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January 25, 2022
FOURTEENTH DAY

Tuesday, January 25, 2022

FOURTEENTH 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 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.

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

SPECIAL CALENDAR

Wednesday, January 26, 2022

15th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 4252 - To reduce copay cap on insulin and devices (ROHRBACH) (REGULAR)
- Com. Sub. for H. B. 4276 - Permit WVU to create a Parkinson's disease registry (ROHRBACH) (EFFECTIVE FROM PASSAGE)

FIRST READING

- H. B. 2562 - Relating to litter control (CAPITO) (REGULAR)
- H. B. 2882 - Relating to repealing a ban on construction of nuclear power plants (STEELE) (REGULAR)
- H. B. 4024 - Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience (STEELE) (REGULAR)
- Com. Sub. for H. B. 4266 - Relating to limited liability companies (STEELE) (REGULAR)
- H. B. 4288 - Relating to expanding the practice of auricular acudetox to professions approved by the acupuncturist board (STEELE) (REGULAR)
- H. B. 4291 - Relating to authorizing legislative rules regarding higher education (ELLINGTON) (REGULAR)
- H. B. 4301 - Reforming membership requirements of Huntington Park and Recreation District Board (STEELE) (REGULAR)
- H. B. 4308 - Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits (CAPITO) (REGULAR)

HOUSE CALENDAR

Wednesday, January 26, 2022

15th Day

11:00 A. M.

(NO BILLS)

**WEST VIRGINIA
HOUSE OF DELEGATES**

WEDNESDAY, JANUARY 26, 2022

HOUSE CONVENES AT 11:00 A.M.

**AGRICULTURE AND NATURAL RESOURCES
8:00 A.M. – ROOM 215 E**

**BANKING AND INSURANCE
9:00 A.M. – ROOM 460 M**

**POLITICAL SUBDIVISIONS
9:30 A.M. – ROOM 410 M**

**FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES
1:00 P.M. – ROOM 434 M**

**SMALL BUSINESS, ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT
1:00 P.M. – ROOM 410 M**

**WORKFORCE DEVELOPMENT
1:00 P.M. – ROOM 215 E**

**COMMITTEE ON GOVERNMENT ORGANIZATION
3:00 P.M. – ROOM 215 E**

**COMMITTEE ON THE JUDICIARY
3:00 P.M. – ROOM 410 M**

**COMMITTEE ON EDUCATION
4:00 P.M. – ROOM 434 M**

FRIDAY, JANUARY 28, 2022

**COMMITTEE ON GOVERNMENT ORGANIZATION
PUBLIC HEARING
10:00 A.M. – HOUSE CHAMBER**

H. B. 2882, RELATING TO REPEALING A BAN ON CONSTRUCTION OF NUCLEAR POWER PLANTS.

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