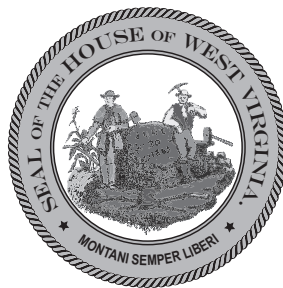


West Virginia Legislature

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January 13, 2022
SECOND DAY

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 dual-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 from 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.

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

SPECIAL CALENDAR

Friday, January 14, 2022

3rd Day

9:00 A. M.

(No Bills)

HOUSE CALENDAR

Friday, January 14, 2022

3rd Day

9:00 A. M.

(No Bills)

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, JANUARY 14, 2022

HOUSE CONVENES AT 9:00 A.M.

MONDAY, JANUARY 17, 2022

PUBLIC HEARING

COMMITTEE ON HEALTH AND HUMAN RESOURCES

3:00 P.M. – HOUSE CHAMBER

**H. B. 4004, RELATING TO LIMITING AN ABORTION TO FIFTEEN WEEK'S
GESTATION.**

H. B. 4005, RELATING TO FETAL BODY PARTS.

HOUSE OF DELEGATES
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