

West Virginia Legislature

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**HOUSE of DELEGATES**

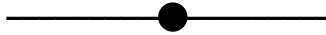
Eighty-Fifth Legislature  
Second Extraordinary Session

Held at Charleston  
Published by the Clerk of the House



April 26, 2022  
SECOND DAY





Tuesday, April 26, 2022

## SECOND DAY

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

The House of Delegates met 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, April 25, 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 that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

**H. B. 210**, Relating to permitting the use of air rifles when hunting.

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. 212**, Relating to including family court judges in the Judges' Retirement System.

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. 214**, Relating to prescriptive authority.

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. 215**, Creating a special revenue account known as the Military Authority Reimbursable Expenditure Fund.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect January 1, 2023, a bill of the House of Delegates, as follows:

**H. B. 216**, Relating to increasing the multiplier for use in determining accrued benefit in the West Virginia Municipal Police Officers and Firefighters Retirement System.

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. 217**, Expiring funds to the balance of Miscellaneous Boards and Commissions, Water Development Authority, West Virginia Economic Enhancement Grant Fund.

### **Special Calendar**

#### **Second Reading**

**S. B. 2001**, Relating generally to funding for infrastructure and economic development projects in state; on second reading, coming up in regular order, was read a second time.

Delegates Lovejoy and Worrell moved to amend the bill on page 8, section 23a, line 43, following the word "inception", by inserting the following:

"including whether the jobs being created are for the construction of a facility, or for employees of a facility, and the state where the job holder resides".

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. 741**), and there were—yeas 22, nays 56, absent and not voting 22, with the yeas and the absent and not voting being as follows:

Yeas: Barach, Boggs, Diserio, Evans, Fleischauer, Garcia, Griffith, Hansen, J. Jeffries, J. Kelly, Lovejoy, Mandt, McGeehan, Pethtel, Phillips, Pushkin, Rowe, Storch, Walker, Worrell, Young and Zukoff.

Absent and Not Voting: Bates, Bridges, Brown, Cooper, Dean, Doyle, Ellington, Fluharty, Graves, Hanna, Hornbuckle, Kessinger, Linville, Maynard, Mazzocchi, Nestor, Pack, Paynter, Skaff, Steele, Thompson 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 third reading.

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

Debate having been allowed on this non-debatable motion on yesterday, the Speaker asked if there was objection to allowing debate today. No objection being heard, debate on the motion to dispense with the constitutional rule was allowed.

Delegate Rowe had been recognized to question Delegate Householder when Delegate Martin arose to a point of order regarding the question before the House.

The Speaker replied that those Members seeking recognition should confine discussion to the motion to suspend the constitutional rule since the Gentleman had raised a valid point of order.

Delegate Fleischauer had been recognized to question Delegate McGeehan when Delegate Hardy arose to a point of order regarding the questioning not being directed to the motion before the House.

The Speaker sustained the point of order.

On the question of suspension of the constitutional rule, the yeas and nays were taken (**Roll No. 742**), and there were—yeas 71, nays 13, absent and not voting 16, with the nays and the absent and not voting being as follows:

Nays: Barach, Diserio, Evans, Fleischauer, Gearheart, Hansen, Hornbuckle, J. Jeffries, Mandt, McGeehan, Pritt, Pushkin and Walker.

Absent and Not Voting: Bates, Brown, Cooper, Dean, Doyle, Ellington, Fluharty, Graves, Hanna, Kessinger, Mazzocchi, Nestor, Pack, Paynter, Steele and Williams.

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. 743**), and there were, including pairs—yeas 76, nays 6, absent and not voting 18, 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: Hanna      Nay: Pritt

Nays: Fleischauer, Gearheart, J. Jeffries, McGeehan and Pushkin.

Absent and Not Voting: Bates, Brown, Capito, Cooper, Dean, Diserio, Doyle, Ellington, Fluharty, Foster, Graves, Kessinger, Mazzocchi, Nestor, Pack, Paynter, Steele and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 2001) passed.

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

On this question, the yeas and nays were taken (**Roll No. 744**), and there were—yeas 78, nays 4, absent and not voting 18, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Bates, Brown, Capito, Cooper, Dean, Doyle, Ellington, Fluharty, Foster, Graves, Hanna, Kessinger, Mazzocchi, Nestor, Pack, Paynter, Steele and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2001) takes effect from its passage.

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

### Committee Reports

In accordance with House Rule 68, Delegate 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 27<sup>th</sup> day of April, 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. 2001**, Relating generally to funding for infrastructure and economic development projects in state,

**S. B. 2003**, Relating to service credit, retroactive provisions, and refund of accumulated contributions for certain members of PERS,

**S. B. 2004**, Allowing retirants in PERS to designate irrevocable special needs trust as beneficiary,

**S. B. 2005**, Authorizing Commissioner of Workforce West Virginia to create Unemployment Compensation Insurance Fraud Unit,

**S. B. 2006**, Relating to qualifications for members of boards, commissions, and other entities,

**S. B. 2007**, Relating to WV Real Estate License Act,

**S. B. 2008**, Relating to WVU Rifle Team Electronic Application Donation Program,

**S. B. 2009**, Establishing alternative educational opportunities for elective course credit,

And,

**S. B. 2013**, Relating to flying under influence and other aviation offenses.

In accordance with House Rule 68, Delegate 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 27<sup>th</sup> day of April, 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. 210**, Relating to permitting the use of air rifles when hunting,

**H. B. 212**, Relating to including family court judges in the Judges' Retirement System,

**H. B. 214**, Relating to prescriptive authority,

**H. B. 215**, Creating a special revenue account known as the Military Authority Reimbursable Expenditure Fund,

**H. B. 216**, Relating to increasing the multiplier for use in determining accrued benefit in the West Virginia Municipal Police Officers and Firefighters Retirement System,

And,

**H. B. 217**, Expiring funds to the balance of Miscellaneous Boards and Commissions, Water Development Authority, West Virginia Economic Enhancement Grant Fund.

### **Messages from the Executive**

Subsequent to the adjournment of the session, communications were received from His Excellency, the Governor, advising that on May 2, 2022, he approved **H. B. 217**; and on May 3, 2022, he approved **S. B. 2001, S. B. 2003, S. B. 2004, S. B. 2005, S. B. 2006, S. B. 2007, S. B. 2008, S. B. 2009, S. B. 2013, H. B. 210, H. B. 212, H. B. 214, H. B. 215 and H. B. 216**.

At 9:17 a.m., on motion of Delegate Summers, the House of Delegates adjourned *sine die*.

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

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Roger Hanshaw  
*Speaker of the House of Delegates*

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Stephen J. Harrison  
*Clerk of the House of Delegates*

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

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