with the Maryland Transit Administration for continued operation in the state, including negotiation and contracting authority; providing that any commuter rail operation agreement will meet certain service standards; providing that any track access fees to be paid pursuant to the agreement shall be paid from the West Virginia Commuter Rail Access Fund; authorizing sale or transfer of interest in rail property with federal approval when required; authorizing assistance to entities seeking federal railroad service certification, including the provision of any necessary assurances or guarantees;

authorizing division to retain attorney or others to title ownership of rail properties within the state; requiring rail properties offered for sale within the state to be offered first to the state; providing that division may acquire railroad rights in other states and may cooperate with other states in so purchasing any rail properties; providing for the division to give consideration to county or municipality interest in acquiring abandoned property interest and providing for the division to acquire any such abandoned property for subsequent conveyance to a county or municipality; authorizing the division to apply for and utilize federal funds or loans in carrying out its purposes of this article; authorizing the purchase of any railroad rolling stock, equipment and machinery necessary for the operation and maintenance of state rail properties and authorizing contracts with the Division of Highways for maintenance or purchase of vehicles; authorizing maintenance, rebuilding or relocation of state rail properties and authorizing expenditures for the modernization, rebuilding and relocation of any rail properties owned by the state or private carrier; providing for contracting with domestic or foreign entities to provide, maintain or improve rail transportation service on state rail properties; providing for transfer of rail properties to other entities within the state when permitted by the Governor; authorizing the division to resolve conflicts when multiple entities want to utilize the same rail property; providing for proceeds from the sale of state rail property to be deposited in Railroad Maintenance Fund; terminating Railroad Maintenance Authority Fund and creating a Railroad Maintenance Fund for proceeds and expenditures related to division's purpose; authorizing expenditure from any fund for study of proposed rail projects and use of funds from Railroad Maintenance Fund for study and engineering costs; authorizing the issuance of railroad maintenance revenue bonds and notes for costs of rail projects, including issuance of renewal notes and bond refund, with aggregate amount of all issues of bonds and notes outstanding at one time not exceeding amount capable of being serviced by revenues received; providing that issues of bonds or notes are negotiable instruments and are obligations of the division and are payable out of the revenues which are pledged for such payment; providing for maturity date, terms of execution, sale, redemption and delivery; authorizing the establishment of various

conditions necessary to secure sufficient funds to protect bonds or notes; providing that person executing bonds or notes is not personally liable therefor; providing for trust agreement to secure bonds issued by division and creating conditions therefor, not including mortgage of any rail project; allocating expenses of bond issuance or trust agreement to rail projects; providing for civil action for bondholders seeking to enforce rights granted; providing that bonds are payable from division revenues and are not a debt of state or political subdivision; restricting division from incurring debt on behalf of state or political subdivision; authorizing use of proceeds from bonds to carry out division's powers and prohibiting commingling with other funds; providing for the investment of excess funds by West Virginia State Board of Investments; authorizing division to collect rents or revenues for use of rail projects; providing for cooperation with other governmental agencies to effect acquisition of rail project or bond issuance; authorizing division to maintain rail projects in good repair; providing that railroad maintenance bonds are lawful investments for various entities; continuing West Virginia Commuter Rail Access Fund which is administered by division commissioner; requiring division to establish a state rail plan that complies with federal requirements for funding; providing specific powers and duties for director of public transit; designation of public transit as the agency of the state responsible for administering all federal and state programs related to public transportation; providing for assistance and cooperation of other state agencies with all multimodal sections; providing for specific duties related to aeronautics projects; authorizing division to advance development of aeronautics in cooperation with municipalities; authorizing rules necessary for public safety related to airports and aeronautics; authorizing division to fund grants for public airport authorities; authorizing division to receive federal funding to support airports or air navigation facilities; providing for procedures and conditions for use of federal funds; requiring a federal license to operate an aircraft; allowing for the use of state and municipal facilities and services; disposing of fees collected under this code section and providing a severability clause,"

H. B. 4634, Relating to occupational licensing or other authorization to practice,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4634 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-17-5, §21-17-6, §21-17-7, §21-17-8, §21-17-9, §21-17-10, §21-17-11, and §21-17-12; to amend said code by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, §29-33-4, §29-33-5, §29-33-6, §29-33-7, §29-33-8, §29-33-9, §29-33-10, §29-33-11, and §29-33-12; all relating to occupational licensing or other authorization to practice; providing for definitions; providing for an application method for persons with a valid license in another state to be licensed in this state; providing that a person applying for licensure in this state has worked in the licensed occupation for at least one year; providing for other criteria a person must satisfy when applying for licensure in this state; establishing that an applicant seeking licensure in this state not have ever had a license revoked or suspended in another state; providing that an applicant seeking licensure in this state not have any pending investigations or disciplinary proceedings in another state; providing that the boards in every state where a person is licensed hold the applicant in good standing for licensure in this state; providing that an applicant pay all applicable fees; providing that an applicant meet all state bonding requirements for licensure in this state; providing for an application fee that may be assessed by the board; providing for 60 days for a board to take action on a completed application; providing for an appeal mechanism for a person to appeal any decision of a board relating to occupational licensure; providing for state law preemption against any township, municipality, county, or other government to regulate occupational licensure; providing for certain exempted professions; and providing for rulemaking authority to any board affected to carry out the provisions of the article,"

And,

H. B. 4731, To establish the Occupational Therapy Licensure Compact,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4731 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-28A-1, §30-28A-2, §30-28A-3, §30-28A-4, §30-28A-5, §30-28A-6, §30-28A-7, §30-28A-8, §30-28A-9, §30-28A-10, §30-28A-11, §30-28A-12, §30-28A-13, and §30-28A-14, all relating to establishing an occupational therapy compact; providing for the purpose in creating the compact; providing for definitions relating to the compact; establishing guidelines for state participation in the compact; creating a compact privilege; creating a means to obtain a state home license through the compact; defining active duty military personnel and their spouses for purposes of the compact; defining adverse actions; establishing the Occupational Therapy Compact Commission; creating a data system; providing for rulemaking; providing for oversight, dispute resolution, and enforcement; creating a date of implementation of the interstate commission for occupational therapy practice and associated rules, withdrawal, and amendment; providing for the construction and severability of the compact; and establishing the binding effect of the compact and other laws,"

With the recommendation that the committee substitutes each do pass.

Delegate Steele, 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. 4499, Relating to making the procurement process more efficient by modifying and updating outdated processes and requirements,

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. 4499) was referred to the Committee on the Judiciary.

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Statler, Walker, Bridges, Wamsley, J. Kelly, Hornbuckle, Tully, Clark, Hamrick, Griffith and Evans:

H. B. 4828 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-1d, all relating to granting in-state resident status to economic development participants for the purpose of determining the rate of tuition to be charged for attendance at state institutions of higher education; establishing criteria that must be met to meet the definition of economic development participant; and setting forth time frame for recognition of resident status."

Pursuant to House Rule 80, the Speaker referred the bill to the Committee on Finance.

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. 2092, Requiring each high school student to complete a full credit course of study in personal finance,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2092 - "A Bill to amend and reenact §18-2-7c and §18-2-9 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §18-2-8c, all relating to required instruction in public schools; requiring one credit required course of study with end-of-course exam in personal finance in high school beginning 2023 - 2024; requiring state board to develop curriculum; requiring cursive to taught in certain grades; requiring state board to develop a program of instruction on the Holocaust and other genocides

integrated into curriculum of appropriate course or courses in the middle and high school grades,"

And,

H. B. 4510, To provide that third grade students be competent in reading and math before moving on to fourth grade,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4510 - "A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended, relating to providing for a multi-tiered system of support intervention for grade level literacy and numeracy by end of third grade; making findings; replacing transformative intervention framework with multi-tiered system of support; addressing both reading and mathematics; requiring early learning reporting system and specifying uses; specifying minimum information and notice to parent or guardian; providing for professional learning for certain teachers and specifying subjects; ensuring certain training and instruction be provided by education preparation programs that prepare candidates seeking licensure for elementary education; removing redundant language; providing for data from the early learning reporting system to be used to inform classroom teacher's recommendation regarding grade level retention; requiring county board implementation; requiring reports by state board; requiring certain legislative appropriation and other funds be used for implementation; requiring retention in third grade of public school and public charter school student who demonstrate minimal grade level understanding and ability upon recommendation of teacher and student assistance team; providing exceptions; requiring students starting in the fourth grade who score below proficient in English language arts or mathematics on general summative assessment to continue to be provided intervention until grade level proficient,"

With the recommendation that the committee substitutes each do pass.

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. 3073, Relating to the West Virginia Emergency School Food Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3073) was referred to the Committee on Finance.

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. 2806, To allow parents to retain their child without losing a year of sports eligibility,

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. 2806) was referred to the Committee on Finance.

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. 4675, Relating to autonomous delivery vehicles,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4675 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17C-24-1 and §17C-24-2, all relating to autonomous delivery vehicles; authorizing operation of low-speed autonomous

delivery vehicle on certain streets and roads; authorizing operation of low-speed autonomous delivery vehicle on streets or roads with posted speed limit of up to a specified number of miles per hour under specified conditions,"

With the recommendation that the committee substitute do pass.

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. 4743, Relating to security and surveillance requirements of medical cannabis organization facilities,

And,

H. B. 4773, Adoption of the FCC customer service and technical standards and requiring certain cable operators to operate an in-state customer call center,

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

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:

Com. Sub. for S. B. 25, Updating provisions of Medical Professional Liability Act,

And,

Com. Sub. for S. B. 452, Permitting civil remedies for unauthorized disclosure of intimate images,

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

Messages from the Executive

A communication from His Excellency, the Governor, advised that on February 21, 2022, he approved **S. B. 279, S. B. 450, S. B. 451, H. B. 2325, Com. Sub. for H. B. 4062** and **Com. Sub. for H. B. 4074**.

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 4060, Repealing outdated sections of code relating to health.

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. 221 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-28A-1, §30-28A-2, §30-28A-3, §30-28A-4, §30-28A-5, §30-28A-6, §30-28A-7, §30-28A-8, §30-28A-9, §30-28A-10, §30-28A-11, §30-28A-12, §30-28A-13, and §30-28A-14, all relating to establishing an occupational therapy compact; providing for the purpose in creating the compact; providing for definitions relating to the compact; establishing guidelines for state participation in the compact; creating a compact privilege; creating a means to obtain a state home license through the compact; defining active duty military personnel and their spouses for purposes of the compact; defining adverse actions; establishing the Occupational Therapy Compact Commission; creating a data system; providing for rulemaking; providing for oversight, dispute resolution, and enforcement; creating a date of implementation of the interstate commission for occupational therapy practice and associated rules, withdrawal, and amendment; providing for the construction and severability of the compact; and establishing the binding effect of the compact and other laws."

At the request of Delegate Summers, and by unanimous consent, the bill was taken up for immediate consideration and reference to a committee was dispensed with.

A message from the Senate, by

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

Com. Sub. for S. B. 274 - "A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended, relating to requiring the secretary of the Department of Health and Human Resources to allocate Child Protective Services workers by the Bureau of Social Services' district annually; and reporting this allocation process to the Legislative Oversight Commission on Health and Human Resources Accountability annually"; which was referred to the Committee on Health and Human Resources.

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. 414 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-5a; and to amend and reenact §5A-8-7 of said code, all generally relating to creating a special revenue account for the statewide records management program; and authorizing the State Records Administrator to collect fees for services provided"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 480 - "A Bill to amend and reenact §22-6-2 and §22-6-29 of the Code of West Virginia, 1931, as amended, all relating to the Office of Oil and Gas of the Department of Environmental Protection; establishing annual oversight fee for wells producing

more than 10,000 cubic feet of gas per day; and providing that those fees, if not used for other purposes, may be moved to the Oil and Gas Reclamation Fund"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 494 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31G-1A-8, relating to creating the Broadband Carrier Neutral and Open Access Infrastructure Development Fund; providing for the administration of the fund, sources of funding for the fund, and the purposes for expenditures from the fund; and authorizing expenditures from the fund from collections and pursuant to legislative appropriations"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 529 - "A Bill to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended, relating to computer science education in West Virginia schools; recognizing a need to provide coursework on computational thinking, block-based programming, text-based programming, network communication, computer architecture, and cyber security; and requiring the board to update and build upon prior computer science education plans to include additional subject matter"; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 534 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to clarifying secondary sources are not the law and public policy of West Virginia in certain instances; and permitting the use of certified questions on issues of first impression in certain circumstances"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 541 - "A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to requiring the results of a homeschooled child's academic assessment be submitted by June 30 of the first year in which the child was homeschooled rather than at grades three, five, eight, and 11; and providing that when the results indicate that the child is making adequate academic progress, no further assessment results must be submitted"; which was referred to the Committee on Education.

A message from the Senate, by

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

Com. Sub. for S. B. 568 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16-3c; to amend said code by adding thereto a new section, designated §33-24-6a; to amend said code by adding thereto a new section, designated §33-25-10a; and to amend said code by adding thereto a new section, designated §33-25A-7b, all relating to health insurance loss ratio information; defining term; and requiring disclosure of loss ratio information upon request"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 571 - "A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 573 - "A Bill to amend and reenact §50-1-13 of the Code of West Virginia, 1931, as amended, relating to requesting the Chief Justice of the Supreme Court of Appeals develop a rule creating a system in which magistrates may be assigned on a temporary rotating basis outside the county of their election or appointment to preside over initial appearances, petitions for domestic violence, emergency protective orders, emergency mental hygiene petitions, emergency juvenile delinquency petitions, and applications for issuance of search warrants in counties in which he or she was not elected or appointed during non-court hours; granting the court authority to organize the system on a circuit-wide or regional basis as the court chooses; clarifying that magistrates may preside remotely if the Supreme Court of Appeals determines it appropriate; and eliminating antiquated language"; 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. 575 - "A Bill to amend and reenact §61-8B-10 of the Code of West Virginia, 1931, as amended, relating to the felony offense of imposition of sexual acts by any employee or volunteer on persons incarcerated, detained, or under supervision by the Division of Corrections and Rehabilitation, or the West Virginia Supreme Court of Appeals, or by any person acting pursuant to or under the authority of any sheriff, county

commission, municipality, or court to ensure compliance with the provisions of §62-11B-1 *et seq.* of this code; clarifying that the felony offense applies to a person working at a juvenile facility or working for a municipal home incarceration alternative sentencing program; providing that the felony offense applies to sexual imposition on persons detained at or committed to a facility; establishing criminal penalties; and clarifying the definition of "incarcerated or detained in this state" to include adult and juvenile offenders sentenced, detained, committed, or serving a period of supervision pursuant to §62-11B-1 *et seq.* of this code"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 593 - "A Bill to amend and reenact §15-2B-3 of the Code of West Virginia, 1931, as amended, relating to the Legislature and State Police designating the Forensic Analysis Laboratory at the Marshall University Science Center as a criminal justice agency to allow its participation in the West Virginia DNA Database for certain purposes"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 595 - "A Bill to amend and reenact §27-6A-13 of the Code of West Virginia, 1931, as amended, relating to the Dangerousness Assessment Advisory Board; barring the subpoenaing of board members to testify in proceedings about which the board issues advice, guidance, or opinion; and requiring in lieu of testifying that the board provides copies of all documents and materials used in providing its advice, guidance, or opinion upon request of the circuit court"; 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. 598 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1, §9A-5-2, and §9A-5-3, all relating to specifically authorizing programs to assist at-risk veterans through partnerships with service organizations, government agencies, military organizations, or private entities engaged with their local veteran communities to connect veterans and their families with existing resources to combat suicide, and its contributing factors, among the veteran population in this state; providing legislative fundings and purpose; authorizing programs to assist at-risk veterans through partnerships with service organizations to combat suicide and its contributing factors among the veteran population; and providing for funding and grant-making from the Department of Veterans' Assistance to partner service organizations, government agencies, military organizations, or private entities and for the purposes of this article"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 609 - "A Bill to amend and reenact §17-2A-15 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Highways to accept ownership of equipment that was rented or leased; and setting forth requirements related to acquiring and reporting ownership of equipment"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 611 - "A Bill to amend and reenact §17-4-20 of the Code of West Virginia, 1931, as amended, relating to removing the cap on contract bidder's surety or collateral bond; and updating outdated language"; which was referred to the Committee on Government Organization.

Resolutions Introduced

Delegates Paynter, Toney, Steele, Bridges, Mazzocchi, Gearheart, Smith, Dean, Kessinger, Fast and Cooper offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 88 - "Requesting the Division of Highways name a portion of road, being the offramp beginning at the Mullins/Sophia Exit on the Coalfields Expressway, to the end of the offramp at its intersection with WV 54 in Mullens, Wyoming County, the 'Lewis Joseph D'Antoni Memorial Road'."

Whereas, Lewis Joseph D'Antoni was born in McComas, WV, December 31, 1913, to Andrea and Flora D'Antoni; he was the eldest of four children; and

Whereas, Lewis Joseph D'Antoni graduated from Mullens High School and received a Bachelor's of Science degree from Concord College where he was president of the freshmen class and of Phi Delta Pi Fraternity, was a four year letterman in football and basketball (leading scorer all four years) and captain of both teams in 1936, selected for the WVIC All Conference Football Team (1936) and WVIC All Tournament Basketball Team (1935 and1936) and later selected to the All-Timers WIVAC Football and Basketball Team; thereafter, he earned his Master's Degree from Marshall University; and

Whereas, Upon graduation from college, Lewis Joseph D'Antoni began his teaching and coaching career in Pineville, while playing D League professional baseball in the summers; and

Whereas, In 1942, Lewis enlisted in the U. S. Navy during World War II; he served 44 months, 15 of those months in the Pacific, as a Lieutenant JG; and

Whereas, Lewis Joseph D'Antoni married the former Betty Jo Bailey and they had four children: Kathy Jo, Lewis Joseph D'Antoni II "Danny," Michael Andrew and Mark Bailey; and

Whereas, Both before and after his military service, Lewis Joseph D'Antoni was a high school teacher and principal and enjoyed an outstanding career as a basketball, football, and baseball coach, including: at Pineville High School, 6 man football coach (1938), basketball coach (1937 - 1941); Mullens High School- football coach (1946 -1950), basketball coach (1942 - 1959 with a record: W 223, L 75); selected baseball coach, South All-Stars (195I assistant coach; 1952- 1955 head coach); coached in five state basketball tournaments, including state runner-up basketball champions (1954); state basketball champions (1955); selected West Virginia High School Coach of the Year (1955); his basketball coaching career record is 450 wins, and 200 losses; and

Whereas, Lewis Joseph D'Antoni was also involved in community sports in Mullins; he organized the Little League, Babe Ruth League, and the basketball summer leagues in Mullens, and introduced marble tournaments in the area that produced a national champion; and

Whereas, After re-locating as head basketball coach at Chesapeake High School in Ohio, Lewis Joseph D'Antoni continued his successful coaching career, including coaching six Ohio Valley Conference winners; was selected Ohio Valley Conference Coach of the Year 6 times, head coach of the Ohio Valley High School All-Stars in 1980, and l982, winning both years; and

Whereas, Lewis Joseph D'Antoni was the recipient of numerous awards; he was inducted into the Mullens, Chesapeake and West Virginia Sports Halls of Fame and was distinguished as a charter member in the Concord University Hall of Fame. In 1992, 2010 and 2014, he was awarded the distinguished West Virginian Award; and

Whereas, Lewis Joseph D'Antoni died on October 28, 2017; he was preceded in death by his wife, Betty Jo, and is survived by his

children, Kathy Jo, Lewis Joseph II (Danny), Michael Andrew, and Mark Bailey, his grandchildren, Matthew, Andrew, Nicholas, Morgan, Michael, Bailey, Parker, Kennedy, and three great-grandchildren, Nicholas, Jackson and William.

Whereas, It is fitting that an enduring memorial be established to commemorate Lewis Joseph D'Antoni and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of road, being the offramp beginning at the Mullins/Sophia Exit on the Coalfields Expressway, to the end of the offramp at its intersection with WV 54 in Mullens, Wyoming County, the "Lewis Joseph D'Antoni Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "Lewis Joseph D'Antoni Memorial Road"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk:

H. R. 12, Supporting the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan),

And,

H. C. R. 42, Urging U.S. universities to relocate Chinese language programs from mainland China to Taiwan.

At the request of Delegate Summers, and by unanimous consent, the resolutions were postponed one day.

Third Reading

H. J. R. 102, Clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection; on third reading, coming up in regular order, was read a third time.

On the adoption of the resolution, the yeas and nays were taken **(Roll No. 194)**, and there were—yeas 80, nays 18, absent and not voting 2, with the yeas, nays, and absent and not voting being as follows:

Yeas: Anderson, Barnhart, Barrett, Bates, Booth, Bridges, Brown, Burkhammer, Capito, Clark, Conley, Cooper, Criss, Crouse, Dean, Doyle, Ellington, Espinosa, Fast, Ferrell, Forsht, Foster, Gearheart, Graves, Hamrick, Hanna, Hardy, Haynes, Holstein, Honaker, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Mallow, Mandt, Martin, Maynard, Maynor, Mazzocchi, McGeehan, Miller, Nestor, Pack, Paynter, Phillips, Pinson, Pritt, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Smith, Statler, Steele, Storch, Summers, Sypolt, Toney, Tully, Wamsley, B. Ward, G. Ward, Westfall, Worrell, Zatezalo and Hanshaw (Mr. Speaker).

Nays: Barach, Boggs, Diserio, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Evans and Thompson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the resolution (H. J. R. 102) adopted, as follows:

H. J. R. 102 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section 2, article XII thereof, relating to education and the supervision of free schools; clarifying

that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment."

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2022, which proposed amendment is that section 2, article XII thereof, be amended and reenacted to read as follows:

ARTICLE XII. EDUCATION.

§2. Supervision of free schools.

Subject to the provisions of this section, ~~The~~ the general supervision of the free schools of the State is ~~shall be~~ vested in the West Virginia Board of Education which shall perform the ~~such~~ duties ~~as may be~~ prescribed by law. Under its supervisory duties, the West Virginia Board of Education may promulgate rules or policies which shall be submitted to the Legislature for its review and approval, amendment, or rejection, in whole or in part, in the manner prescribed by general law. The board shall consist of nine members to be appointed by the Governor, by and with the advice and consent of the Senate, for overlapping terms of nine years. ~~except that the original appointments shall be for terms of one, two, three, four, five, six, seven, eight, and nine years, respectively~~ No more than five members of the board shall belong to the same political party, and in addition to the general qualifications otherwise required by the Legislature may require other specific qualifications for membership on the board. No member of the board may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty, or gross immorality, and then only in the manner prescribed by law for the removal by the Governor of state elective officers.

The West Virginia Board of Education shall, in the manner prescribed by law, select the State Superintendent of Free Schools who shall serve at its will and pleasure. He or she shall be the chief school officer of the state and shall ~~have such powers and shall~~ perform the ~~such~~ duties ~~as may be~~ prescribed by law.

The State Superintendent of Free Schools shall be a member of the Board of Public Works as provided by subsection B, section fifty-one, article VI of this Constitution.

Resolved further, That in accordance with the provisions of §33-11-1 *et seq.* of the Code of West Virginia, 1931, as amended, the amendment is hereby numbered "Amendment No. 1" and designated as the "Education Accountability Amendment" and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to clarify that the rules and policies promulgated by the State Board of Education, are subject to legislative review, approval, amendments, or rejection."

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

In the absence of objection, the House proceeded to consideration of H. B. 4264.

H. B. 4264, Change designation of Glenville State College to "Glenville State University"; on third reading, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 195)**, 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: Evans and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4264) passed.

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

On this question, the yeas and nays were taken **(Roll No. 196)**, 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: Evans and Thompson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4264) 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.

Com. Sub. for H. B. 2096, Reinstating the film investment tax credit; 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. 197)**, and there were—yeas 87, nays 11, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Dean, Foster, J. Jeffries, Jennings, Maynard, McGeehan, Paynter, Pinson, Pritt and Steele.

Absent and Not Voting: Evans and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2096) passed.

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

Com. Sub. for H. B. 3223, Prohibit state, county, and municipal governments from dedicating or naming any public

structure for a public official who is holding office at the time; 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. 198)**, and there were—yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Jennings, Miller and Summers.

Absent and Not Voting: Evans and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3223) passed.

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

H. B. 4019, Relating to deadlines for public charter schools; 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. 199)**, and there were—yeas 75, nays 20, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Barach, Boggs, Brown, Dean, Diserio, Ferrell, Fleischauer, Fluharty, Garcia, Hansen, Miller, Paynter, Pethtel, Pushkin, Rowe, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Evans, Foster, McGeehan, Skaff and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4019) passed.

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

On this question, the yeas and nays were taken **(Roll No. 200)**, and there were—yeas 74, nays 20, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Barach, Boggs, Dean, Diserio, Doyle, Ferrell, Fleischauer, Fluharty, Garcia, Hansen, Miller, Paynter, Pethtel, Pushkin, Rowe, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Evans, Foster, McGeehan, Nestor, Skaff and Thompson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4019) 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.

Com. Sub. for H. B. 4262, Relating to licensure for polygraph examiners; 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. 201)**, and there were—yeas 65, nays 31, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Barach, Barrett, Boggs, Booth, Bridges, Brown, Diserio, Doyle, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Hott, D. Kelly, J. Kelly, Lovejoy, Miller, Nestor, Pethtel, Pushkin, Reynolds, Rowe, Skaff, Walker, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Crouse, Evans, McGeehan and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4262) passed.

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

Com. Sub. for H. B. 4262 – "A Bill to amend and reenact §21-5-5c and §21-5-5d of the Code of West Virginia, 1931, as amended; all relating to licensure for polygraph examiners; removing state licensure requirements for polygraph examiners; creating national membership requirements for polygraph examiners; and updating criminal penalties associated with removing state licensure."

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

H. B. 4566, Creating the Economic Enhancement Grant Fund; on third reading, coming up in regular order, was read a third time.

Delegate Riley requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegate belongs to a class of less than five possibly to be affected by the bill and excused the Member from voting on the passage of the bill.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 202)**, and there were—yeas 95, nays none, excused 1, and absent and not voting 4, with the excused and absent and not voting being as follows:

Excused: Riley.

Absent and Not Voting: Evans, McGeehan, Thompson and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4566) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 4566 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22C-1-6a, relating generally to additional powers of the West Virginia Water Development Authority; providing for the creation and administration of the Economic Enhancement Grant Fund; establishing sources of revenue for the fund; allowing administration costs; establishing a matching grant subaccount; establishing an enhancement grant subaccount; providing purposes for the fund and the subaccounts; providing for the participation of the West Virginia Infrastructure and Jobs Development Council, the West Virginia Department of Economic Development and the Secretary of Tourism; authorizing the Water Development Authority to enter into certain grant agreements; and requiring audit process and report to the Legislature."

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

Com. Sub. for H. B. 4567, Relating to business and occupation or privilege tax; 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. 203)**, and there were—yeas 83, nays 13, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Barach, Doyle, Fleischauer, Griffith, Hornbuckle, Pethtel, Pushkin, Reynolds, Rowe, Skaff, Walker, Young and Zukoff.

Absent and Not Voting: Evans, McGeehan, Thompson and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4567) passed.

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

H. B. 4591, Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax; 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. 204)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Evans, McGeehan, Thompson and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4591) passed.

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

H. B. 4604, Relating to abolishing the Workforce Development Initiative Program Advisory Council; 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. 205)**, and there were—yeas 90, nays 6, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Fleischauer, Fluharty, Pushkin, Walker, Young and Zukoff.

Absent and Not Voting: Evans, McGeehan, Thompson and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4604) passed.

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

H. B. 4606, Authorizing programs to assist at-risk veterans and their families with existing resources to combat suicide; 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. 206)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Evans, McGeehan, Thompson and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4606) passed.

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

Com. Sub. for H. B. 4644, Prohibiting the restriction, regulation, use or administration of lawn care and pest care products; 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. 207)**, and there were—yeas 87, nays 9, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Doyle, Fleischauer, Fluharty, Hansen, Pushkin, Rowe, Walker, Williams and Zukoff.

Absent and Not Voting: Evans, McGeehan, Thompson and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4644) passed.

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

Second Reading

H. B. 3082, Stabilizing funding sources for the DEP Division of Air Quality; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4344, Relating to foster care; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Zukoff, the bill was amended on page 7, section 111d, line 1, following the period, by striking out the word "The" and inserting in lieu thereof, the following:

"By January 1, 2023, the".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4345, Relating to motor vehicle registration cards by establishing electronic or mobile registration cards; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4391, Relating generally to school nurses; on second reading, coming up in regular order, was read a second time.

Delegate Pushkin moved to amend the bill on page 2, section 22, line 22 following the words "this subsection", by striking out the remainder of the sentence and inserting in lieu thereof, the following:

"must be a registered professional nurse or licensed practical nurse working under the supervision of a registered professional nurse. Licensed practical nurses may be hired in addition to the ratio provided by this subsection to assist the registered

professional nurses and be supervised pursuant to standards developed by the Council of School Nurses as established in subsection (h) of this section. The Council, prior to promulgation of a rule, shall consult with the Board of Examiners for Registered Professional Nurses."

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

The yeas and nays having been ordered, they were taken **(Roll No. 208)**, and there were—yeas 29, nays 66, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Barach, Barrett, Boggs, Brown, Diserio, Doyle, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Holstein, Hornbuckle, Howell, Lovejoy, Nestor, Pethtel, Pushkin, Queen, Rowe, Skaff, Walker, Wamsley, G. Ward, Westfall, Williams, Young and Zukoff.

Absent and Not Voting: Evans, Hardy, McGeehan, Thompson and Worrell.

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4479, Establishing the Coalfield Communities Grant Facilitation Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4496, Allowing interest and earnings on federal COVID-19 relief moneys to be retained in the funds or accounts where those moneys are invested; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4607, To remove opioid treatment programs from requiring a certificate of need; on second reading, coming up in regular order, was read a second time.

Delegates Steele, Bates, and Pack moved to amend the bill by striking out the title and substituting therefor a new title, to read as follows:

H. B. 4607 – "A Bill to amend and reenact §16-2D-9 and §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to certificate of need requirements for an opioid treatment program."

Delegate Linville arose to a point of order regarding consideration of a title amendment during second reading.

The Speaker ruled that, pursuant to House Rule 124 and Jefferson's Manual, a title amendment was not in order at that time.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4636, Clarifying when business and occupation taxes owed to a city or municipality are considered to be remitted on time; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4643, Exempting certain health services from certificate of need; on second reading, coming up in regular order, was read a second time.

Delegates Steele, Bates, and Pack moved to amend the bill on page 7, section 10, line 56, following the underlined words "or establishing a birthing center" by inserting the following:

"*Provided*, That a hospital and a physician who renders any medical service to an individual as a result of birth complications at a birthing center is immune from liability for any civil action arising out of any act or omission resulting from the rendering of the medical service at the hospital unless the act or omission was the result of the physician's gross negligence or willful misconduct. Any birthing center operating in West Virginia shall require adequate liability coverage for each of its providers in an amount no less than $1 million per occurrence, and be required to maintain liability coverage for the facility of not less than $3 million per occurrence."

Delegate Bates obtained unanimous consent to withdraw a pending title amendment which he cosponsored with Delegates Steele and Pack.

Delegate Ellington requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

Delegate Steele asked and obtained unanimous consent that the amendment be reformed as follows:

Delegates Steele, Bates, and Pack moved to amend the bill on page 7, section 10, line 56, following the underlined words "or establishing a birthing center" by inserting the following:

"*Provided*, That a hospital and a physician, or other medical professional who renders any medical service to an individual as a result of birth complications at a birthing center is immune from liability for any civil action arising out of any act or omission resulting from the rendering of the medical service at the hospital unless the act or omission was the result of the physician's gross negligence or willful misconduct. Any birthing center operating in West Virginia shall require adequate liability coverage for each of its providers in an amount no less than $1 million per occurrence, and be required to maintain liability coverage for the facility of not less than $3 million per occurrence."

Delegate Steele subsequently obtained unanimous consent to further reform the amendment as follows:

Delegates Steele, Bates, and Pack moved to amend the bill on page 7, section 10, line 56, following the underlined words "or establishing a birthing center" by inserting the following:

"*Provided*, That a hospital and a physician, or other medical professional who renders any medical service to an individual as a result of birth complications at a birthing center is immune from liability for any civil action arising out of any act or omission resulting from the rendering of the medical service at the hospital

unless the act or omission was the result of the physician's, or other medical professional gross negligence or willful misconduct. Any birthing center operating in West Virginia shall require adequate liability coverage for each of its providers in an amount no less than $1 million per occurrence, and be required to maintain liability coverage for the facility of not less than $3 million per occurrence."

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

The yeas and nays having been ordered, they were taken **(Roll No. 209)**, and there were—yeas 41, nays 48, absent and not voting 11, with the yeas and the absent and not voting being as follows:

Yeas: Bates, Booth, Burkhammer, Capito, Clark, Conley, Cooper, Dean, Ellington, Ferrell, Griffith, Hanna, Haynes, Holstein, Honaker, Hott, D. Jeffries, Keaton, Kessinger, Martin, Maynard, Maynor, Mazzocchi, Nestor, Pack, Pinson, Queen, Reed, Reynolds, Riley, Rohrbach, Smith, Statler, Steele, Storch, Toney, Wamsley, B. Ward, G. Ward, Westfall and Hanshaw (Mr. Speaker).

Absent and Not Voting: Boggs, Bridges, Evans, Fleischauer, Garcia, D. Kelly, Kimes, McGeehan, Phillips, Thompson and Worrell.

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

The Speaker announced there were four strike and insert amendments and adoption of one would preclude the adoption of the others and, in the absence of objection, Delegate Summers was recognized to explain the amendments en masse.

The House then proceeded to consider the following amendments:

Delegates Summers, Tully, Dean, and J. Jefferies moved to amend the bill on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

"**ARTICLE 2D. CERTIFICATE OF NEED.**

§16-2D-8. Proposed health services that require a certificate of need.

~~(a) Except as provided in §16-2D-9 §16-2D-10, and §16-2D-11 of this code, the following proposed health services may not be acquired, offered, or developed within this state except upon approval of and receipt of a certificate of need as provided by this article:~~

~~(1) The construction, development, acquisition, or other establishment of a health care facility;~~

~~(2) The partial or total closure of a health care facility with which a capital expenditure is associated;~~

~~(3) (A) An obligation for a capital expenditure incurred by or on behalf of a health care facility in excess of the expenditure minimum; or~~

~~(B) An obligation for a capital expenditure incurred by a person to acquire a health care facility.~~

~~(4) An obligation for a capital expenditure is considered to be incurred by or on behalf of a health care facility:~~

~~(A) When a valid contract is entered into by or on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset;~~

~~(B) When the health care facility takes formal action to commit its own funds for a construction project undertaken by the health care facility as its own contractor; or~~

~~(C) In the case of donated property, on the date on which the gift is completed under state law.~~

~~(5) A substantial change to the bed capacity of a health care facility with which a capital expenditure is associated;~~

~~(6) The addition of ventilator services by a hospital;~~

~~(7) The elimination of health services previously offered on a regular basis by or on behalf of a health care facility which is associated with a capital expenditure;~~

~~(8) (A) A substantial change to the bed capacity or health services offered by or on behalf of a health care facility, whether or not the change is associated with a proposed capital expenditure;~~

~~(B) If the change is associated with a previous capital expenditure for which a certificate of need was issued; and~~

~~(C) If the change will occur within two years after the date the activity which was associated with the previously approved capital expenditure was undertaken.~~

~~(9) The acquisition of major medical equipment;~~

~~(10) A substantial change in an approved health service for which a certificate of need is in effect;~~

~~(11) An expansion of the service area for hospice or home health agency regardless of the time period in which the expansion is contemplated or made. and~~

~~(12) The addition of health services offered by or on behalf of a health care facility which were not offered on a regular basis by or on behalf of the health care facility within the 12-month period prior to the time the services would be offered.~~

~~(b) The following health services are required to obtain a certificate of need regardless of the minimum expenditure:~~

~~(1) Constructing, developing, acquiring, or establishing a birthing center;~~

~~(2) Providing radiation therapy;~~

~~(3) Providing computed tomography;~~

~~(4) Providing positron emission tomography;~~

~~(5) Providing cardiac surgery;~~

~~(6) Providing fixed magnetic resonance imaging;~~

~~(7) Providing comprehensive medical rehabilitation;~~

~~(8) Establishing an ambulatory care center;~~

~~(9) Establishing an ambulatory surgical center;~~

~~(10) Providing diagnostic imaging;~~

~~(11) Providing cardiac catheterization services;~~

~~(12) Constructing, developing, acquiring, or establishing kidney disease treatment centers, including freestanding hemodialysis units;~~

~~(13) Providing megavoltage radiation therapy;~~

~~(14) Providing surgical services;~~

~~(15) Establishing operating rooms;~~

~~(16) Adding acute care beds;~~

~~(17) Providing intellectual developmental disabilities services;~~

~~(18) Providing organ and tissue transplants;~~

~~(19) Establishing an intermediate care facility for individuals with intellectual disabilities;~~

~~(20) Providing inpatient services;~~

~~(21)~~ (1) Providing hospice services;

~~(22)~~ (2) Establishing a home health agency; and

~~(23)~~ (3) Providing personal care services. ~~and~~

~~(24) (A) Establishing no more than six four-bed transitional intermediate care facilities: *Provided*, That none of the four-bed sites shall be within five miles of another or adjacent to another~~

~~behavioral health facility. This subdivision terminates upon the approval of the sixth four-bed intermediate care facility.~~

~~(B) Only individuals living in more restrictive institutional settings, in similar settings covered by state-only dollars, or at risk of being institutionalized will be given the choice to move, and they will be placed on the Individuals with Intellectual and Developmental Disabilities (IDD) Waiver Managed Enrollment List. Individuals already on the IDD Waiver Managed Enrollment List who live in a hospital or are in an out-of-state placement will continue to progress toward home- and community-based waiver status and will also be considered for all other community-based options, including, but not limited to, specialized family care and personal care.~~

~~(C) The department shall work to find the most integrated placement based upon an individualized assessment. Individuals already on the IDD waiver will not be considered for placement in the 24 new intermediate care beds.~~

~~(D) A monitoring committee of not more than 10 members, including a designee of Mountain State Justice, a designee of Disability Rights of West Virginia, a designee of the Statewide Independent Living Council, two members or family of members of the IDD waiver, the Developmental Disabilities Council, the Commissioner of the Bureau of Health and Health Facilities, the Commissioner of the Bureau for Medical Services, and the Commissioner of the Bureau for Children and Families. The secretary of the department shall chair the first meeting of the committee at which time the members shall elect a chairperson. The monitoring committee shall provide guidance on the department's transitional plans for residents in the 24 intermediate care facility beds and monitor progress toward home- and community-based waiver status and/or utilizing other community-based options and securing the most integrated setting for each individual.~~

~~(E) Any savings resulting from individuals moving from more expensive institutional care or out-of-state placements shall be~~

~~reinvested into home- and community-based services for individuals with intellectual developmental disabilities.~~

~~(c) A certificate of need previously approved under this article remains in effect unless revoked by the authority.~~ Effective July 1, 2022, a certificate of need is not required.

§16-2D-10. Exemptions from certificate of need.

~~Notwithstanding §16-2D-8 a person may provide the following health services without obtaining a certificate of need or applying to the authority for approval.~~

~~(1) The creation of a private office of one or more licensed health professionals to practice in this state pursuant to chapter thirty of this code;~~

~~(2) Dispensaries and first aid stations located within business or industrial establishments maintained solely for the use of employees that does not contain inpatient or resident beds for patients or employees who generally remain in the facility for more than twenty-four hours;~~

~~(3) A place that provides remedial care or treatment of residents or patients conducted only for those who rely solely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination;~~

~~(4) Telehealth;~~

~~(5) A facility owned or operated by one or more health professionals authorized or organized pursuant to chapter thirty or ambulatory health care facility which offers laboratory services or diagnostic imaging to patients regardless of the cost associated with the proposal. To qualify for this exemption seventy-five percent of the laboratory services are for the patients of the practice or ambulatory health care facility of the total laboratory services performed and seventy-five percent of diagnostic imaging services are for the patients of the practice or ambulatory health care facility of the total imaging services performed. The authority may, at any time, request from the entity information concerning the number of~~

~~patients who have been provided laboratory services or diagnostic imaging;~~

~~(6) (A) Notwithstanding the provisions of section seventeen of this article, any hospital that holds a valid certificate of need issued pursuant to this article, may transfer that certificate of need to a person purchasing that hospital, or all or substantially all of its assets, if the hospital is financially distressed. A hospital is financially distressed if, at the time of its purchase:~~

~~(i) It has filed a petition for voluntary bankruptcy;~~

~~(ii) It has been the subject of an involuntary petition for bankruptcy;~~

~~(iii) It is in receivership;~~

~~(iv) It is operating under a forbearance agreement with one or more of its major creditors;~~

~~(v) It is in default of its obligations to pay one or more of its major creditors and is in violation of the material, substantive terms of its debt instruments with one or more of its major creditors; or~~

~~(vi) It is insolvent: evidenced by balance sheet insolvency and/or the inability to pay its debts as they come due in the ordinary course of business.~~

~~(B) A financially distressed hospital which is being purchased pursuant to the provisions of this subsection shall give notice to the authority of the sale thirty days prior to the closing of the transaction and shall file simultaneous with that notice evidence of its financial status. The financial status or distressed condition of a hospital shall be evidenced by the filing of any of the following:~~

~~(i) A copy of a forbearance agreement;~~

~~(ii) A copy of a petition for voluntary or involuntary bankruptcy;~~

~~(iii) Written evidence of receivership, or~~

~~(iv) Documentation establishing the requirements of subparagraph (v) or (vi), paragraph (A) of this subdivision. The names of creditors may be redacted by the filing party.~~

~~(C) Any substantial change to the capacity of services offered in that hospital made subsequent to that transaction would remain subject to the requirements for the issuance of a certificate of need as otherwise set forth in this article.~~

~~(D) Any person purchasing a financially distressed hospital, or all or substantially all of its assets, that has applied for a certificate of need after January 1, 2017, shall qualify for an exemption from certificate of need;~~

~~(7) The acquisition by a qualified hospital which is party to an approved cooperative agreement as provided in section twenty-eight, article twenty nine-b, chapter sixteen of this code, of a hospital located within a distance of twenty highway miles of the main campus of the qualified hospital; and~~

~~(8) The acquisition by a hospital of a physician practice group which owns an ambulatory surgical center as defined in this article.~~

[Repealed]

§16-2D-11. Exemptions from Certificate of Need which require the submission of information to the authority.

~~(a) To obtain an exemption under this section a person shall:~~

~~(1) File an exemption application; and~~

~~(2) Provide a statement detailing which exemption applies and the circumstances justifying the exemption.~~

~~(b) Notwithstanding section eight and ten and except as provided in section nine of this article, the Legislature finds that a need exists and these health services are exempt from the certificate of need process:~~

~~(1) The acquisition and utilization of one computed tomography scanner with a purchase price up to $750,000 that is~~

~~installed in a private office practice where at minimum seventy-five percent of the scans are performed on the patients of the practice. The private office practice shall obtain and maintain accreditation from the American College of Radiology prior to, and at all times during, the offering of this service. The authority may at any time request from the private office practice information relating to the number of patients who have been provided scans and proof of active and continuous accreditation from the American College of Radiology. If a physician owns or operates a private office practice in more than one location, this exemption shall only apply to the physician's primary place of business and if a physician wants to expand the offering of this service to include more than one computed topography scanner, he or she shall be required to obtain a certificate of need prior to expanding this service. All current certificates of need issued for computed tomography services, with a required percentage threshold of scans to be performed on patients of the practice in excess of seventy-five percent, shall be reduced to seventy five percent: *Provided,* That these limitations on the exemption for a private office practice with more than one location shall not apply to a private office practice with more than twenty locations in the state on April 8, 2017.~~

~~(2) (A) A birthing center established by a nonprofit primary care center that has a community board and provides primary care services to people in their community without regard to ability to pay; or~~

~~(B) A birthing center established by a nonprofit hospital with less than one hundred licensed acute care beds.~~

~~(i) To qualify for this exemption, an applicant shall be located in an area that is underserved with respect to low risk obstetrical services; and~~

~~(ii) Provide a proposed health service area.~~

~~(3) (A) A health care facility acquiring major medical equipment, adding health services or obligating a capital expenditure to be used solely for research;~~

~~(B) To qualify for this exemption, the health care facility shall show that the acquisition, offering or obligation will not:~~

~~(i) Affect the charges of the facility for the provision of medical or other patient care services other than the services which are included in the research;~~

~~(ii) Result in a substantial change to the bed capacity of the facility; or~~

~~(iii) Result in a substantial change to the health services of the facility.~~

~~(C) For purposes of this subdivision, the term "solely for research" includes patient care provided on an occasional and irregular basis and not as part of a research program;~~

~~(4) The obligation of a capital expenditure to acquire, either by purchase, lease or comparable arrangement, the real property, equipment or operations of a skilled nursing facility: *Provided,* That a skilled nursing facility developed pursuant to subdivision (17) of this section and subsequently acquired pursuant to this subdivision may not transfer or sell any of the skilled nursing home beds of the acquired skilled nursing facility until the skilled nursing facility has been in operation for at least ten years.~~

~~(5) Shared health services between two or more hospitals licensed in West Virginia providing health services made available through existing technology that can reasonably be mobile. This exemption does not include providing mobile cardiac catheterization;~~

~~(6) The acquisition, development or establishment of a certified interoperable electronic health record or electronic medical record system;~~

~~(7) The addition of forensic beds in a health care facility;~~

~~(8) A behavioral health service selected by the Department of Health and Human Resources in response to its request for application for services intended to return children currently placed~~

~~in out-of-state facilities to the state or to prevent placement of children in out of state facilities is not subject to a certificate of need;~~

~~(9) The replacement of major medical equipment with like equipment, only if the replacement major medical equipment cost is more than the expenditure minimum;~~

~~(10) Renovations within a hospital, only if the renovation cost is more than the expenditure minimum. The renovations may not expand the health care facility's current square footage, incur a substantial change to the health services, or a substantial change to the bed capacity;~~

~~(11) Renovations to a skilled nursing facility;~~

~~(12) The donation of major medical equipment to replace like equipment for which a certificate of need has been issued and the replacement does not result in a substantial change to health services. This exemption does not include the donation of major medical equipment made to a health care facility by a related organization;~~

~~(13) A person providing specialized foster care personal care services to one individual and those services are delivered in the provider's home;~~

~~(14) A hospital converting the use of beds except a hospital may not convert a bed to a skilled nursing home bed and conversion of beds may not result in a substantial change to health services provided by the hospital;~~

~~(15) The construction, renovation, maintenance or operation of a state owned veterans skilled nursing facilities established pursuant to the provisions of article one-b of this chapter;~~

~~(16) To develop and operate a skilled nursing facility with no more than thirty-six beds in a county that currently is without a skilled nursing facility;~~

~~(17) A critical access hospital, designated by the state as a critical access hospital, after meeting all federal eligibility criteria, previously licensed as a hospital and subsequently closed, if it reopens within ten years of its closure;~~

~~(18) The establishing of a heath care facility or offering of health services for children under one year of age suffering from Neonatal Abstinence Syndrome;~~

~~(19) The construction, development, acquisition or other establishment of community mental health and intellectual disability facility;~~

~~(20) Providing behavioral health facilities and services;~~

~~(21) The construction, development, acquisition or other establishment of kidney disease treatment centers, including freestanding hemodialysis units but only to a medically underserved population;~~

~~(22) The transfer, purchase or sale of intermediate care or skilled nursing beds from a skilled nursing facility or a skilled nursing unit of an acute care hospital to a skilled nursing facility providing intermediate care and skilled nursing services. The Department of Health and Human Resources may not create a policy which limits the transfer, purchase or sale of intermediate care or skilled nursing beds from a skilled nursing facility or a skilled nursing unit of an acute care hospital. The transferred beds shall retain the same certification status that existed at the nursing home or hospital skilled nursing unit from which they were acquired. If construction is required to place the transferred beds into the acquiring nursing home, the acquiring nursing home has one year from the date of purchase to commence construction;~~

~~(23) The construction, development, acquisition or other establishment by a health care facility of a nonhealth related project, only if the nonhealth related project cost is more than the expenditure minimum;~~

~~(24) The construction, development, acquisition or other establishment of an alcohol or drug treatment facility and drug and~~

~~alcohol treatment services unless the construction, development, acquisition or other establishment is an opioid treatment facility or programs as set forth in subdivision (4) of section nine of this article;~~

~~(25) Assisted living facilities and services;~~

~~(26) The creation, construction, acquisition or expansion of a community-based nonprofit organization with a community board that provides or will provide primary care services to people without regard to ability to pay and receives approval from the Health Resources and Services Administration; and~~

~~(27) The acquisition and utilization of one computed tomography scanner and/or one magnetic resonance imaging scanner with a purchase price of up to $750,000 by a hospital.~~"

Delegate Pack requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

Delegate Summers asked unanimous consent that amendment be withdrawn, which consent was not obtained, objection being heard.

Delegate Summers then so moved.

On this motion, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken **(Roll No. 210)**, and there were—yeas 85, nays 9, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Diserio, Doyle, Fleischauer, Fluharty, Hansen, Hornbuckle, J. Jeffries, Skaff and Walker.

Absent and Not Voting: Boggs, Bridges, Evans, McGeehan, Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the amendment was withdrawn.

Delegates Summers, Tully, Dean and J. Jefferies moved to amend the bill on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-8. Proposed health services that require a certificate of need.

~~(a)~~ Except as provided in §16-2D-9 ~~§16-2D-10, and §16-2D-11~~ of this code, the following proposed health services may not be acquired, expanded, offered, or developed within this state except upon approval of and receipt of a certificate of need as provided by this article:

~~(1) The construction, development, acquisition, or other establishment of a health care facility;~~

~~(2) The partial or total closure of a health care facility with which a capital expenditure is associated;~~

~~(3) (A) An obligation for a capital expenditure incurred by or on behalf of a health care facility in excess of the expenditure minimum; or~~

~~(B) An obligation for a capital expenditure incurred by a person to acquire a health care facility.~~

~~(4) An obligation for a capital expenditure is considered to be incurred by or on behalf of a health care facility:~~

~~(A) When a valid contract is entered into by or on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset;~~

~~(B) When the health care facility takes formal action to commit its own funds for a construction project undertaken by the health care facility as its own contractor; or~~

~~(C) In the case of donated property, on the date on which the gift is completed under state law.~~

~~(5) A substantial change to the bed capacity of a health care facility with which a capital expenditure is associated;~~

~~(6) The addition of ventilator services by a hospital;~~

~~(7) The elimination of health services previously offered on a regular basis by or on behalf of a health care facility which is associated with a capital expenditure;~~

~~(8) (A) A substantial change to the bed capacity or health services offered by or on behalf of a health care facility, whether or not the change is associated with a proposed capital expenditure;~~

~~(B) If the change is associated with a previous capital expenditure for which a certificate of need was issued; and~~

~~(C) If the change will occur within two years after the date the activity which was associated with the previously approved capital expenditure was undertaken.~~

~~(9) The acquisition of major medical equipment;~~

~~(10) A substantial change in an approved health service for which a certificate of need is in effect;~~

~~(11) An expansion of the service area for hospice or home health agency regardless of the time period in which the expansion is contemplated or made. and~~

~~(12) The addition of health services offered by or on behalf of a health care facility which were not offered on a regular basis by or on behalf of the health care facility within the 12-month period prior to the time the services would be offered.~~

~~(b) The following health services are required to obtain a certificate of need regardless of the minimum expenditure:~~

~~(1) Constructing, developing, acquiring, or establishing a birthing center;~~

~~(2) Providing radiation therapy;~~

~~(3) Providing computed tomography;~~

~~(4) Providing positron emission tomography;~~

~~(5) Providing cardiac surgery;~~

~~(6) Providing fixed magnetic resonance imaging;~~

~~(7) Providing comprehensive medical rehabilitation;~~

~~(8) Establishing an ambulatory care center;~~

~~(9) Establishing an ambulatory surgical center;~~

~~(10) Providing diagnostic imaging;~~

~~(11) Providing cardiac catheterization services;~~

~~(12) Constructing, developing, acquiring, or establishing kidney disease treatment centers, including freestanding hemodialysis units;~~

~~(13) Providing megavoltage radiation therapy;~~

~~(14) Providing surgical services;~~

~~(15) Establishing operating rooms;~~

~~(16) Adding acute care beds;~~

~~(17) Providing intellectual developmental disabilities services;~~

~~(18) Providing organ and tissue transplants;~~

~~(19) Establishing an intermediate care facility for individuals with intellectual disabilities;~~

~~(20) Providing inpatient services;~~

~~(21)~~ (1) Providing hospice services;

~~(22)~~ (2) Establishing a home health agency; and

~~(23)~~ (3) Providing personal care services. ~~and~~

~~(24) (A) Establishing no more than six four-bed transitional intermediate care facilities: *Provided*, That none of the four bed sites shall be within five miles of another or adjacent to another behavioral health facility. This subdivision terminates upon the approval of the sixth four-bed intermediate care facility.~~

~~(B) Only individuals living in more restrictive institutional settings, in similar settings covered by state-only dollars, or at risk of being institutionalized will be given the choice to move, and they will be placed on the Individuals with Intellectual and Developmental Disabilities (IDD) Waiver Managed Enrollment List. Individuals already on the IDD Waiver Managed Enrollment List who live in a hospital or are in an out-of-state placement will continue to progress toward home- and community-based waiver status and will also be considered for all other community-based options, including, but not limited to, specialized family care and personal care.~~

~~(C) The department shall work to find the most integrated placement based upon an individualized assessment. Individuals already on the IDD waiver will not be considered for placement in the 24 new intermediate care beds.~~

~~(D) A monitoring committee of not more than 10 members, including a designee of Mountain State Justice, a designee of Disability Rights of West Virginia, a designee of the Statewide Independent Living Council, two members or family of members of the IDD waiver, the Developmental Disabilities Council, the Commissioner of the Bureau of Health and Health Facilities, the Commissioner of the Bureau for Medical Services, and the Commissioner of the Bureau for Children and Families. The secretary of the department shall chair the first meeting of the committee at which time the members shall elect a chairperson. The monitoring committee shall provide guidance on the department's transitional plans for residents in the 24 intermediate care facility beds and monitor progress toward home- and community-based waiver status and/or utilizing other community-~~

~~based options and securing the most integrated setting for each individual.~~

~~(E) Any savings resulting from individuals moving from more expensive institutional care or out of state placements shall be reinvested into home and community based services for individuals with intellectual developmental disabilities.~~

(c) A certificate of need previously approved under this article remains in effect unless revoked by the authority.

§16-2D-10. Exemptions from certificate of need.

Notwithstanding ~~§16-2D-8~~ §16-2D-9, a person may provide the following health services without obtaining a certificate of need or applying to the authority for approval.

(1) The transfer, purchase or sale of intermediate care or skilled nursing beds from a skilled nursing facility or a skilled nursing unit of an acute care hospital to a skilled nursing facility providing intermediate care and skilled nursing services. The Department of Health and Human Resources may not create a policy which limits the transfer, purchase or sale of intermediate care or skilled nursing beds from a skilled nursing facility or a skilled nursing unit of an acute care hospital. The transferred beds shall retain the same certification status that existed at the nursing home or hospital skilled nursing unit from which they were acquired. If construction is required to place the transferred beds into the acquiring nursing home, the acquiring nursing home has one year from the date of purchase to commence construction;

(2) Renovations to a skilled nursing facility;

(3) The construction, renovation, maintenance or operation of a state owned veterans skilled nursing facilities established pursuant to the provisions of article one-b of this chapter.

~~(1) The creation of a private office of one or more licensed health professionals to practice in this state pursuant to chapter thirty of this code;~~

~~(2) Dispensaries and first-aid stations located within business or industrial establishments maintained solely for the use of employees that does not contain inpatient or resident beds for patients or employees who generally remain in the facility for more than twenty-four hours;~~

~~(3) A place that provides remedial care or treatment of residents or patients conducted only for those who rely solely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination;~~

~~(4) Telehealth;~~

~~(5) A facility owned or operated by one or more health professionals authorized or organized pursuant to chapter thirty or ambulatory health care facility which offers laboratory services or diagnostic imaging to patients regardless of the cost associated with the proposal. To qualify for this exemption seventy five percent of the laboratory services are for the patients of the practice or ambulatory health care facility of the total laboratory services performed and seventy five percent of diagnostic imaging services are for the patients of the practice or ambulatory health care facility of the total imaging services performed. The authority may, at any time, request from the entity information concerning the number of patients who have been provided laboratory services or diagnostic imaging;~~

~~(6) (A) Notwithstanding the provisions of section seventeen of this article, any hospital that holds a valid certificate of need issued pursuant to this article, may transfer that certificate of need to a person purchasing that hospital, or all or substantially all of its assets, if the hospital is financially distressed. A hospital is financially distressed if, at the time of its purchase:~~

~~(i) It has filed a petition for voluntary bankruptcy;~~

~~(ii) It has been the subject of an involuntary petition for bankruptcy;~~

~~(iii) It is in receivership;~~

~~(iv) It is operating under a forbearance agreement with one or more of its major creditors;~~

~~(v) It is in default of its obligations to pay one or more of its major creditors and is in violation of the material, substantive terms of its debt instruments with one or more of its major creditors; or~~

~~(vi) It is insolvent: evidenced by balance sheet insolvency and/or the inability to pay its debts as they come due in the ordinary course of business.~~

~~(B) A financially distressed hospital which is being purchased pursuant to the provisions of this subsection shall give notice to the authority of the sale thirty days prior to the closing of the transaction and shall file simultaneous with that notice evidence of its financial status. The financial status or distressed condition of a hospital shall be evidenced by the filing of any of the following:~~

~~(i) A copy of a forbearance agreement;~~

~~(ii) A copy of a petition for voluntary or involuntary bankruptcy;~~

~~(iii) Written evidence of receivership, or~~

~~(iv) Documentation establishing the requirements of subparagraph (v) or (vi), paragraph (A) of this subdivision. The names of creditors may be redacted by the filing party.~~

~~(C) Any substantial change to the capacity of services offered in that hospital made subsequent to that transaction would remain subject to the requirements for the issuance of a certificate of need as otherwise set forth in this article.~~

~~(D) Any person purchasing a financially distressed hospital, or all or substantially all of its assets, that has applied for a certificate of need after January 1, 2017, shall qualify for an exemption from certificate of need;~~

~~(7) The acquisition by a qualified hospital which is party to an approved cooperative agreement as provided in section twenty-~~

~~eight, article twenty-nine-b, chapter sixteen of this code, of a hospital located within a distance of twenty highway miles of the main campus of the qualified hospital; and~~

~~(8) The acquisition by a hospital of a physician practice group which owns an ambulatory surgical center as defined in this article.~~

§16-2D-11. Exemptions from Certificate of Need which require the submission of information to the authority.

~~(a) To obtain an exemption under this section a person shall:~~

~~(1) File an exemption application; and~~

~~(2) Provide a statement detailing which exemption applies and the circumstances justifying the exemption.~~

~~(b) Notwithstanding section eight and ten and except as provided in section nine of this article, the Legislature finds that a need exists and these health services are exempt from the certificate of need process:~~

~~(1) The acquisition and utilization of one computed tomography scanner with a purchase price up to $750,000 that is installed in a private office practice where at minimum seventy-five percent of the scans are performed on the patients of the practice. The private office practice shall obtain and maintain accreditation from the American College of Radiology prior to, and at all times during, the offering of this service. The authority may at any time request from the private office practice information relating to the number of patients who have been provided scans and proof of active and continuous accreditation from the American College of Radiology. If a physician owns or operates a private office practice in more than one location, this exemption shall only apply to the physician's primary place of business and if a physician wants to expand the offering of this service to include more than one computed topography scanner, he or she shall be required to obtain a certificate of need prior to expanding this service. All current certificates of need issued for computed tomography services, with a required percentage threshold of scans to be performed on patients of the practice in excess of seventy-

~~five percent, shall be reduced to seventy-five percent: *Provided,* That these limitations on the exemption for a private office practice with more than one location shall not apply to a private office practice with more than twenty locations in the state on April 8, 2017.~~

~~(2) (A) A birthing center established by a nonprofit primary care center that has a community board and provides primary care services to people in their community without regard to ability to pay; or~~

~~(B) A birthing center established by a nonprofit hospital with less than one hundred licensed acute care beds.~~

~~(i) To qualify for this exemption, an applicant shall be located in an area that is underserved with respect to low risk obstetrical services; and~~

~~(ii) Provide a proposed health service area.~~

~~(3) (A) A health care facility acquiring major medical equipment, adding health services or obligating a capital expenditure to be used solely for research;~~

~~(B) To qualify for this exemption, the health care facility shall show that the acquisition, offering or obligation will not:~~

~~(i) Affect the charges of the facility for the provision of medical or other patient care services other than the services which are included in the research;~~

~~(ii) Result in a substantial change to the bed capacity of the facility; or~~

~~(iii) Result in a substantial change to the health services of the facility.~~

~~(C) For purposes of this subdivision, the term "solely for research" includes patient care provided on an occasional and irregular basis and not as part of a research program;~~

~~(4) The obligation of a capital expenditure to acquire, either by purchase, lease or comparable arrangement, the real property, equipment or operations of a skilled nursing facility: *Provided,* That a skilled nursing facility developed pursuant to subdivision (17) of this section and subsequently acquired pursuant to this subdivision may not transfer or sell any of the skilled nursing home beds of the acquired skilled nursing facility until the skilled nursing facility has been in operation for at least ten years.~~

~~(5) Shared health services between two or more hospitals licensed in West Virginia providing health services made available through existing technology that can reasonably be mobile. This exemption does not include providing mobile cardiac catheterization;~~

~~(6) The acquisition, development or establishment of a certified interoperable electronic health record or electronic medical record system;~~

~~(7) The addition of forensic beds in a health care facility;~~

~~(8) A behavioral health service selected by the Department of Health and Human Resources in response to its request for application for services intended to return children currently placed in out of state facilities to the state or to prevent placement of children in out of state facilities is not subject to a certificate of need;~~

~~(9) The replacement of major medical equipment with like equipment, only if the replacement major medical equipment cost is more than the expenditure minimum;~~

~~(10) Renovations within a hospital, only if the renovation cost is more than the expenditure minimum. The renovations may not expand the health care facility's current square footage, incur a substantial change to the health services, or a substantial change to the bed capacity;~~

~~(11) Renovations to a skilled nursing facility;~~

~~(12) The donation of major medical equipment to replace like equipment for which a certificate of need has been issued and the replacement does not result in a substantial change to health services. This exemption does not include the donation of major medical equipment made to a health care facility by a related organization;~~

~~(13) A person providing specialized foster care personal care services to one individual and those services are delivered in the provider's home;~~

~~(14) A hospital converting the use of beds except a hospital may not convert a bed to a skilled nursing home bed and conversion of beds may not result in a substantial change to health services provided by the hospital;~~

~~(15) The construction, renovation, maintenance or operation of a state owned veterans skilled nursing facilities established pursuant to the provisions of article one-b of this chapter;~~

~~(16) To develop and operate a skilled nursing facility with no more than thirty-six beds in a county that currently is without a skilled nursing facility;~~

~~(17) A critical access hospital, designated by the state as a critical access hospital, after meeting all federal eligibility criteria, previously licensed as a hospital and subsequently closed, if it reopens within ten years of its closure;~~

~~(18) The establishing of a heath care facility or offering of health services for children under one year of age suffering from Neonatal Abstinence Syndrome;~~

~~(19) The construction, development, acquisition or other establishment of community mental health and intellectual disability facility;~~

~~(20) Providing behavioral health facilities and services;~~

~~(21) The construction, development, acquisition or other establishment of kidney disease treatment centers, including~~

~~freestanding hemodialysis units but only to a medically underserved population;~~

~~(22) The transfer, purchase or sale of intermediate care or skilled nursing beds from a skilled nursing facility or a skilled nursing unit of an acute care hospital to a skilled nursing facility providing intermediate care and skilled nursing services. The Department of Health and Human Resources may not create a policy which limits the transfer, purchase or sale of intermediate care or skilled nursing beds from a skilled nursing facility or a skilled nursing unit of an acute care hospital. The transferred beds shall retain the same certification status that existed at the nursing home or hospital skilled nursing unit from which they were acquired. If construction is required to place the transferred beds into the acquiring nursing home, the acquiring nursing home has one year from the date of purchase to commence construction;~~

~~(23) The construction, development, acquisition or other establishment by a health care facility of a nonhealth related project, only if the nonhealth related project cost is more than the expenditure minimum;~~

~~(24) The construction, development, acquisition or other establishment of an alcohol or drug treatment facility and drug and alcohol treatment services unless the construction, development, acquisition or other establishment is an opioid treatment facility or programs as set forth in subdivision (4) of section nine of this article;~~

~~(25) Assisted living facilities and services;~~

~~(26) The creation, construction, acquisition or expansion of a community based nonprofit organization with a community board that provides or will provide primary care services to people without regard to ability to pay and receives approval from the Health Resources and Services Administration; and~~

~~(27) The acquisition and utilization of one computed tomography scanner and/or one magnetic resonance imaging scanner with a purchase price of up to $750,000 by a hospital.~~

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

The yeas and nays having been ordered, they were taken **(Roll No. 211)**, and there were—yeas 38, nays 59, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Barnhart, Barrett, Clark, Conley, Cooper, Crouse, Dean, Ellington, Espinosa, Fast, Ferrell, Forsht, Foster, Gearheart, Graves, Hamrick, Hardy, Horst, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Kessinger, Kimble, Kimes, Linville, Longanacre, Mallow, Mazzocchi, Miller, Paynter, Pritt, Rowan, Summers, Sypolt, Tully and Hanshaw (Mr. Speaker).

Absent and Not Voting: Evans, McGeehan and Thompson.

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

Delegates Summers, Tully, Dean and J. Jefferies moved to amend the bill on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-8. Proposed health services that require a certificate of need.

(a) Except as provided in §16-2D-9, §16-2D-10, and §16-2D-11 of this code, the following proposed health services may not be acquired, offered, or developed within this state except upon approval of and receipt of a certificate of need as provided by this article:

(1) The construction, development, acquisition, or other establishment of a health care facility: *Provided,* That the construction, development, acquisition, or renovation on the campus of an existing health care facility is not subject to review;

~~(2) The partial or total closure of a health care facility with which a capital expenditure is associated;~~

~~(3) (A) An obligation for a capital expenditure incurred by or on behalf of a health care facility in excess of the expenditure minimum; or~~

~~(B) An obligation for a capital expenditure incurred by a person to acquire a health care facility.~~

~~(4) An obligation for a capital expenditure is considered to be incurred by or on behalf of a health care facility:~~

~~(A) When a valid contract is entered into by or on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset;~~

~~(B) When the health care facility takes formal action to commit its own funds for a construction project undertaken by the health care facility as its own contractor; or~~

~~(C) In the case of donated property, on the date on which the gift is completed under state law.~~

~~(5) A substantial change to the bed capacity of a health care facility with which a capital expenditure is associated;~~

~~(6) The addition of ventilator services by a hospital;~~

~~(7) The elimination of health services previously offered on a regular basis by or on behalf of a health care facility which is associated with a capital expenditure;~~

~~(8) (A) A substantial change to the bed capacity or health services offered by or on behalf of a health care facility, whether or not the change is associated with a proposed capital expenditure;~~

~~(B) If the change is associated with a previous capital expenditure for which a certificate of need was issued; and~~

~~(C) If the change will occur within two years after the date the activity which was associated with the previously approved capital expenditure was undertaken.~~

~~(9) The acquisition of major medical equipment;~~

~~(10) A substantial change in an approved health service for which a certificate of need is in effect~~

~~(11)~~ (2) An expansion of the service area for hospice or home health agency regardless of the time period in which the expansion is contemplated or made; and

~~(12) The addition of health services offered by or on behalf of a health care facility which were not offered on a regular basis by or on behalf of the health care facility within the 12-month period prior to the time the services would be offered.~~

(b) The following health services are required to obtain a certificate of need regardless of the minimum expenditure:

~~(1) Constructing, developing, acquiring, or establishing a birthing center;~~

~~(2) Providing radiation therapy;~~

~~(3) Providing computed tomography;~~

~~(4) Providing positron emission tomography~~;

~~(5) Providing cardiac surgery;~~

~~(6) Providing fixed magnetic resonance imaging;~~

~~(7) Providing comprehensive medical rehabilitation~~

~~(8)~~ (2) Establishing an ambulatory care center;

~~(9)~~ (3) Establishing an ambulatory surgical center;

~~(10)~~(4) Providing diagnostic imaging;

~~(11) Providing cardiac catheterization services;~~

~~(12)~~ (6) Constructing, developing, acquiring, or establishing kidney disease treatment centers, including freestanding hemodialysis units: *Provided*, That the development, establishment, acquisition, or renovation of kidney disease treatment center located in a hospital is not subject to review;

~~(13) Providing megavoltage radiation therapy~~;

~~(14) Providing surgical services~~;

~~(15) Establishing operating rooms;~~

~~(16) Adding acute care beds;~~

~~(17)~~ (7) Providing intellectual developmental disabilities services;

~~(18) Providing organ and tissue transplants~~;

~~(19)~~ (8) Establishing an intermediate care facility for individuals with intellectual disabilities;

~~(20) Providing inpatient services;~~

~~(21)~~ (9) Providing hospice services;

~~(22)~~ (10) Establishing a home health agency; and

~~(23)~~ (11) Providing personal care services. ~~and~~

~~(24) (A) Establishing no more than six four-bed transitional intermediate care facilities: *Provided*, That none of the four-bed sites shall be within five miles of another or adjacent to another behavioral health facility. This subdivision terminates upon the approval of the sixth four-bed intermediate care facility.~~

~~(B) Only individuals living in more restrictive institutional settings, in similar settings covered by state-only dollars, or at risk of being institutionalized will be given the choice to move, and they will be placed on the Individuals with Intellectual and Developmental Disabilities (IDD) Waiver Managed Enrollment List. Individuals already on the IDD Waiver Managed Enrollment List who live in a hospital or are in an out-of-state placement will continue to progress toward home- and community-based waiver status and will also be considered for all other community-based options, including, but not limited to, specialized family care and personal care.~~

~~(C) The department shall work to find the most integrated placement based upon an individualized assessment. Individuals already on the IDD waiver will not be considered for placement in the 24 new intermediate care beds.~~

~~(D) A monitoring committee of not more than 10 members, including a designee of Mountain State Justice, a designee of Disability Rights of West Virginia, a designee of the Statewide Independent Living Council, two members or family of members of the IDD waiver, the Developmental Disabilities Council, the Commissioner of the Bureau of Health and Health Facilities, the Commissioner of the Bureau for Medical Services, and the Commissioner of the Bureau for Children and Families. The secretary of the department shall chair the first meeting of the committee at which time the members shall elect a chairperson. The monitoring committee shall provide guidance on the department's transitional plans for residents in the 24 intermediate care facility beds and monitor progress toward home and community-based waiver status and/or utilizing other community-based options and securing the most integrated setting for each individual.~~

~~(E) Any savings resulting from individuals moving from more expensive institutional care or out-of-state placements shall be reinvested into home and community based services for individuals with intellectual developmental disabilities.~~

(c) A certificate of need previously approved under this article remains in effect unless revoked by the authority.

§16-2D-10. Exemptions from certificate of need.

Notwithstanding §16-2D-8 of this code, a person may provide the following health services without obtaining a certificate of need or applying to the authority for approval:

(1) The creation of a private office of one or more licensed health professionals to practice in this state pursuant to Chapter 30 of this code;

(2) Dispensaries and first-aid stations located within business or industrial establishments maintained solely for the use of employees that does not contain inpatient or resident beds for patients or employees who generally remain in the facility for more than 24 hours;

(3) A place that provides remedial care or treatment of residents or patients conducted only for those who rely solely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination;

(4) Telehealth;

(5) A facility owned or operated by one or more health professionals authorized or organized pursuant to chapter thirty or ambulatory health care facility which offers laboratory services or diagnostic imaging to patients regardless of the cost associated with the proposal. To qualify for this exemption 75% of the laboratory services are for the patients of the practice or ambulatory health care facility of the total laboratory services performed and seventy-five percent of diagnostic imaging services are for the patients of the practice or ambulatory health care facility of the total imaging services performed. The authority may, at any time, request from the entity information concerning the number of patients who have been provided laboratory services or diagnostic imaging;

(6) (A) Notwithstanding ~~the provisions of~~ §16-2D-17 of this code, any hospital that holds a valid certificate of need issued pursuant to this article, may transfer that certificate of need to a person purchasing that hospital, or all or substantially all of its assets, if the hospital is financially distressed. A hospital is financially distressed if, at the time of its purchase:

(i) It has filed a petition for voluntary bankruptcy;

(ii) It has been the subject of an involuntary petition for bankruptcy;

(iii) It is in receivership;

(iv) It is operating under a forbearance agreement with one or more of its major creditors;

(v) It is in default of its obligations to pay one or more of its major creditors and is in violation of the material, substantive terms of its debt instruments with one or more of its major creditors; or

(vi) It is insolvent: evidenced by balance sheet insolvency and/or the inability to pay its debts as they come due in the ordinary course of business.

(B) A financially distressed hospital which is being purchased pursuant to the provisions of this subsection shall give notice to the authority of the sale 30 days prior to the closing of the transaction and shall file simultaneous with that notice evidence of its financial status. The financial status or distressed condition of a hospital shall be evidenced by the filing of any of the following:

(i) A copy of a forbearance agreement;

(ii) A copy of a petition for voluntary or involuntary bankruptcy;

(iii) Written evidence of receivership, or

(iv) Documentation establishing the requirements of subparagraph (v) or (vi), paragraph (A) of this subdivision. The names of creditors may be redacted by the filing party.

(C) Any substantial change to the capacity of services offered in that hospital made subsequent to that transaction would remain subject to the requirements for the issuance of a certificate of need as otherwise set forth in this article.

(D) Any person purchasing a financially distressed hospital, or all or substantially all of its assets, that has applied for a certificate of need after January 1, 2017, shall qualify for an exemption from certificate of need;

(7) The acquisition by a qualified hospital which is party to an approved cooperative agreement as provided in §16-29B-28 of this

code, of a hospital located within a distance of twenty highway miles of the main campus of the qualified hospital; and

(8) The acquisition by a hospital of a physician practice group which owns an ambulatory surgical center as defined in this article.

(9) The construction, development, acquisition, or renovation on the campus of an existing health care facility is not subject to review.

(10) The partial or total closure of a health care facility with which a capital expenditure is associated.

(11) (A) An obligation for a capital expenditure incurred by or on behalf of a health care facility in excess of the expenditure minimum; or

(B) An obligation for a capital expenditure incurred by a person to acquire a health care facility.

(12) An obligation for a capital expenditure is considered to be incurred by or on behalf of a health care facility:

(A) When a valid contract is entered into by or on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset;

(B) When the health care facility takes formal action to commit its own funds for a construction project undertaken by the health care facility as its own contractor; or

(C) When donated property, on the date on which the gift is completed under state law.

(13) A substantial change to the bed capacity of a health care facility with which a capital expenditure is associated.

(14) The addition of ventilator services by a hospital.

(15) The elimination of health services previously offered on a regular basis by or on behalf of a health care facility which is associated with a capital expenditure.

(16) (A) A substantial change to the bed capacity or health services offered by or on behalf of a health care facility, whether or not the change is associated with a proposed capital expenditure;

(B) If the change is associated with a previous capital expenditure for which a certificate of need was issued; and

(C) If the change will occur within two years after the date the activity which was associated with the previously approved capital expenditure was undertaken.

(17) The acquisition of major medical equipment.

(18) A substantial change in an approved health service for which a certificate of need is in effect.

(19) Constructing, developing, acquiring, or establishing a birthing center;

(20) Providing radiation therapy;

(21) Providing computed tomography;

(22) Providing positron emission tomography;

(23) Providing comprehensive medical rehabilitation;

(24) The development, establishment, acquisition, or renovation of kidney disease treatment center located in a hospital is not subject to review;

(25) Providing megavoltage radiation therapy;

(26) Providing surgical services;

(27) Establishing operating rooms;

(28) Adding acute care beds;

(29) Providing organ and tissue transplants;

(30) Providing inpatient services;

(31) Providing cardiac surgery; and

(32) Providing cardiac catheterization services.

§16-2D-11. Exemptions from Certificate of Need which require the submission of information to the authority.

(a) To obtain an exemption under this section a person shall:

(1) File an exemption application; and

(2) Provide a statement detailing which exemption applies and the circumstances justifying the exemption.

(b) Notwithstanding §16-2D-8 and §16-2D-10 and except as provided in §16-2D-9 of this code, the Legislature finds that a need exists, and these health services are exempt from the certificate of need process:

~~(1) The acquisition and utilization of one computed tomography scanner with a purchase price up to $750,000 that is installed in a private office practice where at minimum seventy-five percent of the scans are performed on the patients of the practice. The private office practice shall obtain and maintain accreditation from the American College of Radiology prior to, and at all times during, the offering of this service. The authority may at any time request from the private office practice information relating to the number of patients who have been provided scans and proof of active and continuous accreditation from the American College of Radiology. If a physician owns or operates a private office practice in more than one location, this exemption shall only apply to the physician's primary place of business and if a physician wants to expand the offering of this service to include more than one computed topography scanner, he or she shall be required to obtain a certificate of need prior to expanding this service. All current certificates of need issued for computed tomography services, with a required percentage threshold of scans to be performed on patients of the practice in excess of seventy-five percent, shall be reduced to seventy five percent: *Provided,* That these limitations on the exemption for a private office practice with more than one location shall not apply to a private office~~

~~practice with more than twenty locations in the state on April 8, 2017.~~

~~(2) (A) A birthing center established by a nonprofit primary care center that has a community board and provides primary care services to people in their community without regard to ability to pay; or~~

~~(B) A birthing center established by a nonprofit hospital with less than one hundred licensed acute care beds.~~

~~(i) To qualify for this exemption, an applicant shall be located in an area that is underserved with respect to low-risk obstetrical services; and~~

~~(ii) Provide a proposed health service area.~~

~~(3) (A) A health care facility acquiring major medical equipment, adding health services or obligating a capital expenditure to be used solely for research;~~

~~(B) To qualify for this exemption, the health care facility shall show that the acquisition, offering or obligation will not:~~

~~(i) Affect the charges of the facility for the provision of medical or other patient care services other than the services which are included in the research;~~

~~(ii) Result in a substantial change to the bed capacity of the facility; or~~

~~(iii) Result in a substantial change to the health services of the facility.~~

~~(C) For purposes of this subdivision, the term "solely for research" includes patient care provided on an occasional and irregular basis and not as part of a research program;~~

~~(4) The obligation of a capital expenditure to acquire, either by purchase, lease or comparable arrangement, the real property, equipment or operations of a skilled nursing facility: *Provided,* That a skilled nursing facility developed pursuant to subdivision~~

~~(17) of this section and subsequently acquired pursuant to this subdivision may not transfer or sell any of the skilled nursing home beds of the acquired skilled nursing facility until the skilled nursing facility has been in operation for at least ten years.~~

~~(5) Shared health services between two or more hospitals licensed in West Virginia providing health services made available through existing technology that can reasonably be mobile. This exemption does not include providing mobile cardiac catheterization~~

~~(6)~~ (1) The acquisition, development or establishment of a certified interoperable electronic health record or electronic medical record system;

~~(7)~~ (2) The addition of forensic beds in a health care facility;

~~(8)~~ (3) A behavioral health service selected by the Department of Health and Human Resources in response to its request for application for services intended to return children currently placed in out-of-state facilities to the state or to prevent placement of children in out-of-state facilities is not subject to a certificate of need;

~~(9)~~ (4) The replacement of major medical equipment with like equipment, only if the replacement major medical equipment cost is more than the expenditure minimum;

~~(10) Renovations within a hospital, only if the renovation cost is more than the expenditure minimum. The renovations may not expand the health care facility's current square footage, incur a substantial change to the health services, or a substantial change to the bed capacity;~~

~~(11)~~ (5) Renovations to a skilled nursing facility;

~~(12) The donation of major medical equipment to replace like equipment for which a certificate of need has been issued and the replacement does not result in a substantial change to health services. This exemption does not include the donation of major~~

~~medical equipment made to a health care facility by a related organization~~

~~(13)~~ (6) A person providing specialized foster care personal care services to one individual and those services are delivered in the provider's home;

~~(14) A hospital converting the use of beds except a hospital may not convert a bed to a skilled nursing home bed and conversion of beds may not result in a substantial change to health services provided by the hospital~~

~~(15)~~ (7) The construction, renovation, maintenance, or operation of a state owned veterans skilled nursing facilities established pursuant to ~~the provisions of~~ §16-1B-1 *et seq.* of this code;

~~(16) To develop and operate a skilled nursing facility with no more than thirty six beds in a county that currently is without a skilled nursing facility~~

~~(17)~~ (8) A critical access hospital, designated by the state as a critical access hospital, after meeting all federal eligibility criteria, previously licensed as a hospital and subsequently closed, if it reopens within 10 years of its closure;

~~(18)~~ (9) The establishing of a heath care facility or offering of health services for children under one year of age suffering from Neonatal Abstinence Syndrome;

~~(19)~~ (10) The construction, development, acquisition or other establishment of community mental health and intellectual disability facility;

~~(20)~~ (11) Providing behavioral health facilities and services;

~~(21)~~ (12) The construction, development, acquisition, or other establishment of kidney disease treatment centers, including freestanding hemodialysis units but only to a medically underserved population;

~~(22)~~ (13) The transfer, purchase or sale of intermediate care or skilled nursing beds from a skilled nursing facility or a skilled nursing unit of an acute care hospital to a skilled nursing facility providing intermediate care and skilled nursing services. The Department of Health and Human Resources may not create a policy which limits the transfer, purchase or sale of intermediate care or skilled nursing beds from a skilled nursing facility or a skilled nursing unit of an acute care hospital. The transferred beds shall retain the same certification status that existed at the nursing home or hospital skilled nursing unit from which they were acquired. If construction is required to place the transferred beds into the acquiring nursing home, the acquiring nursing home has one year from the date of purchase to commence construction;

~~(23) The construction, development, acquisition or other establishment by a health care facility of a nonhealth related project, only if the nonhealth related project cost is more than the expenditure minimum;~~

~~(24)~~ (14) The construction, development, acquisition or other establishment of an alcohol or drug treatment facility and drug and alcohol treatment services unless the construction, development, acquisition, or other establishment is an opioid treatment facility or programs as set forth in §16-2D-9 (4) of this code;

~~(25)~~ (15) Assisted living facilities and services; and

~~(26)~~ (16) The creation, construction, acquisition, or expansion of a community-based nonprofit organization with a community board that provides or will provide primary care services to people without regard to ability to pay and receives approval from the Health Resources and Services Administration. ~~and~~

~~(27) The acquisition and utilization of one computed tomography scanner and/or one magnetic resonance imaging scanner with a purchase price of up to $750,000 by a hospital.~~

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

The yeas and nays having been ordered, they were taken **(Roll No. 212)**, and there were—yeas 38, nays 59, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Barnhart, Barrett, Clark, Conley, Cooper, Crouse, Dean, Ellington, Espinosa, Fast, Ferrell, Forsht, Foster, Gearheart, Graves, Hamrick, Hardy, Horst, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Kessinger, Kimble, Kimes, Linville, Longanacre, Mallow, Mazzocchi, Miller, Paynter, Pritt, Rowan, Summers, Sypolt, Tully and Hanshaw (Mr. Speaker).

Absent and Not Voting: Evans, McGeehan and Thompson.

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

Delegates Summers, Tully, Dean, and J. Jefferies moved to amend the bill on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-8. Proposed health services that require a certificate of need.

(a) Except as provided in §16-2D-9 §16-2D-10, and §16-2D-11-of this code, the following proposed health services may not be acquired, <u>expanded,</u> offered, or developed within this state except upon approval of and receipt of a certificate of need as provided by this article:

(1) The construction, development, acquisition, or other establishment of a health care facility;

(2) The partial or total closure of a health care facility with which a capital expenditure is associated;

(3) (A) An obligation for a capital expenditure incurred by or on behalf of a health care facility in excess of the expenditure minimum; or

(B) An obligation for a capital expenditure incurred by a person to acquire a health care facility.

(4) An obligation for a capital expenditure is considered to be incurred by or on behalf of a health care facility:

(A) When a valid contract is entered into by or on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset;

(B) When the health care facility takes formal action to commit its own funds for a construction project undertaken by the health care facility as its own contractor; or

(C) In the case of donated property, on the date on which the gift is completed under state law.

~~(5) A substantial change to the bed capacity of a health care facility with which a capital expenditure is associated;~~

~~(6)~~ ~~The addition of ventilator services by a hospital;~~

~~(7)~~ (5) The elimination of health services previously offered on a regular basis by or on behalf of a health care facility which is associated with a capital expenditure;

~~(8) (A) A substantial change to the bed capacity or health services offered by or on behalf of a health care facility, whether or not the change is associated with a proposed capital expenditure;~~

~~(B) If the change is associated with a previous capital expenditure for which a certificate of need was issued; and~~

~~(C) If the change will occur within two years after the date the activity which was associated with the previously approved capital expenditure was undertaken.~~

~~(9)~~ (6) The acquisition of major medical equipment; and

~~(10) A substantial change in an approved health service for which a certificate of need is in effect;~~

~~(11)~~ (7) An expansion of the service area for hospice or home health agency regardless of the time period in which the expansion is contemplated or made. ~~and~~

~~(12) The addition of health services offered by or on behalf of a health care facility which were not offered on a regular basis by or on behalf of the health care facility within the 12-month period prior to the time the services would be offered.~~

(b) The following health services are required to obtain a certificate of need regardless of the minimum expenditure:

~~(1) Constructing, developing, acquiring, or establishing a birthing center;~~

~~(2)~~ (1) Providing radiation therapy;

~~(3)~~ (2) Providing computed tomography;

~~(4)~~ (3) Providing positron emission tomography;

~~(5)~~ (4) Providing cardiac surgery;

~~(6)~~ (5) Providing fixed magnetic resonance imaging;

~~(7)~~ (6) Providing comprehensive medical rehabilitation;

~~(8)~~ (7) Establishing an ambulatory care center;

~~(9)~~ (8) Establishing an ambulatory surgical center;

~~(10)~~ (9) Providing diagnostic imaging;

~~(11)~~ (10) Providing cardiac catheterization services;

~~(12)~~ (11) Constructing, developing, acquiring, or establishing kidney disease treatment centers, including freestanding hemodialysis units;

~~(13)~~ (12) Providing megavoltage radiation therapy;

~~(14) Providing surgical services;~~

~~(15) Establishing operating rooms;~~

~~(16)~~ (13) Adding acute care beds;

~~(17)~~ (14) Providing intellectual developmental disabilities services;

~~(18)~~ (15) Providing organ and tissue transplants;

~~(19)~~ (16) Establishing an intermediate care facility for individuals with intellectual disabilities;

~~(20) Providing inpatient services;~~

~~(21)~~ (17) Providing hospice services;

~~(22)~~ (18) Establishing a home health agency; and

~~(23)~~ (19) Providing personal care services. ~~and~~

~~(24)~~ (20) (A) Establishing no more than six four-bed transitional intermediate care facilities: *Provided*, That none of the four-bed sites shall be within five miles of another or adjacent to another behavioral health facility. This subdivision terminates upon the approval of the sixth four-bed intermediate care facility.

(B) Only individuals living in more restrictive institutional settings, in similar settings covered by state-only dollars, or at risk of being institutionalized will be given the choice to move, and they will be placed on the Individuals with Intellectual and Developmental Disabilities (IDD) Waiver Managed Enrollment List. Individuals already on the IDD Waiver Managed Enrollment List who live in a hospital or are in an out-of-state placement will continue to progress toward home- and community-based waiver status and will also be considered for all other community-based options, including, but not limited to, specialized family care and personal care.

(C) The department shall work to find the most integrated placement based upon an individualized assessment. Individuals already on the IDD waiver will not be considered for placement in the 24 new intermediate care beds.

(D) A monitoring committee of not more than 10 members, including a designee of Mountain State Justice, a designee of Disability Rights of West Virginia, a designee of the Statewide Independent Living Council, two members or family of members of the IDD waiver, the Developmental Disabilities Council, the Commissioner of the Bureau of Health and Health Facilities, the Commissioner of the Bureau for Medical Services, and the Commissioner of the Bureau for Children and Families. The secretary of the department shall chair the first meeting of the committee at which time the members shall elect a chairperson. The monitoring committee shall provide guidance on the department's transitional plans for residents in the 24 intermediate care facility beds and monitor progress toward home- and community-based waiver status and/or utilizing other community-based options and securing the most integrated setting for each individual.

(E) Any savings resulting from individuals moving from more expensive institutional care or out-of-state placements shall be reinvested into home- and community-based services for individuals with intellectual developmental disabilities.

(c) A certificate of need previously approved under this article remains in effect unless revoked by the authority.

§16-2D-10. Exemptions from certificate of need.

Notwithstanding §16-2D-8, a person may provide the following health services without obtaining a certificate of need or applying to the authority for approval.

(1) The creation of a private office of one or more licensed health professionals to practice in this state pursuant to chapter thirty of this code;

(2) Dispensaries and first-aid stations located within business or industrial establishments maintained solely for the use of employees that does not contain inpatient or resident beds for patients or employees who generally remain in the facility for more than twenty-four hours;

(3) A place that provides remedial care or treatment of residents or patients conducted only for those who rely solely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination;

(4) Telehealth;

(5) A facility owned or operated by one or more health professionals authorized or organized pursuant to chapter thirty or ambulatory health care facility which offers laboratory services or diagnostic imaging to patients regardless of the cost associated with the proposal. To qualify for this exemption seventy-five percent of the laboratory services are for the patients of the practice or ambulatory health care facility of the total laboratory services performed and seventy-five percent of diagnostic imaging services are for the patients of the practice or ambulatory health care facility of the total imaging services performed. The authority may, at any time, request from the entity information concerning the number of patients who have been provided laboratory services or diagnostic imaging;

(6) (A) Notwithstanding the provisions of section seventeen of this article, any hospital that holds a valid certificate of need issued pursuant to this article, may transfer that certificate of need to a person purchasing that hospital, or all or substantially all of its assets, if the hospital is financially distressed. A hospital is financially distressed if, at the time of its purchase:

(i) It has filed a petition for voluntary bankruptcy;

(ii) It has been the subject of an involuntary petition for bankruptcy;

(iii) It is in receivership;

(iv) It is operating under a forbearance agreement with one or more of its major creditors;

(v) It is in default of its obligations to pay one or more of its major creditors and is in violation of the material, substantive terms of its debt instruments with one or more of its major creditors; or

(vi) It is insolvent: evidenced by balance sheet insolvency and/or the inability to pay its debts as they come due in the ordinary course of business.

(B) A financially distressed hospital which is being purchased pursuant to the provisions of this subsection shall give notice to the authority of the sale thirty days prior to the closing of the transaction and shall file simultaneous with that notice evidence of its financial status. The financial status or distressed condition of a hospital shall be evidenced by the filing of any of the following:

(i) A copy of a forbearance agreement;

(ii) A copy of a petition for voluntary or involuntary bankruptcy;

(iii) Written evidence of receivership, or

(iv) Documentation establishing the requirements of subparagraph (v) or (vi), paragraph (A) of this subdivision. The names of creditors may be redacted by the filing party.

(C) Any substantial change to the capacity of services offered in that hospital made subsequent to that transaction would remain subject to the requirements for the issuance of a certificate of need as otherwise set forth in this article.

(D) Any person purchasing a financially distressed hospital, or all or substantially all of its assets, that has applied for a certificate of need after January 1, 2017, shall qualify for an exemption from certificate of need;

(7) The acquisition by a qualified hospital which is party to an approved cooperative agreement as provided in §16-29B-28 of this code, of a hospital located within a distance of twenty highway miles of the main campus of the qualified hospital; ~~and~~

(8) The acquisition by a hospital of a physician practice group which owns an ambulatory surgical center as defined in this article;

(9) A substantial change in an approved health service for which a certificate of need is in effect;

(10) The addition of health services offered by or on behalf of a health care facility which were not offered on a regular basis by or on behalf of the health care facility within the 12-month period prior to the time the services would be offered.

(11) Constructing, developing, acquiring, or establishing a birthing center;

(12) Providing surgical services;

(13) Establishing operating rooms;

(14) The addition of ventilator services by a hospital; and

(15) Providing inpatient services.

§16-2D-11. Exemptions from Certificate of Need which require the submission of information to the authority.

(a) To obtain an exemption under this section a person shall:

(1) File an exemption application; and

(2) Provide a statement detailing which exemption applies and the circumstances justifying the exemption.

(b) Notwithstanding section eight and ten and except as provided in section nine of this article, the Legislature finds that a need exists and these health services are exempt from the certificate of need process:

(1) The acquisition and utilization of one computed tomography scanner with a purchase price up to $750,000 that is installed in a private office practice where at minimum seventy-five percent of the scans are performed on the patients of the practice. The private office practice shall obtain and maintain accreditation from the American College of Radiology prior to, and at all times during, the offering of this service. The authority may at any time request from the private office practice information

relating to the number of patients who have been provided scans and proof of active and continuous accreditation from the American College of Radiology. If a physician owns or operates a private office practice in more than one location, this exemption shall only apply to the physician's primary place of business and if a physician wants to expand the offering of this service to include more than one computed topography scanner, he or she shall be required to obtain a certificate of need prior to expanding this service. All current certificates of need issued for computed tomography services, with a required percentage threshold of scans to be performed on patients of the practice in excess of seventy-five percent, shall be reduced to seventy-five percent: *Provided,* That these limitations on the exemption for a private office practice with more than one location shall not apply to a private office practice with more than twenty locations in the state on April 8, 2017.

(2) ~~(A) A birthing center established by a nonprofit primary care center that has a community board and provides primary care services to people in their community without regard to ability to pay; or~~

~~(B) A birthing center established by a nonprofit hospital with less than one hundred licensed acute care beds.~~

~~(i) To qualify for this exemption, an applicant shall be located in an area that is underserved with respect to low-risk obstetrical services; and~~

~~(ii) Provide a proposed health service area.~~

~~(3)~~ (A) A health care facility acquiring major medical equipment, adding health services or obligating a capital expenditure to be used solely for research;

(B) To qualify for this exemption, the health care facility shall show that the acquisition, offering or obligation will not:

(i) Affect the charges of the facility for the provision of medical or other patient care services other than the services which are included in the research;

(ii) Result in a substantial change to the bed capacity of the facility; or

(iii) Result in a substantial change to the health services of the facility.

(C) For purposes of this subdivision, the term "solely for research" includes patient care provided on an occasional and irregular basis and not as part of a research program;

~~(4)~~ (3) The obligation of a capital expenditure to acquire, either by purchase, lease or comparable arrangement, the real property, equipment or operations of a skilled nursing facility: *Provided,* That a skilled nursing facility developed pursuant to subdivision (17) of this section and subsequently acquired pursuant to this subdivision may not transfer or sell any of the skilled nursing home beds of the acquired skilled nursing facility until the skilled nursing facility has been in operation for at least ten years.

~~(5)~~ (4) Shared health services between two or more hospitals licensed in West Virginia providing health services made available through existing technology that can reasonably be mobile. This exemption does not include providing mobile cardiac catheterization;

~~(6)~~ (5) The acquisition, development or establishment of a certified interoperable electronic health record or electronic medical record system;

~~(7)~~ (6) The addition of forensic beds in a health care facility;

~~(8)~~ (7) A behavioral health service selected by the Department of Health and Human Resources in response to its request for application for services intended to return children currently placed in out-of-state facilities to the state or to prevent placement of children in out-of-state facilities is not subject to a certificate of need;

~~(9)~~ (8) The replacement of major medical equipment with like equipment, only if the replacement major medical equipment cost is more than the expenditure minimum;

~~(10)~~ (9) Renovations within a hospital, only if the renovation cost is more than the expenditure minimum. The renovations may not expand the health care facility's current square footage, incur a substantial change to the health services, or a substantial change to the bed capacity;

~~(11)~~ (10) Renovations to a skilled nursing facility;

~~(12)~~ (11) The donation of major medical equipment to replace like equipment for which a certificate of need has been issued and the replacement does not result in a substantial change to health services. This exemption does not include the donation of major medical equipment made to a health care facility by a related organization;

~~(13)~~ (12) A person providing specialized foster care personal care services to one individual and those services are delivered in the provider's home;

~~(14)~~ (13) A hospital converting the use of beds except a hospital may not convert a bed to a skilled nursing home bed and conversion of beds may not result in a substantial change to health services provided by the hospital;

~~(15)~~ (14) The construction, renovation, maintenance or operation of a state owned veterans skilled nursing facilities established pursuant to the provisions of article one-b of this chapter;

~~(16)~~ (15) To develop and operate a skilled nursing facility with no more than thirty-six beds in a county that currently is without a skilled nursing facility;

~~(17)~~ (16) A critical access hospital, designated by the state as a critical access hospital, after meeting all federal eligibility criteria, previously licensed as a hospital and subsequently closed, if it reopens within ten years of its closure;

~~(18)~~ (17) The establishing of a heath care facility or offering of health services for children under one year of age suffering from Neonatal Abstinence Syndrome;

~~(19)~~ (18) The construction, development, acquisition or other establishment of community mental health and intellectual disability facility;

~~(20)~~ (19) Providing behavioral health facilities and services;

~~(21)~~ (20) The construction, development, acquisition or other establishment of kidney disease treatment centers, including freestanding hemodialysis units but only to a medically underserved population;

~~(22)~~ (21) The transfer, purchase or sale of intermediate care or skilled nursing beds from a skilled nursing facility or a skilled nursing unit of an acute care hospital to a skilled nursing facility providing intermediate care and skilled nursing services. The Department of Health and Human Resources may not create a policy which limits the transfer, purchase or sale of intermediate care or skilled nursing beds from a skilled nursing facility or a skilled nursing unit of an acute care hospital. The transferred beds shall retain the same certification status that existed at the nursing home or hospital skilled nursing unit from which they were acquired. If construction is required to place the transferred beds into the acquiring nursing home, the acquiring nursing home has one year from the date of purchase to commence construction;

~~(23)~~ (22) The construction, development, acquisition or other establishment by a health care facility of a nonhealth related project, only if the nonhealth related project cost is more than the expenditure minimum;

~~(24)~~ (23) The construction, development, acquisition or other establishment of an alcohol or drug treatment facility and drug and alcohol treatment services unless the construction, development, acquisition or other establishment is an opioid treatment facility or programs as set forth in subdivision (4) of section nine of this article;

~~(25)~~ (24) Assisted living facilities and services;

~~(26)~~ (25) The creation, construction, acquisition or expansion of a community-based nonprofit organization with a community

board that provides or will provide primary care services to people without regard to ability to pay and receives approval from the Health Resources and Services Administration; and

~~(27)~~ (26) The acquisition and utilization of one computed tomography scanner and/or one magnetic resonance imaging scanner with a purchase price of up to $750,000 by a hospital."

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

The yeas and nays having been ordered, they were taken **(Roll No. 213)**, and there were—yeas 37, nays 60, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Barnhart, Barrett, Clark, Conley, Cooper, Crouse, Dean, Espinosa, Fast, Ferrell, Forsht, Foster, Gearheart, Graves, Hamrick, Hardy, Horst, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Kessinger, Kimble, Kimes, Linville, Longanacre, Mallow, Mazzocchi, Miller, Paynter, Pritt, Rowan, Summers, Sypolt, Tully and Hanshaw (Mr. Speaker).

Absent and Not Voting: Evans, McGeehan and Thompson.

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4667, Prohibition on county, city, or municipality restrictions on advanced air mobility aircraft; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4668, Relating to air bag fraud; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4691, Provide a 45 day waiting period before a water and sewer rate increase may go into effect for any locally rate regulated municipality; on second reading, coming up

in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4758, Relating to developing and maintaining a database to track reclamation liabilities in the West Virginia Department of Environmental Protection Special Reclamation Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4761, Authorizing the Secretary of the Department of Health and Human Resources to develop a submission procedures manual and adopt the same as a procedural rule; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4768, Relating to change hearing location and customer notice provisions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4769, Eliminate the requirement to send recommended decisions by certified mail; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4785, Relating to judicial vacancies; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4797, To create an EV Infrastructure Deployment Plan for West Virginia that describes how our state intends to use its share of NEVI Formula Program funds.; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Toney, the bill was amended on page 1, section 1, line 1, by deleting everything after the enacting clause and inserting in lieu thereof the following:

"**ARTICLE 30. ELECTRIC VEHICLE ECONOMIC DEVELOPMENT PLAN.**

§17-30-1. Department of Transportation to develop electric vehicle plan.

The Department of Transportation shall create an Electric Vehicle Infrastructure Development Plan for West Virginia that describes how our state intends to use its share of NEVI Formula Program funds. The plan shall take a wholistic approach, considering the future charging infrastructure needs of school systems, public transportation, counties and municipalities, and other public and private users. The Department shall share this plan and report with the interim Joint Committee of Government and Finance by July 1, 2022."

The bill was then ordered to engrossment and third 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. 4491, To establish requirements for carbon dioxide sequestration,

H. B. 4627, To provide for no more than two licensed laboratories for medical cannabis testing in this state,

And,

Com. Sub. for H. B. 4712, Require the prompt enrollment in payment plans for costs, fines, forfeitures, restitution, or penalties in circuit court and magistrate court.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. R. 15, Amend House Rules 94 and 94b to allow unlimited joint sponsors and requests to be made through the delegate console,

And reports the same back with the recommendation that it be rejected.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 81, U.S. Army Chief Warrant Officer Milford Arnold Cunningham Memorial Bridge,

H. C. R. 83, U.S. Army SGT Charles L. Toppings Memorial Road,

H. C. R. 84, U. S. Navy, Water Tender 3rd Class, V-6, Lewis Glenn Mills Memorial Boulevard,

And,

H. C. R. 87, Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection,

And reports the same back with the recommendation that they each be adopted.

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 4264, Change designation of Glenville State College to "Glenville State University".

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Evans and Thompson.

Miscellaneous Business

During the X Order of Business, Delegate Hamrick asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4345, Com. Sub. for H. B. 4566 and Com. Sub. for H. B. 4797.

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2845: Delegate B. Ward;

H. B. 4510: Delegate Statler;

H. B. 4662: Delegate Dean;

H. B. 4678: Delegate Dean;

H. B. 4736: Delegate B. Ward;

H. B. 4792: Delegate Dean;

And,

H. B. 4827: Delegates Hamrick, Riley and B. Ward.

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. 4419: Delegate Kimble.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegates Espinosa and Kimble regarding H. J. R. 102

At 3:34 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 23, 2022.

Wednesday, February 23, 2022

FORTY-THIRD DAY

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

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

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

The Clerk proceeded to read the Journal of Tuesday, February 22, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. C. R. 42 on Unfinished Business, Special Calendar, had been transferred to the House Calendar; Com. Sub. for H. B. 4691 and H. B. 4761 on Third Reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for H. B. 4731 on First Reading, Special Calendar, had been transferred to the House Calendar; and H. B. 4462 on Third Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

Delegate Steele, 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. 4408, Relating to contracts for construction of recreational facilities in state parks and forests,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4408 - "A Bill to amend and reenact §20-5-15 and §20-5-16 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Natural Resource to enter into certain contracts,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 4612, Decreasing the time period of eligibility for nonduty disability from ten to five or more years of service for Municipal Police Officers and Firefighters Retirement,

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

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

Your Committee on Finance has had under consideration:

H. B. 4473, To provide certain members of the State Police with locality pay to offset the high cost of living in certain counties,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4473 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to authorizing the superintendent of the State Police to offer locality pay to members stationed in certain counties,"

H. B. 4540, To update all retirement plans to comport with federal law,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4540 - "A Bill to amend and reenact §5-10-2, §5-10-27b and §5-10-44 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-2, §7-14D-7a and §7-14D-9b; to amend and reenact §8-22A-2, §8-22A-8a and §8-22A-11; to amend and reenact §15-2-25b, §15-2-45 and §15-2-54; to amend and reenact §15-2A-2, §15-2A-6b and §15-2A-23; to amend and reenact §16-5V-2, §16-5V-8a and §16-5V-13; to amend and reenact §18-7A-3, §18-7A-14c and §18-7A-28b; to amend and reenact §18-7B-2, §18-7B-12a and §18-7B-21; to amend and reenact §20-18-2, §20-18-9 and §20-18-14; and to amend and reenact §51-9-1a, §51-9-12b and §51-9-18, all relating to updating provisions of the retirement and pension benefits of the West Virginia Public Employees Retirement System, the Deputy Sheriffs' Retirement System, the Municipal Police and Firefighters Retirement System, the State Police Death, Disability and Retirement Fund, the West Virginia State Police Retirement Fund, the Emergency Medical Services Retirement System, the Teachers Retirement System, the Teachers' Defined Contribution Retirement System, the Natural Resources Police Officers Retirement System and the Judges' Retirement Fund in order to comply with federal law; changing age threshold for plan members born after June 30, 1949; clarifying provisions regarding correction of errors; and amending definitions for each retirement system named here,"

H. B. 4613, Relating to increasing the multiplier for use in determining accrued benefit in the West Virginia Municipal Police Officers and Firefighters Retirement System,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4613 - "A Bill to amend and reenact §8-22A-2 of the Code of West Virginia, 1931, as amended, relating to increasing the multiplier for use in determining accrued benefit in the West Virginia Municipal Police Officers and Firefighters Retirement System,"

H. B. 4614, Providing optional retirement service credit for unused accrued annual or sick leave days for municipal police and firefighters,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4614 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22A-13a, relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the West Virginia Municipal Police Officers and Firefighters Retirement System,"

And,

H. B. 4657, Creating the Critical Mineral Investment Tax Credit Act of 2022,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4657 - "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, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, §11-13MM-11, §11-13MM-12, §11-13MM-13, §11-13MM-14, §11-13MM-15, §11-13MM-16, §11-13MM-17, §11-13MM-18, §11-13MM-19, §11-13MM-20, and §11-13MM-21; all relating to the creation of the Rare Earth Element and Critical Mineral Investment Tax Credit Act; providing for a short title; providing legislative findings and purpose; defining terms including rare earth elements and critical minerals; providing for administration and enforcement of act; specifying an amount of credit allowable based on amount of qualified investment and the number of new jobs created for mining and processing of rare earth elements and critical minerals and manufacturing of products requiring rare earth elements and critical minerals; providing limitations and conditions for the qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for a determination and certification of the number of new jobs; providing for carry over and forfeiture of unused tax credits and redetermination of tax credits under certain circumstances;

providing certain limitations for credits being carried over; providing for full recapture and partial recapture of credit under certain circumstances and imposing a recapture tax; allowing transfer of qualified investment property without forfeiture or recapture under certain circumstances; requiring identification of qualified investment property and record keeping; providing civil penalties for failure to keep required records; providing for interpretation and construction of credit; requiring timely filing of application for credit; providing for criminal and civil penalties; specifying burden of proof; requiring periodic review and reporting; authorizing rule-making; making the credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing for severability; and specifying an effective date,"

With the recommendation that the committee substitutes each do pass.

Delegate Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 22nd day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates.

H. B. 4264, Change designation of Glenville State College to "Glenville State University".

Delegate Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 22nd day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates.

Com. Sub. for H. B. 3312, Establishing a memorial to child labor and child workers who died in the course of employment in this state.

Delegate Rohrbach, 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. 4516, To require medication-assisted treatment programs to have written policies concerning community relations,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4516 – "A Bill to amend and reenact §16-5Y-6 of the Code of West Virginia, 1931, as amended, relating to the regulation of medication-assisted treatment programs; requiring written policies; and requiring public notice,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4662, Relating to licensure of Head Start facilities in this state,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4662 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-115a, relating to licensure of Head Start facilities in this state,"

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, 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. 4660, Establishing the status of beds when an intermediate care facility for individuals with intellectual disabilities closes,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4660 – "A Bill to amend and reenact §16-2D-9, of the Code of West Virginia, 1931, as amended, relating to establishing the status of beds when an intermediate care facility for individuals with intellectual disabilities permanently closes,"

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 4048, WV Keep, Bear and Drive with Arms Act.

On motion of Delegate Summers, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"**ARTICLE 2. WILDLIFE RESOURCES.**

§20-2-5. Unlawful methods of hunting and fishing and other unlawful acts; Sunday hunting.

(a) Except as authorized by the director or by law, it is unlawful at any time for any person to:

(1) Shoot at any wild bird or wild animal unless it is plainly visible;

(2) Dig out, cut out, smoke out, or in any manner take or attempt to take any live wild animal or wild bird out of its den or place of refuge;

(3) Use or attempt to use any artificial light or any night vision technology, including image intensification, thermal imaging, or active illumination while hunting, locating, attracting, taking, trapping, or killing any wild bird or wild animal: *Provided*, That it is lawful to hunt or take coyote, fox, raccoon, opossum, or skunk by the use of artificial light or night vision technology, including image intensification, thermal imaging, or active illumination. Any person violating this subdivision is guilty of a misdemeanor and, upon conviction thereof, shall for each offense be fined not less than $100 nor more than $500, and shall be confined in jail for not less than 10 days nor more than 100 days;

(4) Hunt, take, kill, wound, harass, or shoot at wild animals or wild birds from an airplane or other airborne conveyance, a drone or other unmanned aircraft, an automobile, or other land conveyance, or from a motor-driven water conveyance;

(5) Use a drone or other unmanned aircraft to hunt, take, wound, harass, transport, or kill a wild bird or wild animal, or to use a drone or other unmanned aircraft to drive or herd any wild bird or wild animal for the purposes of hunting, trapping, or killing;

(6) Take any beaver or muskrat by any means other than a trap;

(7) Catch, capture, take, hunt, or kill by seine, net, bait, trap, or snare or like device a wild turkey, ruffed grouse, pheasant, or quail;

(8) Intentionally destroy or attempt to destroy the nest or eggs of any wild bird or have in his or her possession the nest or eggs;

(9) Carry an uncased or loaded firearm in the woods of this state or in state parks, state forests, state wildlife management areas, or state rail trails with the following permissible exceptions:

(A) A person in possession of a valid license or permit during open firearms hunting season for wild animals and nonmigratory wild birds where hunting is lawful;

(B) A person hunting or taking unprotected species of wild animals, wild birds, and migratory wild birds during the open season, in the open fields, open water, and open marshes of the state where hunting is lawful;

(C) A person carrying a firearm pursuant to §20-2-6 of this code;

(D) A person carrying a firearm for self-defense who is not prohibited from possessing firearms under state or federal law; or

(E) A person carrying a rifle or shotgun for self-defense who is not prohibited from possessing firearms under state or federal law: *Provided*, That this exception does not apply to an uncased rifle or shotgun carried specifically in state park or state forest recreational facilities and marked trails within state park or state forest borders;

~~(10) Possess a loaded rifle or shotgun, a bow with a nocked arrow, or crossbow with a nocked bolt, in or on any vehicle or conveyance, or its attachments. A rifle or shotgun with cartridges that have not been removed or a magazine that has not been detached is considered loaded. For the purposes of this section, a rifle or shotgun whose magazine readily detaches is considered unloaded if the magazine is detached and no cartridges remain in the rifle or shotgun itself;~~

~~(11) Carry any unloaded firearm, bow, or crossbow in or on any vehicle or conveyance, or its attachments, that is not in a case or taken apart and securely wrapped between 30 minutes after sunset until 30 minutes before sunrise: *Provided*, That the time periods for carrying unloaded and uncased firearms or crossbows are extended for one hour after sunset as established in this subdivision, if a person is transporting or transferring the firearms~~

~~or crossbows to or from a hunting site, campsite, home, or other abode;~~

~~(12)~~ (10) Hunt, catch, take, kill, injure, or pursue a wild animal or wild bird with the use of a ferret;

~~(13)~~ (11) Buy raw furs, pelts, or skins of fur-bearing animals unless licensed to do so;

~~(14)~~ (12) Catch, take, kill, or attempt to catch, take, or kill any fish by any means other than by rod, line, and hooks with natural or artificial lures, unless otherwise authorized by the director: *Provided*, That snaring of any species of sucker, carp, fallfish, and creek chub and catching catfish by hand are lawful if done by a holder of a valid license issued pursuant to §20-2-1 *et seq.* of this code or is exempted from licensure pursuant to §20-2-27 or §20-2-28 of this code;

~~(15)~~ (13) Employ, hire, induce, or persuade, with money, things of value, or by any means, any person to hunt, take, catch, or kill any wild animal or wild bird except those species in which there is no closed season; or to fish for, catch, take, or kill any fish, amphibian, or aquatic life that is protected by rule, or the sale of which is otherwise prohibited;

~~(16)~~ (14) Hunt, catch, take, kill, capture, pursue, transport, possess, or use any migratory game or nongame birds except as permitted by the Migratory Bird Treaty Act, 16 U.S.C. §703 *et seq*., and its regulations;

~~(17)~~ (15) Kill, take, catch, sell, transport, or have in his or her possession, living or dead, any wild bird other than a game bird, including the plumage, skin, or body of any protected bird, irrespective of whether the bird was captured in or out of this state, except the English or European sparrow (Passer domesticus), starling (Sturnus vulgaris), and cowbird (Molothrus ater), which may be killed at any time;

(~~18~~) (16) Use dynamite, explosives, or any poison in any waters of the state for the purpose of killing or taking fish. Any person violating this subdivision is guilty of a felony, and upon conviction

thereof, shall be fined not more than $500 or confined for not less than six months nor more than three years, or both fined and confined;

~~(19)~~ (17) Have a bow and gun, or have a gun and any arrow, in the fields or woods at the same time;

~~(20)~~ (18) Have a crossbow in the woods or fields, or use a crossbow to hunt ~~for~~, take, or attempt to take any wildlife except as otherwise provided in §20-2-5g and §20-2-42w of this code;

~~(21)~~ (19) Take or attempt to take turkey, bear, elk, or deer with any arrow unless the arrow is equipped with a point having at least two sharp cutting edges measuring in excess of three- fourths of an inch wide;

~~(22)~~ (20) Take or attempt to take any wildlife with an arrow having an explosive head or shaft, a poisoned arrow, or an arrow which would affect wildlife by any chemical action;

~~(23)~~ (21) Shoot an arrow across any public highway;

~~(24)~~ (22) Permit any dog owned or under his or her control to chase, pursue, or follow the tracks of any wild animal or wild bird, day or night, between May 1 and August 15: *Provided*, That dogs may be trained on wild animals and wild birds, except deer and wild turkeys, and field trials may be held or conducted on the grounds or lands of the owner, or by his or her bona fide tenant, or upon the grounds or lands of another person with his or her written permission, or on public lands at any time. Nonresidents may not train dogs in this state at any time except during the legal small game hunting season. A person training dogs may not have firearms or other implements for taking wildlife in his or her possession during the closed season on wild animals and wild birds, except a person carrying a firearm for self-defense who is not prohibited from possessing firearms under state or federal law;

~~(25)~~ (23) Conduct or participate in a trial, including a field trial, shoot-to-retrieve field trial, water race, or wild hunt: *Provided*, That any person, group of persons, club, or organization may hold a trial upon obtaining a permit pursuant to §20-2-56 of this code.

The person responsible for obtaining the permit shall prepare and keep an accurate record of the names and addresses of all persons participating in the trial and make the records readily available for inspection by any natural resources police officer upon request;

~~(26)~~ (24) Hunt, catch, take, kill, or attempt to hunt, catch, take, or kill any wild animal, wild bird, or wild fowl except during open seasons;

~~(27)~~ (25) Hunt or conduct hunts for a fee when the person is not physically present in the same location as the wildlife being hunted within West Virginia; and

~~(28)~~ (26) Catch, take, kill, or attempt to catch, take, or kill any fish by any means within 200 feet of division personnel engaged in stocking fish in public waters.

(b) Notwithstanding any ballot measure relating to Sunday hunting, it is lawful to hunt throughout the State of West Virginia on private lands on Sundays with the written consent of the private landowner pursuant to §20-2-7 of this code, and it is lawful to hunt throughout the State of West Virginia on federal land where hunting is permitted, in state forests, on land owned or leased by the state for wildlife purposes, and on land managed by the state for wildlife purposes pursuant to a cooperative agreement."

And,

By amending the title of the bill to read as follows:

H. B. 4048 – "A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to removing the criminal prohibitions against carrying loaded long guns, nocked cross bows with a nocked bolt, or bows with a nocked arrow in a motor vehicle; and removing prohibitions against carrying long guns, cross bows, or bows, that are not in a case or taken apart, in motor vehicles during evening hours."

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 214)**, and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Doyle and Rowe.

Absent and Not Voting: Fleischauer and Garcia.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4048) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4369, Update the telepsychology compact.

A message from the Senate, by
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 79, A resolution to designate February 21st as the official start day to National FFA Week in West Virginia.

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. 137 - "A Bill to amend and reenact §15-2B-6 of the Code of West Virginia, 1931, as amended, relating to requiring persons convicted of certain felonies since March 9,

1995, provide a DNA sample"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 216 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4, all relating to the creation of the Student Journalist Press Freedom Protection Act; making legislative findings; defining terms; requiring that public colleges and universities allow for the free expression of student journalists in school sponsored media; providing a framework and parameters for free expression; allowing for civil actions in the event that a student journalist's rights are violated; specifying the judicial relief available in an appeal; and clarifying that provisions of the article do not apply to students and private colleges or universities"; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 486 - "A Bill to amend and reenact §5-10-2 and §5-10-24 of the Code of West Virginia, 1931, as amended, all relating to irrevocable special needs trusts; allowing retirees in the Public Employees Retirement System to designate an irrevocable special needs trust as beneficiary; defining terms; and providing for substitution of irrevocable special needs trust as beneficiary post retirement in certain circumstances"; which was referred to the Committee on the Judiciary then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 523 - "A Bill to repeal §12-7-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §12-7-2, §12-7-3, §12-7-4, §12-7-5, §12-7-6, §12-7-7, §12-7-9, and §12-7-12 of said code; to amend and reenact §31-15-6 of said code; and to amend and reenact §31-18-20c of said code, all relating to management and control of Jobs Investment Trust to be vested in the West Virginia Economic Development Authority; and terminating the Jobs Investment Trust Board"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 535 - "A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating to revocation of school personnel certification; authorizing the state superintendent to automatically suspend certificates held by a teacher or other certificate holder upon charge or indictment for certain offenses or filing of a petition alleging child abuse; providing for reinstatement of automatically suspended certificate in certain circumstances; extending automatic revocation provisions to certain certificate holders; clarifying that certain revocation provisions are triggered by guilty plea or conviction; providing for automatic revocation of a certificate upon adjudication by a court of competent jurisdiction that a teacher or certificate holder has committed abuse of a child; and providing for reinstatement of automatically revoked certificate when adjudication of abuse of a child is overturned by the Supreme Court of Appeals of West Virginia"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 548 - "A Bill to amend and reenact §21A-10-11 of the Code of West Virginia, 1931, as amended, relating to authorizing

WorkForce West Virginia to obtain information regarding employment classifications and work locations from employers"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 585 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-11c, relating to administrative licenses; and granting rule-making authority related thereto"; which was referred to the Committee on Health and Human Resources.

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. 597 - "A Bill to amend and reenact §24C-1-2 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission underground facilities damage prevention and one-call system; and clarifying the definition of 'excavate' or 'excavation'"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 624 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2022, organization 0506, by supplementing and amending the

appropriations for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 625 - "A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 626 - "A Bill supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles, fund 9007, fiscal year 2022, organization 0802, for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 627 - "A Bill supplementing, amending, and increasing an existing item of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803, for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 634 - "A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 641 - "A Bill to amend and reenact §7-14D-7 of the Code of West Virginia, 1931, as amended, relating to deputy sheriff retirement; allowing the Consolidated Public Retirement Board to set county commission contribution levels; requiring the level to be set actuarily; and providing an effective date"; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

S. B. 669 - "A Bill to amend and reenact §5-10-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-9-5 of said code, all relating to a change in the contribution levels of every person who is serving or shall hereafter serve as a judge of any court of record of this state and who elects to participate in this retirement system, on or after July 1, 2023, to no less than three percent and no more than 10 percent of the

participant's annual compensation"; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

S. B. 670 - "A Bill to amend and reenact §16-5V-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5V-6 of said code; and to amend and reenact §16-5V-31 of said code, all relating to the inclusion of newly hired 911 personnel as members of the Emergency Medical Services Retirement System"; which was referred to the Committee on Pensions and Retirement then Finance.

Resolutions Introduced

Delegate Bates offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 89 - "Requesting the Division of Highways name Bridge Numbers 41-077/00-040.83 (NB & SB) (41A221, 41A228), (37.74329, -81.20788) locally known as I-77 OVER PINEY CR (NB & SB), carrying IS 77 over PINEY CREEK and CSX RR in Raleigh County, the 'Hajash Brothers Memorial Bridge'."

Whereas, The Hajash Brothers were born to lstvoiny (Steve Sr.) and Rosalia Tajti Hajash, Hungarian Immigrants who migrated to the United States in 1914 after Steve Sr. had come to the United States in 1908 and again in 1912 to work in the coal mines for U.S. Steel. They began their new life around the Gary area of McDowell County, W.Va., with the first born son, Joachim, who was born in Matra-Mindazent Hungary in 1912. One by one they began having children Steve Jr. 1914, John 1917, Nick 1919, George 1920, Andy 1921, Martin 1924. All of the children were born at Elbert, McDowell County except for Joachim, born in Hungary and Andy, who was born at Whipple, Fayette County, W.Va. They lived there

until they moved to Glen Morgan in Raleigh County in 1933. Then they moved to Larew Ave. In East Beckley in 1937; and

Whereas, When WWII began, the seven brothers began enlisting into various branches of the United States Military; and

Whereas, Joachim Hajash was a Private, US Army; and

Whereas, Steve Hajash Jr. was a Seaman First Class, US Coast Guard; and

Whereas, John Hajash was a Corporal, US Army Air Corps; and

Whereas, Nick Hajash was a Sergeant, US Army, and

Whereas, George Hajash was a Private, US Army, and

Whereas, Andy Hajash was a Sergeant, US Army; and

Whereas, Martin Hajash was a Petty Officer 3rd Class US Navy; and

Whereas, All of the brothers returned home to West Virginia when the war was over. Most of them started families and branched off into the everyday workforce. Andy, Martin, and Nick worked for Biggs-Johnston-Withrow Commercial Printers and Publishers. Andy eventually moved to Waycross, Georgia, and then to Clearwater, Florida, where he worked in the printing industry, then for the U.S. Postal Service, where he later retired. He passed away in 2017. Nick went to work for Beckley Newspapers, where he later retired. He passed away in 2007. Martin remained at BJW for 41 years and retired as a composing room foreman. He passed away in 1992. George worked various jobs and eventually went to work for the U.S. Postal Service, where he later retired. He passed away in 2012. Joachim worked for Columbia Gas, WOAY TV and was a photographer. He passed away in 1991. Steve Jr. Moved to Camden, New Jersey, and started a family there. He and his wife returned home to West Virginia after retirement from the shipyards. He passed away in 2008. John went back into the coal

mines for the New River Co. at Stanford #2 where he was killed in a roof fall in 1963; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Hajash Brothers and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Numbers 41-077/00-040.83 (NB & SB) (41A221, 41A228), (37.74329, -81.20788) locally known as I-77 OVER PINEY CR (NB & SB), carrying IS 77 over PINEY CREEK and CSX RR in Raleigh County the "Hajash Brothers Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Hajash Brothers Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Special Calendar

Unfinished Business

H. R. 12, Supporting the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan); coming up in regular order, as unfinished business, was reported by the Clerk.

On the question of the 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. 215)**, and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. R. 12) adopted.

H. R. 15, Amend House Rules 94 and 94b to allow unlimited joint sponsors and requests to be made through the delegate console; coming up in regular order, as unfinished business, was reported by the Clerk.

On motion of Delegate Summers, the resolution was postponed one day.

The following resolutions, coming up in regular order as unfinished business, were, in the absence of objection, considered en bloc, and adopted:

H. C. R. 81, U.S. Army Chief Warrant Officer Milford Arnold Cunningham Memorial Bridge,

H. C. R. 83, U.S. Army SGT Charles L. Toppings Memorial Road,

H. C. R. 84, U. S. Navy, Water Tender 3rd Class, V-6, Lewis Glenn Mills Memorial Boulevard,

And,

H. C. R. 87, Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection.

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

Third Reading

H. B. 3082, Stabilizing funding sources for the DEP Division of Air Quality; 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. 216)**, and there were—yeas 76, nays 24, absent and not voting none, with the nays being as follows:

Nays: Bridges, Foster, Graves, Haynes, Holstein, Horst, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, Kessinger, Kimble, Kimes, Longanacre, Martin, Mazzocchi, McGeehan, Paynter, Pinson, Pritt, Steele, Summers and B. Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3082) passed.

An amendment to the title of the bill, recommended by the Committee on Finance and sponsored by Delegate Householder, was adopted, amending the title to read as follows:

H. B. 3082 – "A Bill to amend and reenact §22-5-2 and §22-5-4 of the Code of West Virginia, 1931, as amended, relating to air pollution control; providing the West Virginia Department of Environmental Protection, Division of Air Quality, the authority to invest and reinvest funds held in the Air Pollution Control Fund and the Air Pollution Education and Environment Fund and to receive interest thereon from lawful investments of public funds to offset decreasing permit fee collections; providing that at the end of each fiscal year, unexpended balances, including accrued interest, shall not be transferred or redesignated to other accounts or the General Revenue Fund, but shall remain in the two funds for expenditure by the West Virginia Department of Environmental Protection, Division of Air Quality, in furtherance of its mission; and updating code language with technical corrections."

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

Com. Sub. for H. B. 4344, Relating to foster care; 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. 217)**, and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Gearheart.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4344) passed.

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

Com. Sub. for H. B. 4345, Relating to motor vehicle registration cards by establishing electronic or mobile registration cards; 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. 218)**, and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: J. Kelly, Walker, Zatezalo and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4345) passed.

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

H. B. 4391, Relating generally to school nurses; 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. 219)**, and there were—yeas 73, nays 27, absent and not voting none, with the nays being as follows:

Nays: Bates, Boggs, Brown, Doyle, Evans, Ferrell, Fleischauer, Garcia, Hansen, Howell, Lovejoy, Miller, Nestor, Pethtel, Pinson, Pushkin, Queen, Reynolds, Riley, Rowe, Summers, Walker, Wamsley, Westfall, Williams, Worrell and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4391) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 4391 - "A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to school nurses; requiring counties to employ nurses in proportion to student population; requiring each county to have at least one school nurse; allowing licensed practical nurses supervised by a registered professional nurse to be counted as nurse; requiring that registered professional nurse of a county complete needs assessment; requiring that registered nurses of each county meet as determined by the state board of education; and revising and removing obsolete language."

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

H. B. 4462, Relating to Deferred Retirement Option Plan evaluations; 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. 220)**, and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4462) passed.

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

Com. Sub. for H. B. 4479, Establishing the Coalfield Communities Grant Facilitation Commission; 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. 221)**, 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: Barrett.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4479) passed.

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

H. B. 4496, Allowing interest and earnings on federal COVID-19 relief moneys to be retained in the funds or accounts where those moneys are invested; 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. 222)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Garcia, Graves, Honaker and Pack.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4496) passed.

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

Com. Sub. for H. B. 4607, To remove opioid treatment programs from requiring a certificate of need; 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. 223)**, and there were—yeas 61, nays 38,

absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Bates, Booth, Bridges, Brown, Burkhammer, Capito, Conley, Cooper, Foster, Hanna, Haynes, Horst, Hott, Howell, J. Jeffries, J. Kelly, Kessinger, Kimble, Kimes, Lovejoy, Mandt, Martin, Mazzocchi, McGeehan, Miller, Nestor, Paynter, Phillips, Pinson, Queen, Reynolds, Smith, Steele, Storch, Toney, B. Ward, G. Ward and Westfall.

Absent and Not Voting: Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4607) passed.

Delegate Steele obtained unanimous consent to withdraw a pending title amendment which he cosponsored with Delegates Bates and Pack.

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

Com. Sub. for H. B. 4636, Clarifying when business and occupation taxes owed to a city or municipality are considered to be remitted on time; 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. 224)**, 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: Riley and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4636) passed.

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

H. B. 4643, Exempting certain health services from certificate of need; 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. 225)**, and there were, including pairs—yeas 86, nays 11, absent and not voting 3, with the paired, the nays and the absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Worrell Nay: Lovejoy

Nays: Bates, Booth, Brown, Hott, Martin, Nestor, Phillips, Reynolds, Steele and Toney.

Absent and Not Voting: Bridges, Conley and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4643) passed.

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

Com. Sub. for H. B. 4667, Prohibition on county, city, or municipality restrictions on advanced air mobility aircraft; 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. 226)**, and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Young.

Absent and Not Voting: Bridges, Cooper, Riley and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4667) passed.

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

Com. Sub. for H. B. 4668, Relating to air bag fraud; 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. 227)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Cooper, Riley, Wamsley and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4668) passed.

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

H. B. 4758, Relating to developing and maintaining a database to track reclamation liabilities in the West Virginia Department of Environmental Protection Special Reclamation Program; 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. 228)**, and there were—yeas 88, nays 8, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dean, Foster, J. Jeffries, Jennings, Martin, Paynter, Steele and B. Ward.

Absent and Not Voting: Boggs, Linville, Riley and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4758) passed.

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

Com. Sub. for H. B. 4768, Relating to change hearing location and customer notice provisions; 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. 229)**, and there were—yeas 86, nays 11, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Barach, Fleischauer, Fluharty, Hornbuckle, Pushkin, Rowe, Skaff, Thompson, Walker, Young and Zukoff.

Absent and Not Voting: Boggs, Riley and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4768) passed.

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

H. B. 4769, Eliminate the requirement to send recommended decisions by certified mail; 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. 230)**, and there were—yeas 92, nays 5, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Fluharty, J. Kelly, McGeehan, Paynter and Thompson.

Absent and Not Voting: Boggs, Riley and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4769) passed.

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

Com. Sub. for H. B. 4785, Relating to judicial vacancies; 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. 231)**, and there were—yeas 73, nays 23, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Barach, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Gearheart, Griffith, Hansen, Hornbuckle, J. Jeffries, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Boggs, Longanacre, Miller and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4785) passed.

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

On this question, the yeas and nays were taken **(Roll No. 232)**, and there were—yeas 78, nays 19, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Gearheart, Griffith, Hansen, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Boggs, Miller and Riley.

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. 4785) 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.

Com. Sub. for H. B. 4797, To create an EV Infrastructure Deployment Plan for West Virginia that describes how our state intends to use its share of NEVI Formula Program funds.; 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. 233)**, and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Gearheart and McGeehan.

Absent and Not Voting: Boggs and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4797) passed.

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

Com. Sub. for H. B. 4797 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-30-1, relating to the Electric Vehicle Infrastructure Development Plan for National Electric Vehicle Infrastructure Formula Program funds."

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. 4491, To establish requirements for carbon dioxide sequestration; on second reading, coming up in regular order, was read a second time.

Delegate Young moved to amend the bill on page 11, section 8, lines 1 through 4, by striking out subsection (a) in its entirety and inserting in lieu thereof, the following:

"(a) For the purposes of this article, carbon dioxide is a greenhouse gas, but when injected and sequestered in accordance with an underground injection control permit issued by the secretary is not to be considered a pollutant and the operation and existence of a carbon dioxide sequestration facility shall not be considered a public nuisance."

On the question of adoption of the amendment, the same was put and was rejected.

Delegate Hansen moved to amend the bill on page 13, section 12, line 24, following the words "Dioxide Storage Facility Trust Fund", by inserting the words "and, if available, other appropriate sources of funds";

And,

On page 13, Section 12, Line 32, following the words "Storage Facility Trust Fund" by inserting the words "and, if available, other appropriate sources of funds".

On the question of adoption of the amendment, the same was put and was rejected.

The bill was then ordered to engrossment and third reading.

H. B. 4627, To provide for no more than two licensed laboratories for medical cannabis testing in this state; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Steele, the bill was amended on page 1, section 4, line 11, by adding after the word "section" the following:

"and any limitation relating to the number of certified laboratories shall terminate on January 1, 2025."

Delegate Pushkin moved to amend the bill on page 1, following the enacting clause, by inserting the following:

"**ARTICLE 2. DEFINITIONS.**

§16A-2-1. Definitions.

(a) The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) 'Act' means the West Virginia Medical Cannabis Act and the provisions contained in §60A-1-101 *et seq.* of this code.

(2) 'Advisory board' means the advisory board established under §16A-11-1 *et seq.* of this code.

(3) 'Bureau' means the Bureau for Public Health within the West Virginia Department of Health and Human Resources.

(4) 'Caregiver' means the individual designated by a patient or, if the patient is under 18 years of age, an individual authorized under §16A-5-1 *et seq.* of this code, to deliver medical cannabis.

(5) 'Certified medical use' means the acquisition, possession, use, or transportation of medical cannabis by a patient, or the acquisition, possession, delivery, transportation, or administration of medical cannabis by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized in a certification under this act, including enabling the patient to tolerate treatment for the serious medical condition.

(6) 'Change in control' means the acquisition by a person or group of persons acting in concert of a controlling interest in an applicant or permittee either all at one time or over the span of a 12-consecutive-month period.

(7) 'Commissioner' means the Commissioner of the Bureau for Public Health.

(8) 'Continuing care' means treating a patient, in the course of which the practitioner has completed a full assessment of the patient's medical history and current medical condition, including an in-person consultation with the patient, and is able to document and make a medical diagnosis based upon the substantive treatment of the patient.

(9) 'Controlling interest' means:

(A) For a publicly traded entity, voting rights that entitle a person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial holding of five percent or more of the securities of the publicly traded entity.

(B) For a privately held entity, the ownership of any security in the entity.

(10) 'Dispensary' means a person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit issued by the bureau to dispense medical cannabis. The term does not include a health care medical cannabis organization as defined in §16A-13-1 *et seq.* of this code.

(11) 'Family or household member' means the same as defined in §48-27-204 of this code.

(12) 'Financial backer' means an investor, mortgagee, bondholder, note holder, or other source of equity, capital, or other assets, other than a financial institution.

(13) 'Financial institution' means a bank, a national banking association, a bank and trust company, a trust company, a savings and loan association, a building and loan association, a mutual savings bank, a credit union, or a savings bank.

(14) 'Form of medical cannabis' means the characteristics of the medical cannabis recommended or limited for a particular patient, including the method of consumption and any particular

dosage, strain, variety and quantity, or percentage of medical cannabis or particular active ingredient.

(15) 'Fund' means the Medical Cannabis Program Fund established in §16A-9-2 of this code.

(16) 'Grower' means a person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit from the bureau under this act to grow medical cannabis. The term does not include a health care medical cannabis organization as defined in §16-13-1 *et seq.* of this code.

(17) 'Grower/processor' means either a grower or a processor.

(18) 'Identification card' means a document issued under §16A-5-1 *et seq.* of this code that authorizes access to medical cannabis under this act.

(19) 'Individual dose' means a single measure of medical cannabis.

(20) 'Medical cannabis' means cannabis for certified medical use as set forth in this act.

(21) 'Medical cannabis organization' means a dispensary, grower, or processor. The term does not include a health care medical cannabis organization as defined in §16A-13-1 *et seq.* of this code.

(22) 'Patient' means an individual who:

(A) Has a serious medical condition;

(B) Has met the requirements for certification under this act; and

(C) Is a resident of this state.

(23) 'Permit' means an authorization issued by the bureau to a medical cannabis organization to conduct activities under this act.

(24) 'Physician' or 'practitioner' means a doctor of allopathic or osteopathic medicine who is fully licensed pursuant to the provisions of either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code to practice medicine and surgery in this state.

(25) 'Post-traumatic stress disorder' means a diagnosis made as part of continuing care of a patient by a medical doctor, licensed counselor, or psychologist.

(26) 'Prescription drug monitoring program' means the West Virginia Controlled Substances Monitoring Program under §60A-9-101 *et seq.* of this code.

(27) 'Principal' means an officer, director, or person who directly owns a beneficial interest in or ownership of the securities of an applicant or permittee, a person who has a controlling interest in an applicant or permittee, or who has the ability to elect the majority of the board of directors of an applicant or permittee, or otherwise control an applicant or permittee, other than a financial institution.

(28) 'Processor' means a person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit from the bureau under this act to process medical cannabis. The term does not include a health care medical cannabis organization as defined in §16A-13-1 *et seq.* of this code.

(29) 'Registry' means the registry established by the bureau for practitioners.

(30) 'Serious medical condition' means a medical condition that a medical doctor, in his or her professional judgement, would benefit from the use of cannabis. ~~any of the following, as has been diagnosed as part of a patient's continuing care:~~

~~(A) Cancer.~~

~~(B) Positive status for human immunodeficiency virus or acquired immune deficiency syndrome.~~

~~(C) Amyotrophic lateral sclerosis.~~

~~(D) Parkinson's disease.~~

~~(E) Multiple sclerosis.~~

~~(F) Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity.~~

~~(G) Epilepsy.~~

~~(H) Neuropathies.~~

~~(I) Huntington's disease.~~

~~(J) Crohn's disease.~~

~~(K) Post-traumatic stress disorder.~~

~~(L) Intractable seizures.~~

~~(M) Sickle cell anemia.~~

~~(N) Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain.~~

~~(O) Terminally ill.~~

~~(31) 'Terminally ill' means a medical prognosis of life expectancy of approximately one year or less if the illness runs its normal course.~~"

And,

On page 1, line 11, following the period at the end of section 4, by inserting the following:

"ARTICLE 11. MEDICAL CANNABIS ADVISORY BOARD.

§16A-11-1. Advisory board.

(a) The Medical Cannabis Advisory Board is established within the bureau. The advisory board shall consist of the following members:

(1) The commissioner or a designee.

(2) The Superintendent of the West Virginia State Police or a designee.

(3) Four physicians licensed to practice in the state to be appointed by the State Medical Association with one from each of the following specialized medicine:

(A) Family Practice/Neurologist/General Practitioner.

(B) Pain Management.

(C) Oncologist/Palliative Care.

(D) Psychiatrist.

(4) Two physicians who are licensed pursuant to §30-14-1 *et seq.* of this code appointed by the West Virginia Osteopathic Association.

(5) One pharmacist licensed to practice in the state, to be designated by the Board of Pharmacy.

(6) One pharmacologist who has experience in the science of cannabis and a knowledge of the uses, effects, and modes of actions of drugs, to be appointed by the Governor.

(7) One member who is a horticulturalist, to be designated by the West Virginia Commissioner of Agriculture.

(8) One member designated by the West Virginia Association of Alcoholism and Drug Counselors.

(9) An attorney licensed in the state who is knowledgeable about medical cannabis laws.

(10) One member appointed by the West Virginia Prosecuting Attorneys Institute.

(11) One member appointed by the Governor, who shall be a patient, a family or household member of a patient, or a patient advocate.

(b) *Terms*. — Except as provided under subsection (g) of this section, the members shall serve a term of four years or until a successor has been appointed and qualified, but no longer than six months beyond the four-year period.

(c) *Chair*. — The commissioner, or a designee, shall serve as chair of the advisory board.

(d) *Voting; quorum*. — A majority of the members shall constitute a quorum for the purpose of organizing the advisory board, conducting its business, and fulfilling its duties. A vote of the majority of the members present shall be sufficient for all actions of the advisory board unless the bylaws require a greater number.

(e) *Attendance*. — A member of the advisory board who fails to attend three consecutive meetings shall be deemed vacant, unless the commissioner, upon written request from the member, finds that the member should be excused from a meeting for good cause. A member who cannot be physically present may attend meetings via electronic means, including video conference.

(f) *Governance*. — The advisory board shall have the power to prescribe, amend, and repeal bylaws governing the manner in which the business of the advisory board is conducted and the manner in which the duties granted to it are fulfilled. The advisory board may delegate supervision of the administration of advisory board activities to an administrative commissioner and other employees of the bureau as the commissioner shall appoint.

(g) *Initial terms*. — The initial terms of members appointed under subsection (a) of this section shall be for terms of one, two, three, or four years, the particular term of each member to be designated by the commissioner at the time of appointment. All other members shall serve for a term of four years.

(h) *Vacancy*. — In the event that any member appointed under subsection (a) of this section shall die or resign, or otherwise become disqualified during the member's term of office, a successor shall be appointed in the same way and with the same qualifications as set forth in this section and shall hold office for the unexpired term. An appointed member of the advisory board shall be eligible for reappointment.

(i) *Expenses*. — A member shall receive the amount of reasonable travel, hotel, and other necessary expenses incurred in the performance of the duties of the member in accordance with state rules but shall receive no other compensation for the member's service on the board.

(j) *Duties*. — The advisory board shall have the following duties:

(1) To examine and analyze the statutory and regulatory law relating to medical cannabis within this state.

(2) To examine and analyze the law and events in other states and the nation with respect to medical cannabis.

(3) To accept and review written comments from individuals and organizations about medical cannabis.

(4) To issue, two years after the effective date of this section, a written report to the Governor, the Senate, and the House of Delegates.

(5) The written report under subdivision (4) of this subsection shall include recommendations and findings as to the following:

(A) Whether to change the types of medical professionals who can issue certifications to patients.

~~(B) Whether to change, add, or reduce the types of medical conditions which qualify as serious medical conditions under this act~~

~~(C)~~ (B) Whether to change the form of medical cannabis permitted under this act.

~~(D)~~ (C) Whether to change, add, or reduce the number of growers, processors, or dispensaries.

~~(E)~~ (D) How to ensure affordable patient access to medical cannabis.

~~(F)~~ (E) Whether to permit medical cannabis to be dispensed in dry leaf or plant form, for administration by vaporization.

(6) The final written report under this section shall be adopted at a public meeting."

Delegate Capito arose to inquire of the Chair as to the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the bill.

The bill was then ordered to engrossment third reading.

Com. Sub. for H. B. 4712, Require the prompt enrollment in payment plans for costs, fines, forfeitures, restitution, or penalties in circuit court and magistrate court; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third 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 S. B. 25, Updating provisions of Medical Professional Liability Act,

Com. Sub. for S. B. 221, Establishing occupational therapy compact,

Com. Sub. for S. B. 452, Permitting civil remedies for unauthorized disclosure of intimate images,

Com. Sub. for H. B. 2092, Requiring each high school student to complete a full credit course of study in personal finance,

Com. Sub. for H. B. 4492, Creating the Division of Multimodal Transportation,

Com. Sub. for H. B. 4510, To provide that third grade students be competent in reading and math before moving on to fourth grade,

Com. Sub. for H. B. 4634, Relating to occupational licensing or other authorization to practice,

Com. Sub. for H. B. 4675, Relating to autonomous delivery vehicles,

H. B. 4743, Relating to security and surveillance requirements of medical cannabis organization facilities,

And,

H. B. 4773, Adoption of the FCC customer service and technical standards and requiring certain cable operators to operate an in-state customer call center,

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

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. 4419, Allowing candidate committees and campaign committees to make contributions to affiliated state party executive committees,

And,

H. B. 4827, Relating to the promotion and development of public-use vertiports,

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

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 82, Alleen Ledson Memorial Bridge,

H. C. R. 85, McClintic Family Bridge,

And,

H. C. R. 88, Lewis D'Antoni Memorial Road,

And reports the same back with the recommendation that they each be adopted.

Miscellaneous Business

Pursuant to House Rule 132, consent was obtained to print the following remarks in the Appendix to the Journal:

- Delegates Pinson and Zukoff regarding Com. Sub. for H. B. 4344

- Delegate Nestor regarding Com. Sub. for H. B. 4607

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2095: Delegate Hamrick;

H. B. 4064: Delegate Hamrick;

H. B. 4511: Delegate Hamrick;

H. B. 4744: Delegate Reynolds;

H. B. 4792: Delegate Fleischauer;

H. B. 4794: Delegates Hamrick and J. Jeffries;

And,

H. B. 4807: Delegate Hamrick.

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. 4744: Delegate Riley.

Delegate Miller noted to the Clerk that he was absent when the vote was taken on Com. Sub. for H. B. 4785, and had he been present, he would have voted "Yea" thereon.

At 2:41 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 24, 2022.

Thursday, February 24, 2022

FORTY-FOURTH 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, February 23, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for S. B. 25 on Second Reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for H. B. 4105 on Third Reading, House Calendar, had been transferred to the Special Calendar; and H. B. 4331 on Second Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 4616, Remove sales tax on gun safes and certain firearm safety devices,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4616 - "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,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2838, Authorize the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds, and to create the State Auditor's Public Integrity and Fraud Fund for use of said funds,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2838 - "A Bill to amend and reenact §6-9-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-6-26, and §11-6-27 of said code; and to amend and reenact §11A-3-36 of said code, all relating to state auditor's special revenue funds; authorizing the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds; creating the state auditor's public integrity and fraud fund for use of said funds; providing for operating funds in the public utilities and land sections to expire funds at the end of the fiscal year in a method consistent with other divisions of the state auditor's office; and providing for the investment of balances in the public utilities tax loss restoration fund,"

H. B. 4466, Relating to School Building Authority's review of school bond applications,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4466 - "A Bill to amend and reenact §18-9D-15 of the Code of West Virginia, 1931, as amended, relating to seeking contribution of School Building Authority funds to support a local capital improvement bond finance plan; providing for application to the School Building Authority; requiring initial

approval prior to conducting bond levy election; requiring conditional language in materials referencing School Building Authority participation; establishing time limit for project completion; requiring project funded by the authority be in accordance with a comprehensive educational facility plan which must be approved by the state board and the authority; and deleting obsolete provisions,"

And,

H. B. 4692, To revise the West Virginia Tax Increment Financing Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4692 - "A Bill to amend and reenact §7-11B-3, §7-11B-7, §7-11B-8, §7-11B-9, and §7-11B-10 of the Code of West Virginia, 1931, as amended, all relating generally to property tax increment financing; amending definition of tax increment financing; modifying the existing authorization for a county commission or municipality to extend the termination time of certain districts; providing for certain notice to other levying bodies prior to a new project plan or project plan amendment for certain property tax districts being considered for approval; and eliminating certain approval of other levying bodies prior to amendment of an existing district by the county commission or governing body of the municipality making the amendment,"

With the recommendation that the committee substitutes each do pass.

Delegate Steele, 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. 4285, Relating to real estate appraiser licensing board requirements,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4285 - "A Bill to amend and reenact §30-38-10, §30-38-11, and §30-38-17 of the Code of West Virginia, 1931, as amended, all relating to real estate appraiser licensing board requirements; prohibiting persons serving as expert witnesses from participating in any decision regarding disciplinary action; requiring the board provide applicants a written statement when the applicant's request for a license is denied; requiring the board send a written statement in 15 calendar days of its decision to deny an applicant's license or renewal request; setting forth content and mailing requirements for the board's written statement; requiring the board offer guidance on certain issues relating to nonconformity of Uniform Standards of Professional Appraisal Practice when submitted to the board; providing for 60 days for an applicant to cure any nonconformity to the standards; and other technical modifications,"

With the recommendation that the committee substitutes each do pass, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 4285) to the Committee on the Judiciary was abrogated.

Delegate Steele, 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. 4064, Allowing antique car license plates for cars over 10,000lbs,

H. B. 4642, Relating to pecuniary interests of county and district officers, teachers and school officials in contracts,

And,

H. B. 4647, Relating to the Board of Funeral Service Examiners,

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

Delegate Steele, 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. 4608, To require the State Fire Commission to propose minimum standards for persons to be certified as probationary status volunteer firefighters,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4608 - "A Bill to amend and reenact §15A-11-8 of the Code of West Virginia, 1931, as amended, relating to the probationary status of volunteer firefighters; defining terms; and providing for an effective date,"

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Toney, Doyle, Horst, Clark, Hornbuckle, Walker, Bridges, Evans, Griffith and Thompson:

H. B. 4829 - "A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to modifying the definitions of certain school cafeteria personnel."

Delegate Steele, 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. 2733, Relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2733 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia,1931, as amended, relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates,"

H. B. 4441, Creating a Class M air rifle stamp,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4441 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5k; and to amend said code by adding thereto a new section designated §20-2-42aa, relating to air rifles and classifications; setting forth criteria for when an air rifle may be used to hunt game in this state; setting caliber limits for air rifles when hunting certain types of game; creating a Class M air rifle stamp; creating a Class MM air rifle stamp; providing for when the stamp is applicable; and providing for when the stamp is required,"

H. B. 4570, To allow veterinary telehealth in West Virginia with out of state providers,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4570 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-10-24 of this code, all relating to telehealth services; defining terms; establishing requirements for the practice of telehealth; establishing requirements to form a veterinarian-client-patient relationship; providing for renewal of registration; establishing standard of care; and requiring telehealth providers provide certain information for patients,"

And,

H. B. 4794, Requiring counties provide fiscal information for State Auditor's WV Checkbook website,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4794 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-9B-5, relating to requiring counties to provide certain information to the State Auditor for inclusion in the financial transparency website,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

H. C. R. 68, Requesting that a formal feasibility study be conducted on the viability of establishing an accredited school of veterinary medicine in West Virginia,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. C. R. 68) was referred to the Committee on Rules.

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. 4071, Mask and Quarantine Option For Parents and Faculty,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4071 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-8B-1, §18-8B-2, §18-8B-3, §18-8B-4, all relating to creating the Public School Health Rights Act; providing definitions; providing that a public school may not mandate masks for students or employees or mandate COVID-19 tests and quarantine under certain circumstances; providing that parents have the right to determine whether their children wear masks at

school and school activities; providing that elected/public official cannot override the provisions of the Act; providing that nothing in the article may prevent any individual from wearing a face covering; and providing injunctive relief,"

And,

H. B. 4560, Relating generally to motor vehicle dealers, distributors, wholesalers and manufacturers,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4560 - "A Bill to amend and reenact §17A-6A-2, §17A-6A-3, §17A-6A-5, §17A-6A-8a, §17A-6A-10, §17A-6A-11, §17A-6A-12, §17A-6A-13, §17A-6A-15, §17A-6A-15a, §17A-6A-15c, and §17A-6A-18 of the Code of West Virginia, 1931, as amended, all relating generally to motor vehicle dealers, distributors, wholesalers and manufacturers; clarifying governing law; amending terms related to cancellations of dealer agreements; modifying circumstances not constituting good cause to cancel an agreement; clarifying the standard of proof in termination, cancellation and nonrenewal disputes; modifying compensation terms when contract is discontinued; setting interest rate where payments to dealers from manufacturers or distributors are untimely; increasing the notice period for dealers where a manufacturer or distributor does not approve a successor dealer or executive manager; clarifying provision related to determination of distance between dealerships; restricting manufacturer and distributor use of dealership property; modifying obligations under warranties; clarifying indemnity practices; identifying unlawful practices; and clarifying manufacturer performance standards,"

With the recommendation that the committee substitutes each do pass.

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. 4778, Permit banks to transact business with any one or more fiduciaries on multiple fiduciary accounts,

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

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. 4012, Prohibiting the showing of proof of a COVID-19 vaccination,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4012 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4b, relating to prohibiting the showing of proof of a COVID-19 vaccination as a condition for entering upon the premises of any state or local governmental office, entity, department or agency, or as a condition for entering upon the premises of a hospital or state institution of higher education, unless such proof is required by federal law or regulation; and providing for a person harmed to seek injunctive relief, and, upon prevailing, may be awarded reasonable attorney's fees and court costs,"

H. B. 4377, To update the involuntary commitment process,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4377 - "A Bill to amend and reenact §27-5-1, §27-5-2, §27-5-3, §27-5-4, and §27-5-10 of the Code of West Virginia, 1931, as amended, all relating to involuntary hospitalization; modifying the time for the completion of proceedings; requiring applicants to disclose contact information of persons to receive notice of involuntary commitment proceedings; transportation of individuals who are ordered for involuntary hospitalization to a diversion facility; updating outdated language in the code; authorizing the West Virginia

Department of Health and Human Resources to propose legislative rules to implement the provisions of these articles; authorizing the Supreme Court of Appeals and the West Virginia Department of Health and Human Resources to conduct retrospective reviews of involuntary commitment applications and orders; and making technical amendments,"

H. B. 4499, Relating to making the procurement process more efficient by modifying and updating outdated processes and requirements,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4499 - "A Bill to amend and reenact §5A-3-1, §5A-3-3, §5A-3-4, §5A-3-10, §5A-3-10a, §5A-3-11, §5A-3-12, §5A-3-17, §5A-3-18, §5A-3-29, §5A-3-35,and §5A-3-45 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6D-1-2 of said code, all relating generally to making the procurement process more efficient by modifying and updating outdated processes and requirements and encouraging earlier communication with and assistance from experts within the purchasing division regarding manner and process of procurement of commodities and services by the various spending units of the state; to eliminate outdated audit references of exempted agencies; to allow the director to exempt certain transactions from the requirements of chapter 5A, article 3; to clarify that grant recipients need not pay registration fees as a vendor; to authorize other procurement methods in lieu of formal competitive bidding when determined to be in the best interest of the state; to increase delegated procurement limits in the director's discretion; to make procurement from nonprofit workshops optional; to clarify timing required on rebidding; to change the requirement for an affidavit verifying that no debt is owed to an affirmation; to provide the Purchasing Division Director with discretion in increasing the $2,500 no bid limit; to eliminate outdated information reporting requirements for vendor registration; to clarify procurement penalties and inventory submission language; to remove surplus fees for inter-agency asset transfers; to require inter-agency asset transfers be recorded in accordance with governmental accounting standards; to shift the collection of the interested party disclosure

information from contract award to before work begins in an effort to make the procurement process,"

H. B. 4511, To make numerous amendments to modernize and increase efficiencies in the administration of the West Virginia Unclaimed Property Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4511 - "A Bill to amend and reenact §16-5C-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §36-8-1, §36-8-2, §36-8-8, §36-8-10, §36-8-13, §36-8-15, §36-8-25, and §36-8-33 of said code, all relating generally to unclaimed property and escheatment of said property to the state; providing that personal funds of nursing home residents may be used for the benefit of such residents during their lifetimes with consent of certain authorized persons; requiring nursing homes to keep an accounting of certain receipts and disbursements of resident's personal funds and to provide said accounting to authorized persons in certain circumstances; extending the presumption of abandonment period for personal funds of nursing home residents; specifying that a willful or intentional violation of requirements related to nursing home management of resident's personal funds is a misdemeanor and providing criminal penalties; defining terms; setting forth presumption of abandonment period for virtual currency; setting forth the presumption of abandonment period for demand, savings, or time deposits; requiring the holder of virtual currency to liquidate said currency prior to remittance to the state; providing that the owner of abandoned virtual currency has no recourse against the holder or state for gain in value after liquidation; providing that the administrator shall reimburse the holder of a safety deposit box for the cost of opening said box upon remittance to the administrator using administrative funds in the Unclaimed Property Fund; authorizing the administrator to invest the moneys in the Unclaimed Property Fund and allowing earnings to accrue to said fund; eliminating obsolete language related to previous transfers of moneys from the Unclaimed Property Fund; discontinuing an annual transfer from the Unclaimed Property Trust Fund to the Prepaid Trust Escrow Fund and instead providing

for an annual transfer from the Unclaimed Property Trust Fund to the Jumpstart Savings Trust Fund; authorizing the administrator to waive the requirement that an apparent owner file a claim with the administrator in certain circumstances; permitting the administrator to disclose the monetary value and nature or type of a property to a person who is reasonably believed to be the property's apparent owner or a person authorized to receive the property on the owner's behalf; and requiring the administrator to publish a report including certain unclaimed property data for the most recently concluded fiscal year,"

And,

H. B. 4600, Making it a felony for a "Person in a Position of Trust" to assault, batter, or verbally abuse a child, or neglect to report abuse they witness,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4600 - "A Bill to amend and reenact §61-8D-5a 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 section, designated §61-8D-11 of said code, all relating to abuse of disabled children; creating penalties for a person who abuses a disabled child; creating penalties for a person who abuses a disabled child causing bodily injury; creating penalties for a person who abuses a disabled child causing serious bodily injury; creating penalties for a person who abuses a disabled child causing death; defining terms used in the section; and creating a penalty for a person in a position of trust in relation to a disabled child who fails to report abuse as a mandatory reporter,"

With the recommendation that the committee substitutes each do pass.

Delegate Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 23rd day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill,

signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 445, Modifying police and firemen's pension plans for trustees.

Messages from the Executive

Communications from His Excellency, the Governor, advised that on February 23, 2022, he approved **H. B. 4024, Com. Sub. H. B. 4067, H. B. 4264** and **Com. Sub. H. B. 4276**.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 3303, Relating to clarifying the process of filling vacancies on ballots.

On motion of Delegate Summers, the House concurred in the following amendment by the Senate, with further amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"**ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

§3-5-11. Withdrawals; filling vacancies in candidacy; publication.

(a) A candidate who has filed a certificate of announcement and wishes to withdraw and decline to stand as a candidate for the office shall file a signed and notarized statement of withdrawal on a form provided by the Secretary of State with the same officer with whom the certificate of announcement was filed. If the notarized statement of withdrawal is received by the proper officer by the deadlines set forth in subsection (b) of this section, ~~then~~ the candidate's withdrawal is final and his or her name shall not be

certified as a candidate nor printed on any ballot. If a candidate files a notarized statement of withdrawal after the deadlines set forth in subsection (b) of this section, the candidate shall not be withdrawn and the candidate's name shall remain on the ballot.

(b) Deadlines for withdrawing as a candidate:

(1) *For primary or special primary elections or nonpartisan elections held in conjunction with a primary election*: The notarized statement of withdrawal must be received by the same officer with whom the certificate of announcement was filed by the close of business of that officer not later than the third Tuesday following the close of the candidate filing period.

(2) *For general or special general elections or nonpartisan elections held in conjunction with a general election*: The notarized statement of withdrawal must be received by the same officer with whom the certificate of announcement was filed by the close of business of that officer not later than eighty-four days before the general election.

(c) Upon request of the candidate's family, the board of ballot commissioners may remove the name of a candidate who dies before the ballots are printed. If a candidate dies after the ballots are printed but before the election, the clerk of the county commission shall give a written notice which shall be posted with the sample ballot at each precinct with the county to the following effect: "To the voter: (name) of (residence), a candidate for (office) is deceased."

(d) If after the time is closed for announcing as a candidate there is a vacancy on the ballot caused by failure of any person of a party to file for each available seat of each available office, the executive committee of the party for the political division within which such candidate was to be voted for, or its chair if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer~~.~~: *Provided,* That for a delegate district or senatorial district situated entirely within a single county, the county executive committee, or its chairperson if the committee fails to act, may fill the vacancy and certify the

candidate named to the appropriate filing officer. Certification of the appointment by the executive committee or its chair, the candidate's certificate of announcement, and the filing fee must be received by the appropriate filing officer as follows: For an appointment by an executive committee, no later than the second Friday following the close of filing, for an appointment by its chair, no later than the third Tuesday following the close of filing: *Provided, however,* That any candidate appointed to an intra-county delegate or senatorial district by a county executive committee for that district pursuant to the process and by the deadline provided in this subsection shall not be refused certification for placement on the 2022 primary election ballot for that reason. A candidate appointed to fill a vacancy on the ballot under this subsection shall have his or her name printed on the primary ballot for that party.

(e) The amendments to this section enacted by the Legislature during the 2022 Regular Session shall be retrospective to January 30, 2022.

§3-5-19. Vacancies in nominations; how filled; fees.

(a) If any vacancy occurs in the party nomination of candidates for office nominated at the primary election or by appointment under the provisions of section eleven of this article, the vacancies may be filled, subject to the following requirements and limitations:

(1) Each appointment made under this section shall be made by the executive committee of the political party for the political division in which the vacancy occurs: *Provided,* That if the executive committee holds a duly called meeting in accordance with §3-1-9 of this code but fails to make an appointment or fails to certify the appointment of the candidate to the proper filing officer within the time required, the chairperson of the executive committee may make the appointment not later than two days following the deadline for the executive committee. *Provided however,* That for a delegate district or senatorial district situated entirely within a single county, the county executive committee, or

its chairperson if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer.

(2) Each appointment made under this section is complete only upon the receipt by the proper filing officer of the certificate of appointment by the executive committee, or its chairperson, as the case may be, the certificate of announcement of the candidate as prescribed in section seven of this article and, except for appointments made under subdivision (4), (5), (6) or (7) of this subsection, the filing fee or waiver of fee as prescribed in section eight or eight-a of this article. The proper filing officer is the officer with whom the original certificate of announcement is regularly filed for that office.

(3) If a vacancy in nomination will be caused by the failure of a candidate to file for an office, or by withdrawal of a candidate no later than the third Tuesday following the close of candidate filing pursuant to the provisions of section eleven of this article, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 30 days after the last day to file a certificate of announcement pursuant to section seven of this article.

(4) If a vacancy in nomination is caused by the disqualification of a candidate and the vacancy occurs not later than 84 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer not later than 78 days before the general election. A candidate may be determined disqualified if a written request is made by an individual with information to show a candidate's ineligibility to the State Election Commission no later than 84 days before the general election explaining grounds why a candidate is not eligible to be placed on the general election ballot or not eligible to hold the office, if elected. The State Election Commission shall review the reasons for the request. If the commission finds the circumstances warrant the disqualification of the candidate, the commission shall authorize appointment by the executive committee to fill the vacancy. Upon receipt of the authorization, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.

(5) If a vacancy in nomination is caused by the incapacity of the candidate and if the vacancy occurs not later than 84 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.

(6) If a vacancy in nomination is caused by the timely filing of a notarized statement of withdrawal, according to section eleven of this article, of a candidate whose name would otherwise appear on the general election ballot, a replacement on the general election ballot may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.

(7) If a vacancy in nomination is caused by the death of the candidate occurring no later than 25 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 21 days following the date of death or no later than 22 days before the general election, whichever date occurs first.

(b) Except as otherwise provided in §3-10-1 *et seq.* of this code, if any vacancy occurs in a partisan office or position other than political party executive committee, which creates an unexpired term for a position which would not otherwise appear on the ballot in the general election, and the vacancy occurs after the close of candidate filing for the primary election but not later than 84 days before the general election, a nominee of each political party may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election. Appointments shall be filed in the same manner as provided in subsection (a) of this section, except that the filing fee shall be paid before the appointment is complete.

(c) When a vacancy occurs in the board of education after the close of candidate filing for the primary election but not later than 84 days before the general election, a special candidate filing period shall be established. Candidates seeking election to any unexpired term for board of education shall file a certificate of announcement and pay the filing fee to the clerk of the county

commission no earlier than the first Monday in August and no later than 77 days before the general election.

(d) The amendments to this section enacted by the Legislature during the 2022 Regular Session shall be retrospective to January 30, 2022."

And,

By amending the title of the bill to read as follows:

H. B. 3303 – "A Bill to amend and reenact §3-5-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-5-19 of said code, all relating to clarifying the process of filling vacancies on ballots; authorizing the county executive committee or chair of an intra-county delegate or senatorial district to fill vacancy on primary election ballot; prohibiting Secretary of State from refusing certification of candidates appointed to an intra-county delegate or senatorial district by the county executive committee for that district by certain deadline for placement on 2022 primary election ballot; authorizing the county executive committee or chair of an intra-county delegate senatorial district to fill vacancy on general election ballot; and making amendments retrospective to January 30, 2022."

With the further amendment, sponsored by Delegate Summers, being as follows:

On page two, section 11, line 40, immediately following the word "party", by inserting the following:

"No vacancy shall be filled after the date of the primary election, except as provided in §3-5-19 of this Code."

And,

On page three, section 19, line 25, immediately following the word "article", by striking the period, and inserting in lieu thereof the following:

": *Provided*, That in no case shall any such vacancy be filled after the date of the primary election."

And,

The further title amendment sponsored by Delegate Summers, amending the title of the bill to read as follows:

H. B. 3303 – "A Bill to amend and reenact §3-5-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-5-19 of said code, all relating to clarifying the process of filling vacancies on ballots; authorizing the county executive committee or chair of an intra-county delegate or senatorial district to fill vacancy on primary election ballot; prohibiting Secretary of State from refusing certification of candidates appointed to an intra-county delegate or senatorial district by the county executive committee for that district by certain deadline for placement on 2022 primary election ballot; authorizing the county executive committee or chair of an intra-county delegate senatorial district to fill vacancy on general election ballot; providing that no appointment to an unfilled vacancy may be made after a primary election, save in the case of the subsequent death, withdrawal, incapacity, or disqualification of a candidate; and making amendments retrospective to January 30, 2022."

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken **(Roll No. 234)**, and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3303) passed.

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

On this question, the yeas and nays were taken **(Roll No. 235)**, and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3303) 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.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 4299, To prohibit the intentional interference with election processes and creating associated criminal penalties.

On motion of Delegate Summers, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"**ARTICLE 9. OFFENSES AND PENALTIES.**

§3-9-21. Improper interference with voters' travel to and from the polls; penalties.

Any person, during hours a polling place is open for any election, who intentionally physically interferes with a voter's travel on the walkways, driveways, and parking areas adjacent to a building in which a polling place is located with the intention to delay, hinder, interrupt, harass, or intimidate a voter shall be guilty of a misdemeanor and fined not more than $1,000 or confined in jail for not more than one year or both fined and confined."

And,

By amending the title of the bill to read as follows:

H. B. 4299 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-9-21, relating to creating the misdemeanor criminal offense of intentionally physically interfering with a voter's travel on

walkways, driveways, and parking areas of a polling place with the intent to delay, hinder, harass, interrupt, or intimidate a voter; and establishing penalties."

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 236)**, 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: Graves.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4299) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 4312, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances.

On motion of Delegate Summers, the House concurred in the following amendment of the bill by the Senate:

On page four, section five, line five, after the word "disability", by inserting the words, "or if the voter is a qualified first responder as defined in §3-3-1(c)(3) of this code".

And,

By amending the title of the bill to read as follows:

H. B. 4312 – "A Bill to amend and reenact §3-3-1 and §3-3-5 of the Code of West Virginia, 1931, as amended, all relating to

permitting first responders to vote by electronic absentee ballot in certain emergency circumstances; defining "qualified first responder" and providing examples; providing for submittal and acceptance of qualified first responder absentee voting applications; providing for transmittal of ballots to qualified first responders; and providing for processing of received electronic absentee ballots cast by qualified first responders."

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 237)**, 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: Graves.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4312) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

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. 470 - "A Bill to amend and reenact §16-30-3, §16-30-4, §16-30-5, §16-30-10, §16-30-13, §16-30-19, §16-30-21, and §16-30-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-30C-5 of said code, all relating to health care decisions; defining terms; renaming the physician orders for scope of treatment as portable orders for scope of treatment and indicating that advanced practice registered nurses and physician assistants may complete them within their scope of practice; revising forms of a living will, medical power of attorney, and combined medical power of attorney and living will; providing clarifying language regarding the effect of signing a living will on

the availability of medically-administered food and fluids; requiring oral food and fluids be provided as desired and tolerated; providing reciprocity for portable orders for scope of treatment or similar medical orders validly executed in another state; providing that forms executed prior to effective date of this bill remain in full force and effect; and providing for effective date"; 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. 553 - "A Bill to amend and reenact §16-29B-8, §16-29B-24, and §16-29B-25 of the Code of West Virginia, 1931, as amended, all relating to the powers of the West Virginia Health Care Authority; removing authority to adopt, amend, and repeal policy guidelines; making technical changes; requiring legislative rulemaking regarding the uniform bill; permitting fees for custom data request; and requiring the Secretary of the Department of Health and Human Resources to give notice and file legislative rules when assuming the West Virginia Health Care Authority's data repository powers and duties"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

S. B. 556 - "A Bill to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to the Federal officers' peace-keeping authority; and removing the incorporation by reference of an obsolete federal statute within the definition of FBI police officer"; 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. 586 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25e, relating to allowing students to transfer schools and retain their athletic eligibility one time during a student's four years of secondary school; requiring West Virginia Secondary School Activities Commission to modify its rule; authorizing emergency rule; requiring State Board of Education to ensure rule does not require student to undergo one year of athletic ineligibility upon transfer after ninth grade; and clarifying effect on multiple transfers for certain reasons"; which was referred to the Committee on Education.

A message from the Senate, by

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

S. B. 619 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-12-16, relating to the Office of the Chief Medical Examiner; providing for the final disposition of unidentified and unclaimed remains in the possession of the Office of the Chief Medical Examiner pursuant to legislative rule; and providing for emergency legislative rulemaking allowing for the final disposition of unidentified and unclaimed remains"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 628 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2022, organization 0310, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 629 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Education, State Board of Education – Vocational Division, fund 0390, fiscal year 2022, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 630 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2022, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 633 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506, by supplementing and

amending the appropriations for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 636 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, West Virginia Office of Tax Appeals, fund 0593, fiscal year 2022, organization 0709, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 637 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 639 - "A Bill to amend and reenact §8-11-4 of the Code of West Virginia, 1931, as amended, relating to municipal corporations; providing for powers and duties with respect to ordinances and ordinance procedures; and providing a 45-day

waiting period before a water and/or sewer rate increase may go into effect for any local rate-regulated municipality."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 639) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

Com. Sub. for S. B. 643 - "A Bill to amend and reenact §8-29A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement of some members appointed to a county airport authority"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 650 - "A Bill to amend and reenact §37B-1-4 of the Code of West Virginia, 1931, as amended, relating to amending the number of royalty owners required for utilization by an operator for the lawful use and development by cotenants; and correcting the format of some phrases"; which was referred to the Committee on Energy and Manufacturing.

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. 651 - "A Bill to amend and reenact §18-2B-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9D-19 of said code, all relating to allowing a county board of education participating in the operation of a multicounty vocational center to withdraw; allowing any county board participating in a

multicounty vocational center to determine that a career technical education program be part of the local high school; and modifying provisions pertaining to construction of a comprehensive vocational facility by a county board served by a multicounty vocational technical facility"; which was referred to the Committee on Education.

A message from the Senate, by

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

S. B. 685 - "A Bill to repeal §30-40-27 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-40-3, §30-40-4, §30-40-5, §30-40-9, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-25, and §30-40-26, all relating generally to West Virginia Real Estate License Act; amending definitions; permitting a salesperson to designate an entity to receive compensation; modifying the applicability of the article; requiring certain fees to be deposited into the treasury of the state daily; eliminating requirements for certain information to be included on applications for licensure; modifying requirements for an application for a broker's license; providing restrictions on the entities that may be issued a salesperson's license; clarifying and amending requirements for prelicense education; modifying requirements for licensing based on licensure in another jurisdiction; modifying continuing education requirements; eliminating certain requirements for persons holding a broker's license; modifying requirements for license certificates issued by Real Estate Commission; requiring a licensed broker to reconcile trust accounts; eliminating a prohibition on financial institutions that maintain trust accounts from requiring a certain minimum balance; clarifying language related to when commission may refuse a license or revoke, suspend, or impose any other sanction against a licensee; modifying the procedure for commission to administer complaints; eliminating right of judicial review for a person adversely affected by a decision or final order of the commission; clarifying language; clarifying language regarding

criminal penalties; clarifying language related to suits for collection of compensation; requiring licensees to disclose in writing whether the licensee represents the seller, the buyer, the seller and the buyer, the landlord, the tenant, or the landlord and the tenant; and repealing an outdated section of code governing the duration of existing licenses"; which was referred to the Committee on Government Organization.

Resolutions Introduced

Delegate Rowe offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 90 - "Requesting the Division of Highways name Bridge Number: 20-060/00-027.85 (20A154), (38.24286, -81.55058) locally known as DUPONT OVERPASS, carrying US 60 over CR 60/15 in Kanawha County, the 'U.S. Army PVT Robert (Bob) Mullins Sr. Memorial Bridge'."

Whereas, Robert E. Mullins Sr. was born in Belle on June 2, 1925, the son of George Robert Mullins and Orpha Mae Quinn Mullins; and

Whereas, U.S. Army PVT Robert E. Mullins Sr. served in the U.S. Army during World War II and received the Purple Heart as a result of wounds received on October 13, 1944, in the European Theatre; and

Whereas, U.S. Army PVT Robert E. Mullins Sr. was a lifelong resident of the Belle area, was a member of the United Christian Church, Belle, WV and was a member of the United Mine Workers; and

Whereas, U.S. Army PVT Robert E. Mullins Sr. was a retired truck driver for the Perry & Hylton Trucking Company; and

Whereas, U.S. Army PVT Robert E. Mullins Sr. died on May 26, 1998, and was survived by his daughters, Nancy Hunt and Phyllis Harrison, both of Belle, son, Robert E. Mullins Jr. of Belle, sisters Lucille Robinette and Patty Kay, both of Belle, Phyllis Hunt of Rand, Mary Parsons and Dolly Pittman, both of Charleston,

brother, Billy D. Mullins Sr., of Malden, and five grandchildren; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PVT Robert E. Mullins Sr. and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 20-060/00-027.85 (20A154), (38.24286, -81.55058) locally known as DUPONT OVERPASS, carrying US 60 over CR 60/15 in Kanawha County, the "U.S. Army PVT Robert (Bob) Mullins Sr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army PVT Robert (Bob) Mullins Sr. Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Special Calendar

Unfinished Business

H. R. 15, Amend House Rules 94 and 94b to allow unlimited joint sponsors of bills as well as unrestricted adding and deleting of joint sponsors of bills and resolutions; coming up in regular order, as unfinished business, was reported by the Clerk.

Delegate Forsht moved to amend the resolution on page one, line 1, by striking out the word "unrestricted" and inserting in lieu thereof the word "electronic".

On page one, lines 11 and 15, by striking out the words "via the delegate console".

On page one, line 16 at end add the phrase "if the lead sponsor of the bill agrees electronically."

And,

On page one, line 20, by striking out the words "delegate console" and inserting the words "house automated systems".

The question before the House being the adoption of the amendment, the same was put and did not prevail.

Delegate Fluharty moved the amend the resolution on line 5, following the resolved clause by striking out the remainder of the resolution and inserting in lieu thereof, the following:

That House Rule 92a and 93 be amended to read as follows:

"92a. Any bill or joint resolution pending in the House at the time of *sine die* adjournment of the First Regular Session of a Legislature, or extended First Regular Session thereof, which has not been rejected, laid on the table or postponed indefinitely by the House, shall carry over in its original form to the Second Regular Session only at the request of the sponsor of the bill or resolution, such request to be made to the Clerk of the House not later than thirty days prior to the commencement of the session.

After receiving notice from the ~~first named~~ sponsor of his or her intent to carry over the bill, the Clerk of the House shall cause such bill to be introduced. ~~notify all cosponsors that the bill will be carried over. All cosponsors shall have ten days after the date of notice to notify the Clerk of the House that their names should be removed from the bill to be carried over.~~

Any such bill or joint resolution shall retain its original number and shall be deemed to be reintroduced on the first day of the Second Regular Session and shall, except as otherwise directed by the Speaker, be treated as referred to the committee or committees to which it was originally referred.

In the case of any House bill or joint resolution which has been passed or adopted by the House, such bill or resolution shall likewise be deemed to be reintroduced and referred, except as otherwise directed by the Speaker, to the committee or committees to which it was originally referred.

This rule shall not apply to any bill or joint resolution ~~solely~~ sponsored by a former member, to supplemental appropriation or budget bills, to bills which promulgate legislative rules, to bills which expire or continue state agencies pursuant to the West Virginia Sunset Law, to bills of a local nature, or to any bill or joint resolution introduced during any extraordinary session.

And,

To amend Rule 93 as follows:

"**Sponsorship of bills.**

93. All bills for introduction shall be presented in duplicate. ~~bearing the name of the first-named sponsor and the name or names of all sponsors by whom they are to be introduced.~~ All House Bills shall be introduced at the request of a member or members of the House. The name of the member or members directing introduction of the bill shall not appear on the bill. The original copy shall constitute the official bill for use of committees and for the permanent files of the House."

And,

94. ~~A bill may be introduced bearing the names of not more than eleven members as joint sponsors of the bill.~~ Any bill sponsored at the request of the Governor shall be indicated as introduced "At the request of the executive." Any bill introduced at the request of a constituent shall be indicated as "By a request of a constituent." Any bill introduced at the request of a state agency shall be indicated as "By request of (the state agency)."

And,

That House Rules 94A and 94b be repealed;

And,

That the title to the Resolution be amended to read as follows:

"Amending House Rules 92a, 93 and 94 and repealing House Rules, 94a and 94b to provide that member names do not appear as sponsors on bills."

During debate on the amendment, Delegate Linville arose to a point of order regarding the amendment being in conflict with House Rule 105.

The Speaker indicated that it appeared adoption of the amendment would require a conforming amendment before the next session and the gentleman's point would be well taken at that time.

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

The yeas and nays having been ordered, they were taken **(Roll No. 238)**, and there were—yeas 25, nays 75, absent and not voting none, with the yeas being as follows:

Yeas: Barach, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, McGeehan, Paynter, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, G. Ward, Williams, Young and Zukoff.

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

There being no further amendments, the question before the House was the recommendation from the Committee on Rules that the resolution be rejected.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken **(Roll No. 239)**, and there were—yeas 72, nays 28, absent and not voting none, with the nays being as follows:

Nays: Barach, Boggs, Conley, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Forsht, Garcia, Hansen, Hornbuckle, J.

Jeffries, Keaton, Kimble, Mazzocchi, McGeehan, Paynter, Phillips, Pushkin, Rowe, Skaff, Thompson, Walker, G. Ward, Young and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. R. 15) rejected.

The following resolutions, coming up in regular order as unfinished business, were, in the absence of objection, considered en bloc, and adopted:

H. C. R. 82, Alleen Ledson Memorial Bridge,

H. C. R. 85, McClintic Family Bridge,

And,

H. C. R. 88, Lewis Joseph D'Antoni Memorial Road.

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

Third Reading

Com. Sub. for H. B. 4105, Relating to service employees with National Association for Pupil Transportation Certifications; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Toney 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.

On motion of Delegates Hanshaw, Toney and Summers, the bill was amended on page seven, section 8, line 163. by striking out subdivision (A) in its entirety and inserting in lieu thereof a new subdivision to read as follows:

"(A) Nothing in this subdivision prohibits a professional person or a professional educator from holding this class title: *Provided*, That after July 1, 2022, all persons employed for the first

time in a (1) a position with this classification title or in a multiclassification position that includes this title as a director, assistant director or coordinator of transportation, and (2) which conducts performance-based evaluations in which the person assesses the fitness or suitability for duty of a school bus driver, shall have at least five years of experience working in the transportation department of a county board or meet or obtain qualifications as a school bus operator within one year of employment; Provided further, That after July 1, 2022, any person employed or retained by a county school board to conduct performance-based evaluations in which the person assesses the fitness or suitability for duty of a school bus operator shall have at least five years of experience working in the transportation department of a county board or meet the qualifications as a school bus operator."

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. 240)**, 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: Foster, Hanna, Kimes, Longanacre and Martin.

Absent and Not Voting: Graves.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4105) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for H. B. 4491, To establish requirements for carbon dioxide sequestration; 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. 241)**, and there were—yeas 90, nays 9, absent

and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Fast, Fleischauer, Gearheart, J. Jeffries, Longanacre, Martin, McGeehan, Paynter and Smith.

Absent and Not Voting: Ferrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4491) passed.

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

H. B. 4627, To provide for no more than two licensed laboratories for medical cannabis testing in this state; 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. 242)**, and there were—yeas 67, nays 33, absent and not voting none, with the nays being as follows:

Nays: Barnhart, Burkhammer, Conley, Crouse, Dean, Espinosa, Fast, Ferrell, Foster, Gearheart, Hamrick, Honaker, Horst, D. Jeffries, J. Jeffries, Jennings, Kessinger, Kimble, Kimes, Linville, Longanacre, Mandt, Martin, Maynard, Mazzocchi, McGeehan, Paynter, Phillips, Pritt, Summers, Tully, B. Ward and G. Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4627) passed.

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

H. B. 4627 – "A Bill to amend and reenact §16A-7-4 of the Code of West Virginia, 1931, as amended, relating to providing for no more than two licensed laboratories for medical cannabis testing in this state until January 1, 2025."

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

Com. Sub. for H. B. 4712, Require the prompt enrollment in payment plans for costs, fines, forfeitures, restitution, or penalties in circuit court and magistrate court; 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. 243)**, and there were—yeas 93, nays 5, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Fleischauer, Garcia, Hamrick, Howell and Pushkin.

Absent and Not Voting: Graves and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4712) passed.

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 S. B. 221, Establishing occupational therapy compact; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 452, Permitting civil remedies for unauthorized disclosure of intimate images; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2092, Requiring each high school student to complete a full credit course of study in personal finance; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

H. B. 4331, West Virginia's Urban Mass Transportation Authority Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page one, section 4(a), line 6, after the word "authorities," by inserting the words "only for urban mass transportation authority employees whose public authority employer is a recipient of federal funds,".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4492, Creating the Division of Multimodal Transportation; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4510, To provide that third grade students be competent in reading and math before moving on to fourth grade; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4634, Relating to occupational licensing or other authorization to practice; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4675, Relating to autonomous delivery vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4743, Relating to security and surveillance requirements of medical cannabis organization facilities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4773, Adoption of the FCC customer service and technical standards and requiring certain cable operators to operate an in-state customer call center; on second reading, coming up in

regular order, was read a second time and ordered to engrossment and third 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. 4408, Relating to contracts for construction of recreational facilities in state parks and forests,

H. B. 4419, Allowing candidate committees and campaign committees to make contributions to affiliated state party executive committees,

Com. Sub. for H. B. 4473, To provide certain members of the State Police with locality pay to offset the high cost of living in certain counties,

Com. Sub. for H. B. 4516, To require medication-assisted treatment programs to have written policies concerning community relations,

Com. Sub. for H. B. 4540, To update all retirement plans to comport with federal law,

H. B. 4612, Decreasing the time period of eligibility for nonduty disability from ten to five or more years of service for Municipal Police Officers and Firefighters Retirement,

Com. Sub. for H. B. 4613, Relating to increasing the multiplier for use in determining accrued benefit in the West Virginia Municipal Police Officers and Firefighters Retirement System.,

Com. Sub. for H. B. 4614, Providing optional retirement service credit for unused accrued annual or sick leave days for municipal police and firefighters,

Com. Sub. for H. B. 4657, Creating the Critical Mineral Investment Tax Credit Act of 2022,

Com. Sub. for H. B. 4660, Establishing the status of beds when an intermediate care facility for individuals with intellectual disabilities closes,

Com. Sub. for H. B. 4662, Relating to licensure of Head Start facilities in this state,

And,

H. B. 4827, Relating to the promotion and development of public-use vertiports.

At 12:54 p.m., on motion of Delegate Summers, the House of Delegates recessed until 5:00 p.m.

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Evening Session

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Speaker Pro Tempore Howell in the Chair

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

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 28, Cpt. Billy Jake Smith Memorial Bridge.

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. 463 - "A Bill to amend and reenact §48-9-102 of the Code of West Virginia, 1931, as amended; to amend

said code by adding thereto a new section, designated §48-1-102a; to amend and reenact §48-9-203, §48-9-204, §48-9-205, §48-9-206, §48-9-207, §48-9-208, §48-9-209, §48-9-401, §48-9-402, §48-9-602, and §48-9-603 of said code, all relating generally to allocation of legal custody and parenting time in domestic relations matters; establishing collaborative parenting as a goal in allocation of custodial responsibility and decision-making; creating a rebuttable presumption that equal (50-50) custodial allocation is in a child's best interest; requiring specific findings and legal conclusions by the court if equal (50-50) parenting is not granted; establishing criteria for diverging from equal (50-50) custodial allocation when it is sought; authorizing interlocutory appeals to the Intermediate Court of Appeals if the family court refuses all physical custody to a parent or denies equal (50-50) custody when sought; requiring consideration of certain factors in developing a temporary parenting plan; ensuring that permanent parenting plans include provisions for financial support of children; requiring court not to consider temporary allocation of physical custody in final order unless parties agreed on temporary terms; removing provisions requiring consideration of terms in temporary orders when drafting final orders; requiring consideration of parents' ability or inability to work together in allocating significant decision-making responsibilities; clarifying consideration for courts in developing or approving parenting plans; setting forth optional considerations for a court in allocating physical custody of a child; requiring court to designate which parent is entitled to tax deductions and exemptions when equal (50-50) custody is ordered; clarifying that amendments made during regular session of the Legislature, 2022, are prospective; and declaring custodial orders entered prior to the effective date of the amendments to chapter 48 during the regular session of the Legislature, 2022, remain in full force and effect until judicially modified"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 640 - "A Bill to amend and reenact §24-1-9 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; and eliminating the requirement of sending certain recommended decisions by certified mail"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 34 - "Requesting the Division of Highways name bridge number 49-033/00-015.38 (EB-WB) (49A122-49A123), locally known as MIDDLE FK CON I BM, carrying APD 33 over Middle Fork River and CR 10/10 in Upshur County, the 'U.S.M.C. SgtMaj Herman H. Brawner Memorial Bridge'."

Whereas, Herman H. Brawner was enlisted in the U.S. Marine Corps at the age of 17 during WWII and fought in the Pacific Theater for the duration of the war; and

Whereas, He went on to have a 30-year military career. SgtMaj Herman H. Brawner fought in combat in three wars: WWII, Korea, and Vietnam, serving two tours in Vietnam; and

Whereas, During the Korean War, SgtMaj Herman H. Brawner and his fellow Marines dug in for an extremely bloody battle on the shore of the Chosin Reservoir with Red Chinese soldiers, in temperatures that dropped as low as 35 degrees below zero, using sandbags and frozen bodies for protection because it was too cold to dig foxholes, for which he and his fellow troops were dubbed the "Frozen Chosin"; and

Whereas, One of SgtMaj Herman H. Brawner's tours in Vietnam included an urban battle in the City of Hue, where he led out-numbered Marines into the besieged city, but still managed to kill nearly three times as many Communist North Vietnamese, and helped raise an American flag on Hue's provincial headquarters. Brawner's notebook showed that the Marine battalion, which he

led, suffered some 250 casualties in battle with many more wounded in what is considered by many the bloodiest battle of the Vietnam War; and

Whereas, During his career, SgtMaj Herman H. Brawner was wounded multiple times, earning numerous service awards including a Purple Heart with two gold stars, an Asiatic-Pacific Campaign Medal with two stars, an American Campaign Medal, a Combat Action Ribbon with a Bronze Star and "V" for Valor, a Republic of Korea Presidential Unit Citation with two stars, a United Nations Service Medal, two Republic of Vietnam Gallantry Cross Medals, one with a Silver Star and one with a Palm Ribbon, a Vietnam Campaign Medal with 1960 Device, plus a good conduct medal with many other citations and awards; and

Whereas, SgtMaj Herman H. Brawner also received recognition with a special Navy Commendation Medal including a combat "V" for Valor during WWII; and

Whereas, SgtMaj Herman H. Brawner retired as the head Noncom Military Police Marine in South East Asia overseeing U.S. Embassy security in five countries and, upon his retirement, finished his work career with Louisiana Pacific Lumber; and

Whereas, SgtMaj Herman H. Brawner and his wife, Fayma, chose West Virginia following his retirement, where he spent the remainder of his life on his farm in Upshur County, providing counsel and help to all who knew him; and

Whereas, It is fitting that an enduring memorial be established to commemorate SgtMaj Herman H. Brawner for his contributions to our state and country; therefore, be it *Resolved by the Legislature of West Virginia:*

That the Division of Highways name bridge number 49-033/00-015.38 (EB-WB) (49A122-49A123), locally known as MIDDLE FK CON I BM, carrying APD 33 over Middle Fork River and CR 10/10 in Upshur County, the "U.S.M.C. SgtMaj Herman H. Brawner Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S.M.C. SgtMaj Herman H. Brawner Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways and to SgtMaj Herman H. Brawner's widow, Fayma Brawner."; which was referred to the Committee on Rules.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 37 - "Requesting that the Division of Highways name bridge number 17A332 (17-098/00-003.27), locally known as the Veterans' Park Bridge, carrying State Route 98 over the West Fork River in Harrison County, the 'Harrison County Veterans Memorial Bridge'."

Whereas, Harrison County citizens have long been known as the first to fight for their country, and Harrison County was the centerpiece of West Virginias' efforts to fight the Axis Powers during WWII, seeing thousands of recruits on their way to defend their country; and

Whereas, Naming this bridge in honor of all the men and women who have served in the United States Armed Forces from Harrison County; and

Whereas, It is a fitting that an enduring memorial be established to commemorate the Harrison County Veterans for their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17A33 (17-098/00-003.27), locally known as

the Veterans' Park Bridge, carrying State Route 98 over the West Fork River in Harrison County, the "Harrison County Veterans Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Harrison County Veterans Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways."; which was referred to the Committee on Rules.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

Com. Sub. for S. C. R. 45 - "Requesting the Division of Highways name bridge number 10-017/00-001.40 (10A062), (37.97567, -81.11939), locally known as the Arbuckle Creek Bridge in Fayette County, the 'U.S. Army CPL John D. Doyle, Sr. Memorial Bridge'."

Whereas, John D. Doyle, Sr. was born on August 20, 1913, in Minden and raised in that community where he and his mother Katherine Doyle were members of the Saints Peter and Paul Roman Catholic Church. He graduated from Collins High School in Oak Hill and went to work at the New River and Pocahontas Coal Company in Minden; and

Whereas, Answering his nation's call, CPL John D. Doyle, Sr. entered military service on October 15, 1942. He was assigned to the Armor Corps where he was trained as a tank crewman. He was ultimately deployed to the European Theater of Operations and fought in the North Africa, Sicily, and Italy campaigns; and

Whereas, During the invasion of Italy CPL John D. Doyle, Sr. was assigned to Company A, 751st Tank Battalion which landed at Anzio. On May 23, 1944, during the breakout operations, CPL

John D. Doyle, Sr. was killed in action in Italy when his tank was severely damaged by enemy fire; and

Whereas, CPL John D. Doyle, Sr. was initially interred in an Allied Cemetery in Italy and later repatriated in 1949 to America and West Virginia where he lays to rest today at the High Lawn Memorial Park in Oak Hill; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL John D. Doyle Sr**.** and his ultimate sacrifice to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 10-017/00-001.40 (10A062), (37.97567, -81.11939), locally known as the Arbuckle Creek Bridge in Fayette County, the "U.S. Army CPL John D. Doyle, Sr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the "U.S. Army CPL John D. Doyle, Sr. Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

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. 4753, Prohibiting locating certain homeless facilities near schools and certain daycares,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4753 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-24, relating to prohibiting locating certain homeless facilities near schools and certain daycares; defining homeless encampment; defining authorize or permit; prohibiting municipalities, governing bodies of a municipality, or agencies of municipality from authorizing or permitting homeless encampments within 1,000 feet of a school or licensed child care center effective January 1, 2022; declaring it a public nuisance for the authorization or permitting of a homeless encampment; providing a private cause of action for enforcement; and providing for enforcement through §53-1-1 *et seq.* of this code and for attorney's fees,"

H. B. 4779, Permit banks the discretion to choose whether to receive deposits from other banks, savings banks, or savings and loan associations when arranging for the re-deposits of county, municipal, and state funds,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4779 - "A Bill to amend and reenact §7-6-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-13-22a of said code; to amend and reenact §12-1-4 of said code; and to amend and reenact §18-9-6 of said code, all relating to county, municipal, state, and county Board of Education depositories; relating to the bonds of county, municipal, state, and county Board of Education depositories; and relating to the redeposit of county, municipal, state, and county Board of Education funds by state depositories,"

And,

H. B. 4787, Creating the Highly Automated Motor Vehicle Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4787 - "A Bill to amend the Code of West Virginia Code, 1931, as amended, by adding thereto a new article designated §17H-1-1, §17H-1-2, §17H-1-3, §17H-1-4, §17H-1-5, §17H-1-6, §17H-1-7, §17H-1-8, §17H-1-9, §17H-1-10, §17H-1-11, §17H-1-12, §17H-1-13, §17H-1-14, §17H-1-15, and §17H-1-16, all relating to establishing the Fully Autonomous Vehicle Act; providing definitions concerning fully autonomous vehicles; providing rules and regulations for the operation of fully autonomous vehicles; providing for the operation of on-demand autonomous vehicle transportation networks; providing for the operation of fully autonomous motor vehicle carriers; providing for the platooning of fully autonomous vehicles; providing for the licensing and insurance requirements of fully autonomous vehicles; providing for control and regulation of fully autonomous vehicles; and providing for the equipment standards for fully autonomous vehicles,"

With the recommendation that the committee substitutes each do pass.

Delegate Rohrbach, 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. 4317, Tax credits for living and deceased organ donors,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4317 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated 33-57-2, relating to health insurance; prohibiting certain actions and defining terms,"

With the recommendation that the committee substitute 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 (Com. Sub. for H. B. 4317) to the Committee on Finance was abrogated.

Delegate Rohrbach, 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:

Com. Sub. for S. B. 419, Establishing pilot project to evaluate impact of certain post-substance use disorder residential treatments,

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

Delegate Rohrbach, 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. 4792, Relating to childcare subsidies within DHHR, paid based on monthly enrollment,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4792) was referred to the Committee on Finance.

Delegate Rohrbach, 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:

Com. Sub. for S. B. 247, Relating to certified community behavioral health clinics,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 247) was referred to the Committee on Finance.

Delegate Rohrbach, 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:

S. B. 213, Establishing licensed professional counseling compact,

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

In accordance with the former direction of the Speaker, the bill (S. B. 213) was referred to the Committee on Government Organization.

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. 2136, Granting counties and municipalities a portion of the net terminal income from racetrack video lottery,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2136 - "A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, all relating to granting counties and municipalities a portion of the net terminal income from racetrack video lottery,"

With the recommendation that the committee substitute do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (Com. Sub. for H. B. 2136) were each referred to the Committee on Finance.

Delegate Steele, 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. 4563, Provide for a license plate for auto mechanics,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4563 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6-15a, relating to authorizing auto mechanics to make application for access to the Division of Motor Vehicles' electronic temporary plate issuance system in order to access temporary plates to be used to operate or move a vehicle upon the highways and streets of this state solely for the purposes of diagnosing mechanical or functional problems of a vehicle or testing a vehicle being repaired or serviced; setting forth the application fee for such services; requiring the Commissioner of the Division of Motor Vehicles to determine whether applicants are qualified; requiring the display of proof of insurance upon any vehicles bearing a temporary registration plate; setting forth definitions; authorizing the Commissioner of the Division of Motor Vehicles to terminate an auto mechanic's access to the electronic temporary plate issuance system upon a finding that an auto mechanic's use of that system is in violation of law,"

With the recommendation that the committee substitute do pass.

Delegate Steele, 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. 4482, Relating to removing the statutory limit of $300,000.00 for the Environmental Laboratory Certification Fund,

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

On motion for leave, a bill was introduced (Originating in the Committee on Government Organization and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegate Steele:

H. B. 4841 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-11D-5, relating to requiring exhibitors of motion pictures who operate two or more theatres in more than one location in this state to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning; and requiring, when requested, audio description be provided for any motion picture that is produced and offered with audio description."

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

Your Committee on Finance has had under consideration:

H. B. 4450, Removing the $0.50 fee charged and deposited in the Combined Voter Registration and Driver's Licensing Fund for each driver's license issued by the Department of Motor Vehicles,

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

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

Your Committee on Finance has had under consideration:

H. B. 4089, Require certain coverage and reimbursement for a person diagnosed with hypertension,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4089 - "A Bill to amend and reenact §9-5-20 of the Code of West Virginia, 1931, as amended, relating to Medicaid coverage for hypertension; requiring benefits be provided; and requiring reimbursement for costs,"

H. B. 4393, To increase the managed care tax if the managed care organization receives a rate increase,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4393 - "A Bill to amend and reenact §11-27-10a of the Code of West Virginia, 1931, as amended, relating to a tax on managed care organizations,"

H. B. 4502, Establishing the BUILD WV Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4502 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2L-1, §5B-2L-2, §5B-2L-3, §5B-2L-4, §5B-2L-5, §5B-2L-6, §5B-2L-7, §5B-2L-8, §5B-2L-9, §5B-2L-10, §5B-2L-11, §5B-2L-12, §5B-2L-13, §5B-2L-14, §5B-2L-15, §5B-2L-16, and §5B-2L-17, all relating to establishing the BUILD WV Act; providing legislative findings and purpose; authorizing rule-making authority; providing for the application of the West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing effective and expiration dates; exempting the construction contractors of certified BUILD WV projects from the consumers sales and service tax and use tax; authorizing municipalities to provide exemptions to business and occupation taxes; establishing a property value adjustment tax credit; providing for the determination of amount and application of the property value adjustment tax credit; providing that the property value adjustment tax credit entitlement is retained by eligible taxpayers that have developed project property; providing for credit recapture, interest, penalties, additions to tax, and statute of limitations; providing for certified BUILD WV districts and the procedure for designation; granting authority to the Department of

Economic Development to administer BUILD WV; providing for the application and procedures for BUILD WV projects; and requiring agreements between the Department of Economic Development and BUILD WV project participants,"

H. B. 4688, Relating to Emergency Medical Services Retirement System Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4688 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-5V-6a and §16-5V-6b, relating to authorizing county firefighters to be members of the Emergency Medical Services Retirement System; providing for transfer of assets pertaining to county firefighters; requiring certain computations to be made by the Consolidated Public Retirement Board; and terminating liability of the Public Employees Retirement System,"

And,

H. B. 4756, Relating to authorizing municipalities to create pension funding programs to reduce the unfunded liability of certain pension and relief funds,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4756 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-24; to amend and reenact §8-22-19 and §8-22-20 of said code; to amend and reenact §8-33-4 of said code; to amend said code by adding thereto two new sections, designated §8-33-4a and §8-33-4b; and to amend and reenact §33-3-14d of said code, all relating to authorizing Class I, Class II and Class III municipalities to create pension funding programs to reduce the unfunded liability of policemen's pension and relief funds and firemen's pension and relief funds; authorizing a municipality's allocable portion of funds from the Municipal Pensions Security Fund created in §8-22-18b to be paid to the trustee of an issue of pension funding revenue bonds to be used for the purpose of paying debt service on such bonds until such bonds are paid in full;

authorizing municipal building commissions to use the proceeds from pension funding revenue bonds to fund the costs of a municipality's pension funding program; authorizing a municipal building commission to use rentals from real property owned or leased by such commission to pay debt service and administrative expenses associated with outstanding pension funding revenue bonds; authorizing a municipal building commission to issue pension funding revenue bonds to fund a municipality's pension funding program; requiring that each issuance of pension funding revenue bonds provide for a contingency reserve fund in an amount equal to at least 10 percent of the original principal amount of such bonds; requiring that an issue of pension funding revenue bonds be in a principal amount at least equal to the then unfunded liability of such applicable policemen's or firemen's pension and relief fund; providing for the use of excess moneys held by a bond trustee upon the payment in full of pension funding revenue bonds; requiring the approval of the Municipal Pension Oversight Board of the issuance of certain pension funding revenue bonds and requiring the submission of information relating to such bonds to the Joint Committee on Government and Finance,"

With the recommendation that the committee substitutes each do pass.

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. 4089: Delegate Hamrick;

H. B. 4377: Delegate Pinson;

H. B. 4428: Delegate Linville;

H. B. 4450: Delegates Hamrick and Hott;

H. B. 4595: Delegates Fast and Garcia;

H. B. 4678: Delegate Bates;

H. B. 4688: Delegate Hott;

H. B. 4749: Delegate Bates;

H. B. 4787: Delegate Pack;

And,

H. B. 4792: Delegates Barach, Bates and G. Ward.

At 5:50 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 25, 2022.