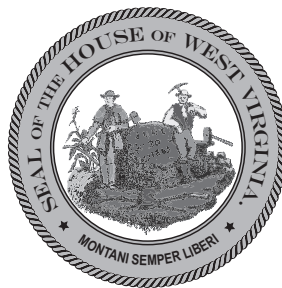


West Virginia Legislature

**JOURNAL**  
of the  
**HOUSE of DELEGATES**

Eighty-Fifth Legislature  
First Extraordinary Session

Held at Charleston  
Published by the Clerk of the House



January 11, 2022  
SECOND DAY



---

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)

FY 2022

Official

<u>Source of Revenue</u>	<u>Estimate</u>
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	<u>10,000</u>
Total	<u>\$ 4,569,616</u>

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	<u>212,369</u>
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	<b>\$15,401,416</b>
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)	<u>120,479</u>
Unappropriated Surplus Balance @ January 11, 2022	<b><u>\$ 15,521,895</u></b>
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 12<sup>th</sup> 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*

---

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

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