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January 27, 2022  
**SIXTEENTH DAY**



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Thursday, January 27, 2022

**SIXTEENTH DAY**

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, January 26, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. B. 2882, on Second Reading, Special Calendar, had been transferred to the House Calendar.

**Committee Reports**

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 4098**, Relating to Geothermal Energy Development,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4098) was referred to the Committee on the Judiciary.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 2493**, Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2493) was referred to the Committee on Finance.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. R. 6**, Urging the Army Corps of Engineers to support hydroelectric power generation at the Summersville Dam,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the bill (H. R. 6) was referred to the Committee on Rules.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 4243**, Authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to Governing the Safety of Those Employed in and Around Surface Mines in West Virginia,

**H. B. 4244**, Authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to Governing First-Aid Training of Shaft and Slope Employees,

And,

**H. B. 4245**, Authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to Substance Abuse Screening, Standards and Procedures,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 4243, H. B. 4244 and H. B. 4245) were each referred to the Committee on Government Organization.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 4122**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Requirements for the Management of Coal Combustion Residuals,

**H. B. 4124**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Underground Injection Control,

And,

**H. B. 4125**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Administrative Proceedings and Civil Penalty Assessment,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4122, H. B. 4124 and H. B. 4125) were each referred to the Committee on the Judiciary.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2232**, Providing a process by which a city may hold an election to recall an ordinance,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2232) was referred to the Committee on the Judiciary.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 4142**, Authorizing the Fire Commission to promulgate a legislative rule relating to the Fire Code,

**H. B. 4143**, Authorizing the Fire Commission to promulgate a legislative rule relating to the State Building Code,

**H. B. 4144**, Authorizing the Fire Commission to promulgate a legislative rule relating to Volunteer Fire Department Equipment and Training Grant Funding Disbursement,

**H. B. 4145**, Authorizing the Fire Commission to promulgate a legislative rule relating to Specialized Membership,

**H. B. 4146**, Authorizing the Fire Commission to promulgate a legislative rule relating to Junior Firefighters,

**H. B. 4147**, Authorizing the Fire Commission to promulgate a legislative rule relating to the Certification of Fire Chiefs,

**H. B. 4148**, Authorizing the Fire Commission to promulgate a legislative rule relating to Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes,

And,

**H. B. 4149**, Authorizing the Fire Marshal to promulgate a legislative rule relating to Regulation of Fireworks and Related Explosive Materials,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 4142, H. B. 4143, H. B. 4144, H. B. 4145, H. B. 4146, H. B. 4147, H. B. 4148 and H. B. 4149) were each referred to the Committee on Government Organization.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4271**, To establish the West Virginia Security for Public Deposits Act,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4271) was referred to the Committee on Finance.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4326**, To modify the five-year waiting period and 100-person minimum for an association health plan, and to allow new flexibility granted under federal rules,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4326) was referred to the Committee on the Judiciary.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4295**, To transfer the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 4295) was referred to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4364**, To update the law related to money transmitters to align West Virginia with the majority of states with respect to control of a licensee and key individuals as well as net worth,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4364) was referred to the Committee on the Judiciary.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 4247**, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to Special Motorboating Regulations,

And,

**H. B. 4246**, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to Revocation of Hunting and Fishing Licenses,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 4247 and H. B. 4246) were each referred to the Committee on Government Organization.

Delegate Queen, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

**H. B. 4084**, Relating to advanced recycling,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Energy and Manufacturing.

In accordance with the former direction of the Speaker, the bill (H. B. 4084) was referred to the Committee on Energy and Manufacturing.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 4008**, Relating to Higher Education Policy Commission funding formula,

And,

**H. B. 4289**, Establishing the behavioral health workforce education initiative at the Higher Education Policy Commission,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 4008 and H. B. 4289) were each referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 4110**, Relating to staffing levels at multi-county vocational centers,

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

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 4360**, Relating to WV Invest community service requirements,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4360** - "A Bill to amend and reenact 18C-9-5 of the Code of West Virginia, 1931, as amended, relating to eligibility requirements for the West Virginia Invests Grant Program; providing that the community service requirement may be satisfied by certain military service; and providing for reimbursement to certain grant recipients that have repaid a grant and related expenses charged for failure to meet the community service requirement,"

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 4312**, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances,

And,

**S. B. 244**, Relating to appointment of judges to Intermediate Court of Appeals,

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

Delegate Steele, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4260**, Creating the State Central Legal Advertising website,

And,



**H. B. 4297**, To facilitate the sharing of information between the Department of Health and Human Resources and the State Auditor's office in order to investigate reports of financial abuse and neglect of a vulnerable adult,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4260 and H. B. 4297) were each referred to the Committee on the Judiciary.

Delegate Steele, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4333**, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4333** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-26-21, relating to sunset the Board of Hearing-Aid Dealers and Fitters,"

With the recommendation that the committee substitute do pass.

Delegate Steele, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4286**, Relating to exempting persons employed as attorneys from the civil service system,

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

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**H. R. 5**, Regarding power grid stability,

And reports the same back with the recommendation that it be adopted.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**H. R. 9**, Amending the rules of the House of Delegates,

And reports the same back with the recommendation that it be rejected.

### Messages from the Senate

A message from the Senate, by

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

**S. B. 1** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-61-1, §33-61-2, §33-61-3, §33-61-4, §33-61-5, §33-61-6, §33-61-7, §33-61-8, §33-61-9, and §33-61-10, all relating to creating the Mining Mutual Insurance Company; providing for the scope of the company; providing for findings and a purpose for the company; creating definitions; laying out the authorization for the company, as well as establishing requirements and limitations for the company; providing for governance and organization of the company; providing for management and administration of the company; creating an application for licensure with the company and establishing the authority of the commissioner; providing for initial capital and surplus; authorizing types of coverage and definition discretionary participation in the company; and setting forth applicable law"; which was referred to the Committee on Energy and Manufacturing then Finance.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had concurred in the changed effective date, to take effect from passage, of

**S. B. 191**, Allowing poll workers to work full and half days.

A message from the Senate, by

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

**Com. Sub. for S. B. 334** - "A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules, as filed, as modified, and as amended by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to feeding of untreated garbage to swine; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to commercial feed; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to enrichment of flour and bread law regulations; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to fruits and vegetables: certification for potatoes for seedling purposes; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to Fresh Food Act; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers; to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to hemp products; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the Rural Rehabilitation Program; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the Farm-to-Food Bank Tax Credit; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farmers markets; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to seed certification; authorizing the State Auditor to promulgate a legislative rule relating to the procedure for local levying bodies to apply for permission to extend time to meet as levying body; authorizing the State Auditor to promulgate a legislative rule relating to accountability requirements for state funds and grants; authorizing the West Virginia Board of Chiropractic Examiners to promulgate a legislative rule relating to chiropractic telehealth practices; authorizing the Contractor Licensing Board to promulgate a legislative rule relating to the Contractor Licensing Act; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to licensure; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to

licensed professional counselors fees; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist licensing; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist fees; authorizing the Dangerous Wild Animal Board to promulgate a legislative rule relating to dangerous wild animals; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the West Virginia Board of Dentistry; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the formation and approval of professional limited liability companies; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the formation and approval of dental corporation and dental practice ownership; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to continuing education requirements; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the administration of anesthesia by dentists; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the expanded duties of dental hygienists and dental assistants; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to teledentistry; authorizing the West Virginia Board of Funeral Service Examiners to promulgate a legislative rule relating to the fee schedule; authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to general provisions; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures for physicians, podiatric physicians, and surgeons; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to licensure, practice requirements disciplinary and complaint procedures, continuing education, and physician assistants; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to dispensing of prescription drugs by practitioners; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substances Monitoring Program Database; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to the establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to registration to practice during a declared State of Emergency; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to Osteopathic Physicians Assistants; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to practitioner requirements for controlled substances licensure and Accessing the West Virginia Controlled Substances Monitoring Program Database; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy care; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to the Controlled Substance Monitoring Program; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacists; authorizing the Public Service Commission to promulgate a legislative rule relating to rules governing the occupancy of customer-provided conduit; authorizing the West Virginia Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure or certification; authorizing the West Virginia Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to the renewal of licensure and certification; authorizing the West Virginia Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for registration and renewal of appraisal management companies; authorizing the West Virginia Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; authorizing the Secretary of State to promulgate a legislative rule relating to voter registration at the Division of Motor Vehicles; authorizing the Secretary of State to promulgate a legislative rule relating to voter registration list maintenance by the Secretary of State; authorizing the Secretary of State to

promulgate a legislative rule relating to the combined Voter Registration and Driver Licensing Fund; authorizing the Secretary of State to promulgate a legislative rule relating to the use of digital signatures; authorizing the Secretary of State to promulgate a legislative rule relating to regulation of political party headquarters finances; authorizing the Secretary of State to promulgate a legislative rule relating to standards and guidelines for electronic notarization, remote online notarization, and remote ink notarization; authorizing the Secretary of State to promulgate a legislative rule relating to real property electronic recording standards and regulations; authorizing the West Virginia Board of Social Work Examiners to promulgate a legislative rule relating to qualifications for the profession of social work; authorizing the West Virginia Board of Social Work Examiners to promulgate a legislative rule relating to continuing education for social workers and providers; authorizing the West Virginia Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology; authorizing the State Treasurer to promulgate a legislative rule relating to substitute checks- Exceptional Items Fund; authorizing the State Treasurer to promulgate a legislative rule relating to procedures for deposit of monies with the State Treasurer's Office by state agencies; authorizing the State Treasurer to promulgate a legislative rule relating to the selection of state depositories for disbursement accounts through competitive bidding; authorizing the State Treasurer to promulgate a legislative rule relating to the selection of state depositories for receipt accounts; authorizing the State Treasurer to promulgate a legislative rule relating to procedures for processing payments from the State Treasury; authorizing the State Treasurer to promulgate a legislative rule relating to reporting debt; authorizing the State Treasurer to promulgate a legislative rule relating to procedures for fees in collections by charge, credit, or debit card or by electronic payment; and authorizing the State Treasurer to promulgate a legislative rule relating to procedures for providing services to political subdivisions"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 417** - "A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended, relating to authorized expenditures of revenues from certain state funds for fire departments; clarifying and expanding categories of allowable expenditures; permitting state grant funds to be deposited into a state account and be transferred from the account for unrestricted use; and setting forth a 60-day time frame for fire departments receiving grant funds to transfer unrestricted funds from a restricted account"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 427** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-19, relating to permitting West Virginia Board of Medicine investigators to carry a concealed weapon; establishing procedures and criteria for allowing investigators to carry a concealed weapon; and limiting liability for good faith acts or omissions"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 436** - "A Bill to amend and reenact §20-3-6 of the Code of West Virginia, 1931, as amended, relating to correcting an incorrect code citation in regard to the enforcement authority of the State Fire Marshal"; which was referred to the Committee on Government Organization.

### **Resolutions Introduced**

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

**H. C. R. 29** - "Requesting the Division of Highways name the bridge bearing Identification Number 04A078, located in Frametown, Braxton County, West Virginia, on County-Route Map 04-021/00-008.14, Latitude 38.635, Longitude -80.86440, approximately 0.01 miles South of West Virginia Route 4 along Frametown Herold Road on County Route 21, 'David Allen Drake, Sr. Memorial Bridge.'"

Whereas, David Allen Drake, Sr. served the Braxton County community through devotion to molding and mentoring the youth of Braxton County as a volunteer coach of youth sports, serving multiple terms on the Braxton County Board of Education and exhibited substantial influence on the various communities in Braxton County through his support, leadership, volunteerism and genuine desire to exert a positive impact upon his community; and

Whereas, David Allen Drake, Sr., during his career as a General Construction Superintendent, supervised to completion a plethora of projects, including roadways and bridges, throughout central, south central and north central West Virginia, thereby making great, lasting and substantial improvements to the infrastructure of the State of West Virginia; and

Whereas, David Allen Drake, Sr. was universally recognized in his community as emblematic of the qualities common to the great people of West Virginia, to wit: love and devotion to family, hard work and a blue collar life, and devotion to community service; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name the bridge bearing Identification Number 04A078, located in Frametown, Braxton County, West Virginia, on County-Route Map 04-021/00-008.14, Latitude 38.635, Longitude -80.86440, approximately 0.01 miles South of West Virginia Route 4 along Frametown Herold Road on County Route 21, "David Allen Drake, Sr. Memorial Bridge"; and, be it:

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "David Allen Drake, Sr. Memorial Bridge"; and, be it

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

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

**H. C. R. 30** - "Requesting the Division of Highways name a bridge bearing bridge number 40-039/00-000.10 () (40A048), (38.34513,-81.99779), locally known as TRACE FORK TIMBER BRIDGE, carrying CR 39 over TRACE CREEK in Putnam county as the 'U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge.'"

Whereas, Dallis Harold Johnson was born on March 5, 1925, in Hurricane, West Virginia, where he was a lifelong resident of Putnam County and worked as a farmhand on the Johnson family farm; and

Whereas, Private Johnson enlisted in the U.S. Army at Huntington, W.Va. August 23, 1943; and

Whereas, In June of 1944, Private Johnson was stationed with the U.S. Army 133<sup>rd</sup> Infantry, fighting the Germans for control of Italy; and

Whereas, Private Johnson wrote his last letter home to his parents on June 19, 1944, as his regiment was taking a period of rest near Rome, Italy; and

Whereas, On June 26 and 27, 1944, Private Johnson's regiment fought fiercely to capture small towns near Cecina, Italy; and

Whereas, On Wednesday, June 28, 1944, Dallis Harold Johnson, age 19, died in combat while fighting the Germans near Campiglia, Italy; and

Whereas, Private Johnson was sorely missed by his entire family, including his parents, Walter and Demma Bryant Johnson, sister Mairlis Edwards, brother Orus Johnson, brother Chester Johnson, brother Harless Johnson, and brother Gordon Johnson, after giving his life to fight for his country; and

Whereas, several years after his passing and later in her life, sister Mairlis Johnson Edwards worked to have Private Johnson's name placed onto the West Virginia Veterans Memorial at the West Virginia State Capitol, which honors those lost in World War I, World War II, the Vietnam War and the Korean War, where it may still be seen today; and

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

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a bridge bearing bridge number 40-039/00-000.10 () (40A048), (38.34513,-81.99779), locally known as TRACE FORK TIMBER BRIDGE, carrying CR 39 over TRACE CREEK in Putnam county," as the "U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge;" and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge"; and, be it

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

Delegates Keaton, Barnhart, Booth, Burkhammer, Clark, Conley, Crouse, Dean, Ferrell, Forsht, Hamrick, Hanna, Hardy, Holstein, Honaker, Horst, J. Jeffries, Kimble, Kimes, Longanacre, Mallow, Mandt, Mazzocchi, McGeehan, Miller, Paynter, Pinson, Pritt, Smith, Summers, Sypolt, Tully, B. Ward, G. Ward and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

**H. C. R. 31** - "Applying to the Congress of the United States to call a convention for proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction

of the federal government, and limit the terms of office for its officials and for members of Congress: and adopting certain reservations, understandings and declarations limiting the application.”

Whereas, Executive orders by the President of the United States have become a vehicle through which the President may overstep the limits of his or her constitutional authority; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations and special interests in Washington, D. C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the Constitution of the United States through a limited convention of the states under Article V; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution, legislative call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Delegates from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

*Further Resolved*, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; and, be it

*Further Resolved*, The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings, and declarations:

(1) An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

(2) Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two thirds of the legislatures of the several states;

(3) Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

(4) By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

(5) A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void *ab initio* if ever used at any stage to consider any change to any provision of the Bill of Rights;

(6) Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

(7) The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided; and, be it

*Further Resolved*, That the Clerk of the House forward a copy of this resolution to the representatives and senators elected by the citizens of West Virginia serving the citizens of West Virginia in the Congress of the United States in Washington, D.C.

And,

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

**H. C. R. 32** - "Requesting the Division of Highways name a bridge bearing the bridge number 40-817/00-001.06 (40A163), (38.43345,-81.85331) locally known as Battle of Scary Bridge, carrying WV 817 over Scary Creek in Putnam County as the 'Sgt. Samuel D. Roberts Sr. Memorial Bridge'."

Whereas, Samuel D. Roberts Sr. was born on December 17, 1948, in Putnam County, to the late Freeman and Eleanor Longerbeam Roberts; and

Whereas, Samuel D. Roberts Sr. was also preceded in death by his sister, Lora Williamson; and

Whereas, Samuel D. Roberts Sr. was an Army Veteran with many years of distinguished service who served in the Vietnam War, where he earned a Purple Heart, a Combat Infantryman Badge, and a Bronze Star with Valor Device; and

Whereas, Samuel D. Roberts Sr. also served in the National Guard after returning home; and

Whereas, Samuel D. Roberts Sr. loved spending time with his grandchildren, as well as hunting and fishing; and



Whereas, Sadly, Samuel D. Roberts Sr., 72, of St. Albans, passed away on Wednesday, April 28, 2021 at home; and

Whereas, Samuel D. Roberts Sr. is survived by his children, Samuel Roberts Jr. (Jennifer) of Ft. Walton Beach FL, and Curtis Roberts (Kalyn) of Buckhannon; sisters, Ellen May Oswald, Jackie Roberts; brothers, Freeman "Butch" Roberts Jr. (Ethel), Richard Roberts (Daleann), Benny Roberts (Dawn); grandchildren, Connor J. Roberts, Zachary Brice Roberts, Katherynne Grace Roberts and Sophia Henley Roberts, as well as many other extended family and friends; and

Whereas, Many years ago, Samuel D. Roberts Sr.'s father assisted with the construction of the bridge to be named in his honor; and

Whereas, For these reasons, it is fitting and proper that the bridge be named in honor of Samuel D. Roberts Sr.; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge bearing the bridge number 40-817/00-001.06 () (40A163), (38.43345,-81.85331) locally known as Battle of Scary Bridge, carrying WV 817 over Scary Creek in Putnam County as the "Sgt. Samuel D. Roberts Sr. Memorial Bridge"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "Sgt. Samuel D. Roberts Sr. Memorial Bridge"; and, be it

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

### **Bills Introduced**

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

**By Delegates Burkhammer, Lovejoy, Riley, Mallow, Barrett, Householder, Statler, Hardy, Keaton, Pinson and Hanna:**

**H. B. 4416** - "A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating to providing motor vehicle registrations and license plates free of charge to volunteer firefighters who have at least five years of service"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegates Riley and Reed:**

**H. B. 4417** - "A Bill to amend and reenact §11-21-20 of the Code of West Virginia, 1931, as amended, relating to personal income tax; alleviating double taxation on foreign income at the state level; and sunsetting the credit for income tax paid on foreign income in 2070"; to the Committee on Finance.

**By Delegates Linville, Steele, Rohrbach, Lovejoy, Hornbuckle, Booth, Worrell, Griffith and Mandt:**

**H. B. 4418** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18, relating to the Small Business Supplier Certification Assistance Program; establishing a pilot program for the verification and certification of disadvantaged and small business enterprises participating in the government contracting and procurement process; authorizing the Department of Economic Development to collaborate with Marshall University for

purposes of establishing the pilot program; requiring a master plan for the pilot program; and establishing a deadline and reporting requirements for the pilot program”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

**By Delegates Pritt, Phillips, Holstein, Kimble, Keaton, Pinson, Clark, Barrett, Hanna, Reed and Haynes:**

**H. B. 4419** - “A Bill to amend and reenact §3-8-5c, §3-8-9b, and §3-8-10 of the Code of West Virginia, 1931, as amended, all relating to allowing candidate committees and campaign committees to make contributions to affiliated state party executive committees”; to the Committee on the Judiciary.

**By Delegates Toney, Rohrbach, Rowan, Paynter and Dean:**

**H. B. 4420** - “A Bill to amend and reenact §18A-2-4 of the Code of West Virginia, 1931, as amended, relating to eligibility requirements of school bus operators diagnosed with diabetes mellitus requiring insulin; providing that the eligibility requirements are also applicable to a school bus operator candidate; clarifying that the operator must also be issued a school bus endorsement for his or her commercial driver’s license; and specifying that the school bus operator follow eligibility stipulations and grounds as per applicable state and federal rules”; to the Committee on Education.

**By Delegates Howell, Martin, Barnhart, Zatezalo, Householder, Criss, Clark and Hamrick:**

**H. B. 4421** - “A Bill to amend and reenact §16-13A-9b of the Code of West Virginia, 1931, as amended, relating to requiring a public service district or a municipality included in a public service district to refund any charges to an owner of a privately-owned swimming pool since the effective date of the enactment of this section on April 10, 2021”; to the Committee on Political Subdivisions then Finance.

**By Delegates Howell, Jennings, Reynolds, Sypolt, Pinson, Wamsley, Hamrick, Linville, Barnhart, Zatezalo and Clark:**

**H. B. 4422** - “A Bill to amend and reenact §31-2A-1, §31-2A-2, §31-2A-3, and §31-2A-6 of the Code of West Virginia, 1931, as amended, all relating to enforcing stricter penalties upon railroad companies who block railroad crossings with their train and train cars; defining engineer; extending the definition of crossing to include private crossings; extending the definition of blocking an intersection to a train or train cars moving at a very low rate of speed; including an engineer as being subject to fines and penalties for blocking an intersection; and increasing fines and penalties for the amount of time the intersection is blocked”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Barnhart, D. Kelly, Zatezalo, J. Kelly and Reynolds:**

**H. B. 4423** - “A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-3a of said code; and to amend and reenact §50-3-2a of said code, all relating to providing authority municipal court clerk and magistrate court the ability to suspend the driver’s license if a person has failed to enter into a payment plan or pay towards his or her of costs, fines, forfeitures, restitution, or penalties in a certain time period following judgment”; to the Committee on the Judiciary.

### **Special Calendar**

#### **Second Reading**

**H. B. 2562**, Relating to litter control; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page 7, section (a) (1), line 5, by deleting the words “up to” and in lieu thereof inserting the words “less than or equal to”.

And,

On page 7, section (b) (1), line 24, by deleting the words “up to” and in lieu thereof inserting the words “less than or equal to.”

On motion of Delegate Kessinger, the bill was then amended on page 2, section 4, line 14 following the word “exceeding”, by striking out “50” and inserting in lieu thereof “5”.

And,

On page 8, section 4a, line 50 following the word “Protection” by inserting the following: “or duly appointed officer from the office, department or agency wherewith the criminal charge originated”.

The bill was then ordered to engrossment and third reading.

**H. B. 4024**, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4266**, Relating to limited liability companies; on second reading, coming up in regular order, was, on motion of Delegate Summers, committed to the Committee on the Judiciary.

**H. B. 4288**, Relating to expanding the practice of auricular acudetox to professions approved by the acupuncturist board; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4291**, Relating to authorizing legislative rules regarding higher education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4301**, Reforming membership requirements of Huntington Park and Recreation District Board; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with the right to amend and the rule was suspended to permit the consideration of amendments on that reading.

And,

**H. B. 4308**, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**S. B. 4**, Repealing ban on construction of nuclear power plants,

**H. B. 2631**, Provide for WVDNR officers to be able to work “off duty”,

**H. B. 2817**, Donated Drug Repository Program,

**H. B. 4048**, WV Keep, Bear and Drive with Arms Act,

**H. B. 4097**, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission,

**Com. Sub. for H. B. 4257**, Require visitation immediately following a procedure in a health care facility,

**Com. Sub. for H. B. 4263**, Prohibit the practice of white bagging,

**H. B. 4299**, To prohibit the intentional interference with election processes and creating associated criminal penalties,

And,

**Com. Sub. for H. B. 4324**, To update collaborative pharmacy practice agreements.

At 11:51 a.m., the House of Delegates recessed until 6:45 p.m.

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### Evening Session

\* \* \* \* \*

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

### Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 27**, Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising Joint Assembly therefor.

### Joint Assembly

The Speaker respectfully recognized the Sergeant-at-Arms for the following announcements:  
The Sergeant-at-Arms then announced members of the Board of Public Works, who took the seats reserved for them.

The Sergeant-at-Arms next announced Chief Justice Hutchinson and Justices of the West Virginia Supreme Court of Appeals, who entered the Hall of the House of Delegates and took the seats reserved for them.

The Sergeant-at-Arms then announced the Honorable Shelley Moore Capito, United States Senator, who took the seat reserved for her.

The Sergeant-at-Arms, then announced the Honorable Craig Blair, President, and members of the Senate, who entered the Hall of the House of Delegates.

The Speaker invited the President to a seat to his right and the other members took the places reserved for them in the Well of the House.

The Majority Leader was then recognized and obtained unanimous consent to return to the 7<sup>th</sup> Order of Business for the purpose of introducing and considering a resolution.

### **Resolutions Introduced**

The Clerk then reported **H. R. 10**, Commemorating the life of Robert S. Kiss, devoted father and husband, Member of the West Virginia House of Delegates, Finance Chairman, Speaker of the House, West Virginia Secretary of Revenue, long time practicing attorney and distinguished West Virginian.

The Majority Leader then announced former Speakers Chambers, Thompson, Miley and Armstead, and the Raleigh County Delegation, who escorted Melinda Kiss to the Well of the House.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

The Clerk then read the following resolution:

### **HOUSE RESOLUTION NO. 10**

(By Delegate Hanshaw (Mr. Speaker))  
[On Behalf of All Members of the House]

“Commemorating the life of Robert S. Kiss, devoted father and husband, Member of the West Virginia House of Delegates, Finance Chairman, Speaker of the House, West Virginia Secretary of Revenue, long time practicing attorney and distinguished West Virginian.”

The members of the House of Delegates hereby express their profound sadness at the passing of one of their own, the Honorable Robert S. Kiss, Former Speaker of the House of Delegates, and a distinguished West Virginian;

Robert Stephen Kiss was born in Elizabeth, New Jersey and raised in a military family. He lived many places growing up and received a B.A. degree in Economics from The Ohio State University in 1979 and his J.D. degree from The Ohio State University Moritz College of Law in 1982. Upon graduation, he moved to Beckley, West Virginia, which he called home, to begin his career practicing law, remaining a West Virginian by choice for the rest of his life. He was a devoted Catholic and attended Saint Agnes Catholic Church in Charleston, West Virginia;

Bob Kiss, as he was known to members and staff alike, began his public service in 1988 when he was first elected to the House of Delegates from Raleigh County. His education in economics, finance and the law combined with his keen intellect so impressed then Speaker Chuck Chambers that he was appointed Vice Chairman of the House Finance Committee his second term as Delegate. Two years later he was appointed Chairman of the Finance Committee, a position he held until he was elected Speaker in 1997;

Bob married the former Melinda Ashworth of Beckley, West Virginia. Those who knew him well knew of his devotion and love for his family and his belief that the greatest achievement in his life was his marriage to Melinda and the birth of his two sons, Carter and Cameron, of whom he was immensely proud. He dedicated his life to them, and in his family he found his greatest joy;

While serving in the House, he made many close friendships among the membership and staff, and no one could ask for a more compassionate and kinder person to call their friend. While most people recognized that he was probably the smartest person in the room, and he was, he was also so quick to laugh, had a wicked sense of humor, and loved being on the receiving, and giving, end of practical jokes. He often mused that if a memorial resolution was ever written for him, it should conclude with, "And he loved dogs;"

During his first term in office, Bob quickly learned the full extent of the state's grave financial crisis. The state was literally on the cliff of financial bankruptcy. Over the next 18 years, his vision and hard work were large contributing factors to righting the ship of state.

Bob's determination to find a way forward and his innate ability to work well with others across the political spectrum were instrumental in the Legislature's work to address the state's overwhelming pension and other debt, a failing workers' compensation system, a medical-malpractice insurance crisis, and annual budget deficits. The Legislature's accomplishments during his tenure included the funding for roads and highways, water and sewer projects, school and jail construction programs, a children's health program and higher education tuition scholarships, assuring the prompt payment of tax refunds, providing for the payment of pension and other unfunded liabilities, restoring affordable workers' compensation and medical malpractice insurance, and many other financially sound practices we often take for granted today, not the least of which was the creation of the state's Rainy Day Fund. Over Bob's career in the Legislature, the credit rating of this state was slowly restored to the solid condition it maintains today.

Many of these solutions were initiated in this House and were a direct result of his vision, and his ability to convince the House membership to take action, although at times politically unpopular, but necessary and the right thing to do. But Bob should also be remembered for his refusal to move politically popular ideas forward, despite immense pressure from either or both sides of the aisle, because of the grave fiscal impact the state would have endured.

While Bob's comprehension of complex facts and ability to create solutions was second to none, he never took personal credit for this Legislature's accomplishments. He always respected, worked closely with, and gave credit to others for what this body was able to get done during his tenure. He truly embodied what it meant to be a public servant and endeavored to put aside political differences and personal opinions to best serve the people of West Virginia.

After 18 years as a member of this House, 10 of which serving as Speaker, equaling the longest time ever served as Speaker in the history of West Virginia, Bob retired from public office and returned to private law practice in Charleston. However, in 2013 at the behest of Governor Earl Ray Tomblin, Bob returned to public service as Cabinet Secretary of the Department of Revenue, where he directed the state revenue producing agencies, and he served until 2016.

Bob may not have been loved by all, nor did he care to be, but he was respected by everyone. His vision and his role in guiding the state through some of its most dire financial situations of the last 100 years cannot be overstated. If there is a history of our state written of these times, he will always be much more than a footnote. His timeless aspirational challenge made to this House during his first Speaker's acceptance speech in 1997 still rings true today: "Each day as we recite the prayer and pledge to begin our sessions, if we are always cognizant of those who come after us, if we make their

economic and social conditions better than ours our primary concern and if we cooperate on a bipartisan basis in that pursuit, then perhaps we will not be remembered as a brief shining moment of lost opportunity and promise. Perhaps we will instead be remembered as that generation of West Virginians which finally laid the foundation which made the State of West Virginia the best place to live, work and raise a family on the face of the earth.”

And finally, he loved dogs. Godspeed, faithful public servant Bob Kiss.

*Therefore, Be it Resolved by the House of Delegates:*

That the members of the West Virginia House of Delegates hereby publicly memorialize the life of the Honorable Robert S. Kiss, and collectively mourn his death, while remembering that he leaves behind a legacy of success and accomplishment; that this House of Delegates proclaims that although the Honorable Robert S. Kiss has passed from this earthly life, he will continue to live here in the hearts of his family and those who knew him, and that this House expresses the thanks of a grateful state for his service and contribution for making this state a better place; and, be it

*Further Resolved*, That the Clerk of the House of Delegates prepare and provide a certified copy of this resolution to his family; and, be it

*Further Resolved*, That the Clerk of the House of Delegates also cause a certified copy of this resolution to be placed in the Division of Archives and History.

On the question of the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

On this question, the yeas were taken (**Roll 47**) and there were – yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Brown, Cooper, Hansen, Hardy, J. Jeffries, Kimes, McGeehan, Pack, Reed and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution adopted.

Speaker Hanshaw then presented an official copy of the resolution to Mrs. Kiss (applause, the members rising in ovation).

The Speaker then recognized the Sergeant-at-Arms who then announced the special committee to wait upon His Excellency, the Governor, and escort him into the Chamber.

Delegate Westfall then announced that, pursuant to the invitation of the Legislature, His Excellency, the Governor, was present for the purpose of addressing the Joint Assembly of the Legislature.

The Committee escorted His Excellency, the Governor, to the Clerk’s Desk. (Applause, the members and guests rising in ovation)

The Honorable Jim Justice then addressed the Joint Assembly as follows:

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### Address by the Governor

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GOVERNOR JUSTICE: Okay, come on y'all, sit down. Enough is enough. I know you just went through a really special time, a great man that we lost, our Speaker of the House, a great friend of lots and lots and lots of folks, and so with all that, you know, we to he served our state in an incredible way, really proud, really, really proud in every way.

Now, let me just tell you this. We have already had a few little mishaps and I am going to just sit here and talk with you tonight. I just think about this for a second. It is an incredible, incredible time to be a West Virginian and I am going to talk to you a lot about a lot of things here tonight, but the one thing that is absolutely for sure true from time to time, not very often, almost never you may have found that I have been a minute or two late here now, I know you are already giggling and I love that because I really believe that the Good Lord gave us all the ability to smile and laugh and the journey is very tough. In all that, whether there were times I was 15 minutes late or 20 minutes late or sometimes even later 25 than that, I never really have been 15 days late.

But I can tell you that I am extremely grateful that you are allowing me to come late. I absolutely promise you with all my soul that I couldn't believe what happened, to tell you the truth.

You know, for those of you that have been in contact with this or had loved ones that have dealt with it, and we all know that, but we also all know, we have got to live with it until really smart people figure it out and it leaves us forever. Now, with all that I would say to you so many different things, but there is so much, so much to discuss here tonight and I say, "Dude, here we go."

I would like to first and foremost recognize my family. I really don't have any idea how all of the people that are around me all the time, none of them tested positive. That really doesn't make a lot of exception to me, but it especially doesn't make sense to me that I dear wife, Cathy, was with me the entire time and she didn't test positive. Now I have accused Cathy of being a carrier, to tell you the truth, but — but nevertheless our First Lady, Cathy Justice, please. (Applause.)

I brought my daughter, Jill. She is still — she is out of the time when she can't go out, she is still in the time where she doesn't wear a mask and I have got my beautiful son Jay with me. It is really the other way around. I have got my beautiful daughter, Jill, and my okay son, Jay.

But nevertheless, I want to introduce all of my cabinet. I want you to really just bear with me just for a second, just know this. These people do incredible work. They are super workers, that is all there is to it. You see, I am a real believer, I am a real believer that absolutely if you are willing to share the credit and talent and all of the responsibilities and everything, you can create winners all around. I will just go through as quickly as I possibly can.

Our Secretary of Commerce — why don't you hold your applause until I get done. Our Secretary of Commerce, Ed Gaunch, Secretary of Administration, Mark Scott, our Secretary of the DEP, Harold Ward, our Secretary of DHHR, Bill Crouch, our Secretary of Homeland Security, Jeff Sandy, our Secretary of Revenue, Dave Hardy, our Secretary of Transportation that wears a tie a little strangely, Jimmy Wriston, our Secretary of Veterans Assistance, Ed Diaz, our Secretary of Tourism, Chelsea Ruby, our Secretary of Economic Development, Mitch Carmichael, our Secretary of Arts, Culture, and History Randall Reid-Smith who can dress a little unusual at times, too, our Adjutant General of the West Virginia National Guard, Brigadier General Bill Crane, our Chancellor of the West Virginia Higher Education Policy Commission, Sarah Armstrong Tucker.

Now, now you can clap. (Applause.)

We have got our Supreme Court with us. Our Chief Justice is John Hutchison. I have to tell you this before I go any further and I just looked at the name and I just think of this. We were practicing at the Raleigh County Armory, at that time was called the Armory, now it is Raleigh County Civic Center. We were both playing on Woodrow's team. I was a junior. John was a senior. John was



right in front of me. I was playing right behind him and everything and they were going to get the tip and everything.

All of a sudden out of nowhere he wheels around and rams his head right in my nose. When he does, blood is going everywhere as I have a broken nose and the coach continues to scream "Get off the damn court, Justice." So nevertheless, our Chief Justice John Hutchison, we have Justice Evan Jenkins, Justice Elizabeth Walker, Justice Tim Armstead, and Justice William Wooton. Would you all give them a round of applause, please? (Applause)

And constitutional officers, I have had really a lot of fun working with these guys and really truly, I think of them as really dear friends. You know, our Attorney General is not with us tonight. Patrick is off doing a lot of really, really important stuff and we hope he will come back and bear a lot of fruit. But our Attorney General Patrick Morrissey, our State Auditor, J. B. McCuskey, our Secretary of State, Mac Warner, our Commissioner of Agriculture, Kent Leonhardt, and our State Treasurer, Riley Moore. Give them a big round of applause, please. (Applause)

We have so many different people here. We have our Senate President right behind me, Craig Blair, our Speaker of the House, Roger Hanshaw. You know, I haven't seen Joe, but I see Shelley here. Shelley, thank you so much for coming and everything in any way. I haven't seen any of our Congressmen or Congresswomen, but I thank them from the bottom of my heart, absolutely, please, a big round of applause for all of them. (Applause.)

We have got college presidents here, our WVU President, Gordon Gee, and our newly President of Marshall University, Brad Smith. I don't know where they are, but, please, give them a round of applause. (Applause.)

Last, but not least, this gentleman right here, surely deserves a ton of credit. From almost day one, we have wanted to get this accomplished. We now in West Virginia have a newly appointed Intermediate Court of Appeals. And these — and these people are Tom Scarr, Dan Greear, and Donald Nickerson. Please give them a round of applause, too. (Applause.)

Okay, it's been two years, the pandemic has been tough and you know the toll it has taken on every single last one of us. I have read every name. It has been really, really bad. That is just all there is to it.

You know, we are great people and we are a resilient people, West Virginians, and I know in my heart we are going to get through this. We still need to all stay together and pull the rope together as much as we can and I want to talk to you just a second about that. But I would like to all of us bow in a moment of prayer. We have now lost 5,697 people.

We will just do this in silent prayer, but please, please, remember all of those that we have lost.

Thank you so much. I want to recognize my team through this. The Coronavirus Czar Doctor Clay Marsh, the general that was a general for a long time with the National Guard here and has gone on to do more and more great stuff with us, that is General Hoyer. Doctor Amjad, who came on kind of semi in the beginning, middle of this thing, but what a job she has done, and Secretary Crouch, and all of the people that have worked right with them.

You know, some way, somehow, you can say a whole lot about this, but some way, somehow we pushed the right buttons over and over and over. Could they have been better? Could they have been perfect? Well, maybe. Maybe, but in all honesty, they sure absolutely are. I think all of the time about, you know, when we had to close something or we just stayed right and said, "No way, no way, no way," and we moved and we some way, somehow got through eight. Really and truly, and I mean this with all my soul, nowhere close to hard enough to have made all of the decisions that we made. There's no way. I'll promise you that, a billion times over, God above helped us, the great state in many, many ways.

If don't believe that, then you are really, really a misguided individual in my opinion because really when it goes right down to it as elderly as we are, as close as we are to population and as

absolutely so many different diseases and illnesses we have with our citizens, this could have absolutely wiped us out. It could have been really, really bad.

Now in all of that, please give those people that worked a round of applause. They have done great work. (Applause.)

I want to introduce one other group, this is a tremendously educational deal that just happened right here right now. You know, I have had my basketball team sitting right up there, a bunch of talented young ladies that are on their way, that are smart as they could possibly be. If you all would stand, please give them a round of applause. (Applause.)

Now let's get through a lot of business, okay? We are now going to create or have created an Emergency Management Crisis Fund. We did it with \$10 million. It wasn't all of the money in the world, but we did it out of one of the last bunches of moneys that we had and when have done this for our EMS workers. We have done this to try to retain or recruit, you know, good, good, good people. These people have given so much. You talk about they run to the fire, they surely have.

Now, I want to just much on one other thing real quick. I want to just tell you from my heart the real important stuff. You may think, "Well, that didn't mean anything. That wasn't anything." But you all watch what is going on in Washington all day. I don't know any of us here that could possibly say that it's — this country is so much better than that, it is unbelievable. Don't fall prey to that. Please be as staunch and great as you are all of the time. You know whether you believe this, bang to it, don't bang to it, I don't know the very reason that I ran for Governor. I have never wanted anything. I just wanted — you see, a long time ago, our forefathers, that is what they did. They stepped up, lost a lot, didn't they? They lost a lot. Well, I promise you from the standpoint of a financial trip, it has surely not been the most rosy trip for Jim Justice, but I can tell you just this. I did it for the right reasons.

I also would tell you something else. I didn't want to just be your Governor. I can remember when Governor Moore was running and some of his ads, you know, as he was running for re-election, said "Reelect a good Governor." I don't want to be a good Governor. I want to be the greatest Governor you have ever had and I want to be that every, single day. And I would challenge you to do the exact thing. But we cannot do it, we cannot do it just disrespecting, we can't do it throwing rocks at one another. We can't do it trying to one up each other all of the time. There are so many people that depend on us, it is unbelievable.

Let me just say one last thing. You know, I don't get to fly very often, but I fly from time to time, whether it is in my plane or a state plan. And on a clear day, and I have said this over and over, I'll be up at 20,000 feet or 25,000 feet where you can see for miles and miles and miles. And you know what I think so often is just this: All those people for as far as I can possibly see depend on me. They depend on you. It is breath taking when you really just think about it. The responsibility is really enormous. Please, let's not be Washington, DC. We are better than that. If we don't watch out, we will really, really, really get in trouble.

I promised you a rocketship ride, did I not, in 2017? I told you we were on the pad in 2020. I am going to tell you for real there can't be a human being in here that doesn't believe that it's real now. It is absolutely real. This state is setting records, record after record after record, record surplus after surplus, record after record, record unemployment as far as the greatest levels, the lowest unemployment in history. People are moving here from 2010 to 2019, a number that I can't imagine, 43,000 people left the State of West Virginia and we know right now for the first time, for the first time in forever, they are moving here. They are finding out the very thing that I had said to you over and over and over and over. We are that diamond in the rough. We are the diamond in the rough that absolutely can do all great things. I mean, I believe in our people beyond belief. I believe in the facts we have got these incredible four seasons and our proximity is where it is off the chart, it is all natural resources, on and on and on, is it an opportunity beyond belief.

Tourism is exploding, I could go on and on and on, we are building road after road, businesses are expanding and businesses are coming. It is amazing. It is an amazing West Virginia. I say to you over and over and over, let's continue to propagate more and more and more good. I'll promise you we have the chance to do just exactly that.

Last year I came to you and asked you to fund, basically, another secretary, did I not? I asked you to create the Department of Economic Development, did I not? And I absolutely asked you to allow Mitch Carmichael to be our secretary, did I not? And focus on job recruitment into our great state.

You just think about that. Mitch Carmichael is somewhere in here. I want you to stand, hold your applause for just one second. I want you to think about this. In 2021 more than \$1.1 dollars was invested in West Virginia by 39 different companies through economic development efforts and activities.

In the calendar year 2021, the first year of the Department of Economic Development, total employment in West Virginia has increased over 36,000 jobs, over a 3,000 percent increase, the lowest unemployment in the history of our state today.

Look, when I came to you and said, "Let's fund this," pretty daggone good investment. But please give them a big round of applause. (Applause.)

You know they went fishing, did they not?

You know, and they caught some big, big, big fish. You have already heard about these announcements, but I wanted to bring them to you, you know, in the State of the State a few days or so ago, but Owens & Minor is somewhere here and we have, and I know I am going to mess up pronouncing this, but Ed Pesicka is here and, oh I can't do this one. This one is all, I'll never do it. So anyway, Ed and whomever. (Applause)

I want to also thank for the work in getting them here, Albert Wright at WVU. This company is going to absolutely be able to help us along the way with supplies in the medical industry and a lot of different things, 125 employees. We thank them and thank them from the bottom of my heart. The total investment will be close to 50 million dollars and that is great. Thank you.

Then along came GreenPower, the Motor Company, did it not? I think Mark Nestlen is with us with GreenPower tonight. They are going to go into South Charleston and start off with 200 jobs with the hope at some point in time of growing to 900 jobs. From the standpoint of Owens & Minor, you realize they are a Fortune 500 Company coming to West Virginia. Amazing. So wherever Mark is, Mark, please stand. (Applause.)

And just think about this. You know, you have gone fishing. You caught — you caught two world class tunas, maybe Blue Marlin, and absolutely we are so proud to have you here and we know that you will love this state beyond all good things.

But along the way in that, we kept fishing, did we not? And we talked and we talked and talked to these people and I did everything but tell them that I would dance at their next 6,000 weddings and along came Moby Dick. And boom. We got it. We absolutely have so many things to be thankful for.

But we have Nucor West Virginia right now, and if you could give them a monstrous round of applause, David Topalian, David Sumosky, John Farris and Ben Pickett. (Applause.)

Now believe it or not, the biggest investment hands down that has ever come to West Virginia, but the biggest investment that Nucor has ever made, can you imagine, Fortune 150 Company, it is unbelievable it is coming to West Virginia and the spinoff of this is going to be job after job after job. It has absolutely been working for it forever.

Also a really important fellow I want to thank there is Chris Beam. Chris with AEP really stepped up. AEP really stepped up. We should be very, very thankful for them. Chris, I saw you just a second ago. Thank you so much. (Applause.)

Okay. More of the business. Years ago, now I have seen this, I have seen this so many times. I have seen this, you know, where really smart business people tried to do just this. We had so many industrial sites that were just mothballed all over kingdom come. We believed we will build a site and

they will come. Build a field and they will come and they didn't. We had to be nimble and we had to move and we had to change our techniques of the way we would attract them and everything. And today, today, today I am directing our Secretary of Commerce and Economic Development as well to find those four sites. So you guys have got to get to work, that is all there is to it. We need more sites.

I absolutely believe that if we are truly the diamond in the rough, we have got to stop right now, West Virginia, of having one person hungry. We don't need name people in our state hungry. We need to do in our food banks to find absolutely everything we can possibly do to make sure we don't have West Virginians go hungry. (Applause.)

Now I am here to tell you that a group of people that we should be so thankful for, it is off the chart. That is our National Guard. They have done so much so many different times. I can remember in the flood of 2016 wading in mud with lots and lots and lots of them, and really beginning my knowledge of just how really good they are. I have seen them all. I have seen them through a lot of storms and lots of bad stuff, right through to their soul, just how good and how blessed we truly are. And I see today they are back at the hospitals and doing everything they can to help us again today.

Not only that, and this is the neatest — this is, first of all, you have got to know this. I love the state. I don't go on vacation and Cathy can probably kick me for that. I don't go on vacations. I love West Virginia. I love to hunt, fish, spend time with kids and be right here in this great state and that is what I do. That is why this story is so meaningful to me.

The Mountaineer Challenge, then along came the Mountaineer Challenge Academy South, did it not? Kids were having a tough time, kids that were really going the wrong way, going the wrong way. And lo and behold, we have a graduate now, Mountaineer Challenge Academy South. His name is William Farkas. He is 17 years old. He just got appointed to West Point. His parents are right here with us tonight, Dave and Rhonda. If you would stand, I don't know where you are. Oh, right here. (Applause)

Now not one can spend a whole lot of time is critical, but I truly believe in telling the truth. When somebody is going the wrong way, I don't believe that you should just pamper them. I believe you have got to tell them, "You are going the wrong way." That is all there is to it. I really believe we don't get out of the holes where we don't know where we are in the hole. I believe the Biden Administration is absolutely driving me at least crazy. That is all there is to it. I think the situation today with inflation and especially what is going on at our borders, what happens internationally with Afghanistan and whatever it may be, if that the trouble, I think absolutely again he is not really thinking right.

But in all of that, this border situation has caused a big problem. Fentanyl, over and over and over, it is killing people in West Virginia right now. But tonight, I am directing our department of Homeland Security and also the Center to do everything in their power, I don't know exactly what all they can do, but to do everything in their power to communicate across borders with every state, all of the way to the Texas border, all of the way to whatever border it may be to do any and everything that they can possibly do to help stop the terrible securing because it is killing people. That is all there is to it.

I would also — I would also welcome anything that you folks can come up that says for a drug dealer that comes into this state and peddles stuff that is going to kill our people, absolutely you can't come up with anything that is absolutely — you can't come up with anything that is too strenuous for me. There is no way. You just can't do it. That is all there is to it.

Our Jobs & Hope program is doing all kinds of neat stuff, we have touched 1400 individuals that have now gone out and gotten jobs in West Virginia and there are 1600 more people that are in the program. It is really good stuff.

We want to recognize a young lady here with us that has battled an addiction and a problem for 25 years. Her name is Katie Everly. Imagine that, she out of nowhere got into our Jobs and Hope program and lo and behold of all things today, do you know what she is? She is a heavy equipment operator. And you know where she is working? She is working for our West Virginia DOT. She is going to get a promotion right soon and she is with us to nature and she is on our her way, she is

with her children, she is absolutely on her way with a new life, a life away from terrible addiction. Where is Katie? (Applause.)

Great job.

Okay, we want more people back to work in West Virginia. We had a few extra dollars from the remaining CARES Monday, the original CARES money. We started a thing called Jobs Jump Back Program. Basically, it is just an incentive to be able to get people to go back to work even though our unemployment level is super low, get more people back to work because our businesses need them. And they need them really bad.

We are going to give those people \$1,500 if they can stay on the job eight weeks. It doesn't sound like much. It doesn't sound like much at all, but really we have got to some way get them back because they are sitting on a porch somewhere right now a lot of them that are absolutely willing and able, and we need them back. The federal government is doing their thing, but I think what we should do is try any and everything we can possibly do to get them back.

We are also hiring a resiliency officer that is going to work in our office that is going to work all of the programs, help them every way you could possibly help with all of the different areas of the programs to help them. This program really is working, you know. I'm not promising you that it will work here, but I surely think it is worth a shot.

Here is really neat news. Our old — and all of you all probably know what exactly what old fund means. Our Workers' Comp. is over. At one time we had a 3.5 billion dollar deficit. For all practical purposes, nobody would like to come to West Virginia and do business. Today and tonight I can announce now it has — the deficit is completely eliminated and we have a positive balance of 57 million dollars and it is over. (Applause.)

I am delivering to you tonight for the fourth year in a row for all practical purposes in every way a flat budget. We have absolutely — we don't have any reason to dip into the Rainy Day Fund. We absolutely do not have any reason to grow government. We absolutely need to watch the store every single day. You will absolutely see a flat budget, with some minor, minor increases for pay raises or whatever it may be, but we can cover that with our surplus.

I encourage all of you, we absolutely look as we possibly can with the CARES money. Now we have the ARP money. We need to work through all of the good ideas. We need to be super respectful of one another and we need to absolutely manage those dollars in the very best place possible. It is another real opportunity for West Virginia.

We have government reform going on and I am a real believer in streamlining government and cutting ways to do all of the different things we can do. You know, I am proposing bills to further streamline our Department of Art, Culture, and History, DHHR, the DOT and the Division of Corrections and I want to show you just something. And I don't know where it is and everything, but where is it, Jordan? Are you all going to bring it out here. Here we go.

I want you all to look right here. You will not — there is no way that you could possibly believe this. This is the flow chart in the state — you all can stand right in front of me, that would be good. Come stand right here. It goes all of the way over here. This is a flow chart that shows the process of getting a contract through our state purchasing department.

Now I want you to look at this. And I want you to imagine, that was created so we would — we would not wait. Honest to God. That's the truth. That's why it was created, so we would not wait.

It is the beatingest thing I have ever seen. Toyota has been an incredible partner to West Virginia, have they not? And Toyota Production Support System, they are surely one of our business partners in the production — the Toyota Production Support System is a world leader in efficiency has agreed to help us streamline this and try to come up with some way that it isn't this. (Applause.)

You all can just stand there. You all need to leave. We need a new lab in West Virginia. We absolutely need a new lab and need it really bad. We need a new lab and we can put it all under

one roof and we can have a public health, a law enforcement, and an Ag. lab under one roof that is state-of-the-art and state-of-the-art beyond belief. We can use ARP money to fund this, but we desperately need a new lab for our medical examiners, our State Police, and our Ag. department. Please let's absolutely move forward and get this done. (Applause.)

Man, you all clap a lot. Okay. Okay, our State Police, now just think about this. We need to commit dollars to locality pay. That is all there is to it. Our State Police continues to have dwindling numbers. We have had three cadet classes since I walked in the door and who knows before that we didn't have any. Now we are on the brink of having our fourth cadet class and we are still underwater, maybe to the tune of 700 to 800 State Policemen. We absolutely need to move forward with our cadet class. We need to move forward with locality pay and we need to absolutely support, the very, very people that support us. How again, and I don't mean to step on anybody's toes, how again could anybody have come up with the idea in life we are going to defund the police? Where on God's earth did that come from? (Applause.)

Think about what tourism is doing in the State of West Virginia today. You know, we have a Secretary of Tourism, Secretary Ruby, who has done an incredible job. Chelsea is stuck on all of the time and absolutely lives, eats, and breathes ways to bring more and more folks to West Virginia. I have been an absolutely believer and supporter through and through. Without any question whatsoever, the very first day that I walked in this door, I have been a believer in diversification and a believer in tourism and, being an absolutely tremendous leader in West Virginia. I said over and over, and you might think, "Oh, gosh, why does he say these things?"

I said, you know, any frog who is not much proud of his pond is not much of a frog. And forever, forever, we must have not been real proud of our pond, not proud enough to put some dollars into it. You look at the investment we have made in tourism and what happened in this state. It is absolutely unbelievable, what I am telling you, Jim Justice, he is telling you just right, you are still just getting it partially outside the plate. The meat and potatoes are still there. Absolutely if there is ever a place on this planet people would want to come to if they really understood what we are all about, what we have, is tourism in West Virginia. So-(Applause.)

Think about the other ATV park, good gracious, all of the different things for travel, all of the different things that are happening. Think about all of those publications all over the place. They are now ranking West Virginia at the top — in the top 25, whatever it may be. You know, tourism magazines to be perfectly honest, most of it had never heard of us before. You couldn't imagine that they would pick West Virginia. But they are all picking West Virginia. It is unbelievable. Chelsea, please, stand, incredible job, incredible job. (Applause.)

I talked about that frog being proud of his own pond and I am going to tell you this and I promise you to God above this is a fact. You know, a lot of people will sit here with teleprompters and read to you and I — you know, I think I speak the most common language and I talk about frogs and I talk about Baby Dog and everything else under the sun, really and truly you know that I am talking to you just like we were sitting in your house talking to you. Not talking down to anybody, I don't believe in it.

Absolutely believe that of all of the frogs, I am proud. Now, there may be somebody that isn't proud, but I love you and I love the state more. So many different people throughout all of the different land and everything have thrown rocks at our natural resource industries, our coal miners and gas workers, really makes me mad. The reason it makes me mad is all that these people have given, good gracious sakes a living, they have given so much. And we owe them so much. The same way with our great factory workers, our craftsmen wherever they may be, our teachers, all of the people that are doing the work in this state, people have thrown rocks.

I frankly don't like this either. And you know, I am going to probably get in trouble about this, but I will just get in trouble. I have been in trouble a lot. But, you know, I don't like the fact whether it be our financial institutions or whomever it may be that they come out publicly and say, "Oh, no, we don't believe in making loans or whatever to the energy industries. We are not doing that." Well I think it is their prerogative in private business people without any question, for God's sake I don't know how you exist in the State of West Virginia and turn your back on the very industries that made this state and still continue to do so. So I think all of those, whether it be our healthcare people, our first responders, I truly love you. I am the proudest frog. So I'll just go with that.

The Beckley Veterans Nursing Home, we have talked about it for the last 100 years and truly we were right on the verge of being able to pull this off, but when we got the quotes all in, the quotes came in a little higher to pull it off than what we wanted to have happen. So we got — we have got to make a decision. We can phase it down. We can phase down from 120 beds, 90, 80, and maybe we can get by. And I am going to tell you this as point blank as I can tell you, these people have given us every single thing we have had in life. Absolutely we have got to find some money. I expect you to do that with us and absolutely go arm and arm. We have got to get this done right here. That is all there is to it. (Applause.)

Okay. I am going to keep moving here. We are starting a new thing that is really spawned from Ascend and it is, you know, that Brad Smith and Alys have come up and helped us with that program. Can you imagine that program, Brad, you know this, we had 10,000 applicants I think and 2.5 million visits to our web site, unbelievable, through the combination of you guys, through the combination of WVU, through the combination of our tourism folks and everything else, 2.5 million people visited us and said, "We have an interest in West Virginia." We have got to build houses, people. That is all there is to it.

So I am going to try some way to create something called build West Virginia, some level of tax credit, a tax credit for builders to incentives them to go out and build homes. Again, I thank Ascend for all that they have done and we have a young lady with us tonight that is one of those that has come to West Virginia. Of all places she came from an 800 foot — 800 square-foot apartment in Chicago, Illinois, her name is Quintina Mengyan and I think I am pronouncing this correctly. Her boyfriend, her dog, and herself, all of them have moved now to West Virginia. They supposedly love it. Babydog has talked to the dog and the dog loves it, too. So where is she. (Applause.)

The DNR police are with us tonight, Bobby Cales, our colonel is here, 125-year celebration for how many years they have been with us and protecting our natural resources in this state and now they have got a new motto, is it called "Protecting the Wild and Wonderful." Where are you, Bobby? Where are you? Please, you all stand. (Applause.)

We are similar any losing an incredible friend, incredible guy who has done an amazing job with our DNR, Steve McDaniel. Steve has done absolutely wonders and Steve and I have been going off on one another like you can imagine. I love the outdoors and you know really and truly I am broke up a little bit now and to be perfectly honest, he is, too. And with all of that, but I have honestly almost walked up and down every mountain in this state. I have chased a bird dog all over kingdom come and I have chased every wild turkey you can possibly chase in this state. I have crawled on my belly countless hours, days, weeks with a little five foot fly rod with a fly I would shoot on the water and a three and a half way little native brook trout stream, to catch a little native brook that big about that I thought would look like a tarpon. I love it. Steve McDaniel, the job that he has done is unbelievable. We have added 85,896 new acres in West Virginia. The hunting and fishing licenses are off the chart. we have absolutely stocked our fish the right way and made an ungodly improvement in that and brought more and more and folks to West Virginia. We have spent \$151 million on our parks. The absolute occupancy in our parks is off the chart.

We are 52 percent higher income on — in our DNR today than we were the day I walked in the door. Steve McDaniel is here with us somewhere and he deserves the lion, all of the credit wherever he is, Steve. God bless you, man. Thanks for all you have done. (Applause.)

Let me tell you just this. There is no question we can make education better and better all the time. There is no question we put a stake in the sand right off the get-go and said, "Make education our priority," did we not? Things started to change. We have done many, many things and we are on a journey to make it better and better and better and better. Tonight, I want to propose really three different things. I want to propose that we make the penalties for somebody that is a school employee that abuses a student so tough that they will know that I am sitting on their chest. And that is pretty bad, isn't it? (Applause.)

Unless you all are wanting to be here all night long, you are going to have to slow own on the clapping. I want to prepare tonight to the Legislature that we fully, fully cover the cost of college classes for our high school students. I think we could do that and then when they leave high school, you know, go to a community college or technical school, they are absolutely covered. You know,

but with that we need to encourage more and more and more of our students to continue on with their education.

I also — let me see. I also want to propose a bill to make computer programming and coding classes mandatory in middle and high school. All that you will see really soon and this just helps us in every way for the next generations to come.

We have a young lady with us tonight — I'm sorry, a young man with us tonight. He is the Teacher of the Year. His name is Brian Casto. Brian is an eighth-grade teacher and teaches West Virginia studies at the Milton Middle School in Cabell County. You know, absolutely it is amazing what great work that our teachers do every day. But also we have our Service Personnel Person of the Year, and that is Kathy Miller. Kathy is a cafeteria manager at Wayne High School in Wayne County, absolutely good. You government can you give these people an incredible round of applause.

Just stay up there just one second. Let's follow it up with a special thanks to Highmark, the Horace Mann Insurance Company, the West Virginia Lottery, Toyota, and all of the others that made all of this good stuff happen, as well. (Applause.)

I am going to ask you now to show your real appreciation so I won't get into all kinds of trouble later tonight, but Cathy has really done an amazing job with students. You know me, you know I'll horse around with you and smile and love to laugh, but I'll tell you the truth always, and I mean this from my dying soul, if God above, and that is serious business with me, if God above right there, I am telling you the gospel truth, I have never seen a program, never ever seen a program in my life that worked. It's unbelievable. And Cathy and I truly in all fairness didn't know much about this at all and we just started down this path. We started with next to nothing and then it has just grown.

It is the Communities In Schools is the number one drop out prevention initiative in the nation right now. They have been around for 40 years and truly it works. The program is in 31 counties in West Virginia. Get this, you don't believe this, 171 schools impacting 70,000 kids. There is story after story after story. It is just truly amazing. But Cathy has got some good help. They are adding Marshall County now and we are on a quest absolutely together, but Cathy with all of our great people, whether it be Vicki and Katie, all of the different people, you know, Michelle, all of the different people that work with it. They are on a quest absolutely to be sure that the Communities In Schools in every, single one of our schools before we leave. Then it will be up to you. But if you don't — if you are me, you absolutely would make that happen, with God above, and you are in as much schools and I am in and you are as with as many kids as I am with, never seen anything worth it. It is absolutely, absolutely remarkable.

So with all of that, I would say to you just this, I have got one more thing. We have — we have an individual that was here, whose name is Connor Cook. He is a senior at Woodrow Wilson High School. Without any question, these kids really are — have lost their way. Kids have so much going, we all know it, but all of the different stuff, bullying, the parents and drugs and everything that can be out there that a kids have to face, to deal with, all of the social media stuff, all of the stuff, my God and living when I was growing up all we had to deal with who was going to win kicking the can in the alley that night. All we had to deal with was getting up, putting on our school clothes, coming home and putting on our play clothes and playing some kind of ball somewhere. Kids have so much today to deal with.

There was a young man, like I said, whose name was Connor Cook, Woodrow Wilson High School. Connor was going way, way, way the wrong way. And there is a site coordinator there, her name Erin Boyd, is a long-time educator, has now worked with Communities In Schools. And she recognized that this kid was a bright kid but on the wrong path. A kid had given up in school. Imagine this. Imagine this. Connor today is a straight A student and what he is doing is unbelievable. He was going to be here tonight and he became ill. We don't know if he got Covid or not, but he was coming. But please give Cathy and all these great people a tremendous round of applause. They have done incredible work. (Applause.)

Okay. To wrap up the education end, you know, last but not least, I am proposing a 5 percent pay raise to all service personnel, I mean all, all of our state employees, teachers, our service personnel, all of the people in the State of West Virginia that work for the State of West Virginia,



rather, and absolutely I am also proposing my inflato scene, which is just a backup for really trying to back stop this terrible inflation that is going on, help them out a little bit there because we can do exactly that. I hope that you will take that and really, seriously consider both. We have got a lot, a lot of folks in our state government that are doing really good stuff. (Applause.)

And, no, I am not — I was going to say I'm almost done. But I have got to just say two or three more things, say two or three more things to you very quickly. What we have done with our roads in the State of West Virginia is totally off the chart. Just think about this. We have got Jimmy Riston with us, I like to say he wears his tie a little unusual, but Jimmy, Jimmy Bird's wife, a lot of people have really put in a lot of licks. Again, and I mean it, I give the credit to the Lord. How in the world could I have possibly come up with the idea of Roads to Prosperity? Where did it come from? Where in the world did it come from?

A lot of people thought, "There is no way, there is no way, it will cost us more money. We will have to tax more. We will have to do this and that."

You know what we did? We created tens of thousands of jobs. We absolutely put ourselves on the pathway and lo and behold it worked. Think about this, the ditches, slips, all of the guardrail and everything else. In 2019 they did 30,000 miles in West Virginia. In 2020, they did 39,000. In '21, they did 47,000 miles. My God to live, we are going to run out of miles. 1,000 road projects, West Virginia. Before I leave, I absolutely want to see the completion of the Nitro-St. Albans bridge. I absolutely want to see us complete Corridor H or surely get it way down the trail. I absolutely want to see us try to make every inroad we could possibly make in the Coal Field Express in the southern part of our state, and I absolutely to God sake, surely o God above we can get the roads paved in Wheeling. I mean, surely we can get that done. (Applause.)

Okay, I am coming to a close here. You will probably be really proud, maybe you won't of me, hanging around here to the close, but, you know, we together put a real stake in the sand not long ago. We said and we need to hold up for our — we said we weren't going to stop until we had broadband in every single house in this state. Did we not? For crying out loud, we are on our way. We have started with a billion-dollar program. We started down the pathway. We have got lots and lots and lots of more work to do, but we can do it, and for God sake's above let's make it all happen now. Now is the time to make that happen. We have got our people that need that.

They drive business here. It will drive so many things here. We need to crawl out of the dark ages a little bit and connect every, single person we have got in this state. Thank you so much about that. (Applause.)

Now remember what I told you about the Good Lord gave you the ability to smile and to laugh. Did I not tell you that early on? I would like you to do this. I would like you to take a moment, not necessarily in prayer, but I would like you to take a moment because we have had an individual retire and we are going to miss him so much, Phil Kabler.

Now, so let's just take a moment, okay, that is long enough. We can move on from there, but, nevertheless, on a more serious note, you know, I do wish Phil the best in his retirement. And we are going to miss him more than you can ever imagine and by me saying this now, none of you have anything to worry about. He will write about me every day now.

The last thing I have got, will tell you just this, I know a bunch of you have asked about it. This has been the year of Babydog, hasn't it? So she has got to come out here. Come on out here, baby. Come on Babydog. Look at her. Stand up where you can see.

I want to just end by just saying this: We are getting to a point, are we not, you all can see her before we leave. I have brought you a flat budget again, record low unemployment, broadband becoming a reality, tourism exploding, proud to never, ever forget our coal miners and our gas workers and all of the fact that we all should be so proud of who we are, record pay raises, Communities In Schools doing phenomenal work, streamlining and eliminating waste, combating drugs, feeding the hungry, very, very just the essential ingredients who we ought to be, building road

after road and surplus after surplus and made education our priority and did so and the world began to know that we are that diamond in the rough that everybody knew.

Now, Drew, if you can hand me Babydog. I want to tell you all just this. And I mean this. I told you a second ago, easy, Baby, you are hung up in my jacket. I wanted to tell you just this. I told you a few minutes ago, I am your proudest frog. Absolutely people doubted us. They never believed in West Virginia. They never believed in West Virginia, that we could do it. They never believed that the Nucors or the GreenPower or Owens & Minor, they never believed. They never believed they would be here. They told every bad joke in the world about us. And so from that standpoint, Babydog tells Bette Midler and all of those out there, kiss her hiney.

God bless you all. God bless you. I told you I'd make you smile. Thank you also much, in every way. Keep doing it, West Virginia. You can absolutely do greatness more and more and more to come. Thank you so much. You are an incredible group of people. Don't become DC. Keep it going. Way to go West Virginia, proud of you. (Applause.)

His Excellency, the Governor, then retired from the Chamber.

The Joint Assembly having concluded, the Speaker then called the House to order.

### **Miscellaneous Business**

Pursuant to House Rule 132, consent was requested and obtained to print the following remarks in the Appendix to the Journal:

- Delegate Jennings regarding the death of Pvt. 1<sup>st</sup> Class Zachary W. Riffle of Kingwood

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

**H. B. 2049:** Delegate Thompson

**H. B. 2061:** Delegate Thompson

**H. B. 2062:** Delegate Thompson

**H. B. 2065:** Delegate Thompson

**H. B. 2080:** Delegate Thompson

**H. B. 2291:** Delegate Hansen;

**H. B. 2362:** Delegate Storch;

**H. B. 3017:** Delegate Crouse;

**H. B. 3204:** Delegate Lovejoy;

**H. B. 4280:** Delegate Lovejoy;

And,

**H. B. 4421:** Delegate Mandt

**H. C. R. 31:** Delegate Hanshaw (Mr. Speaker).

At 8:29 p.m., the House of Delegates adjourned until 9:00 a.m., January 28, 2022.

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

## **SPECIAL CALENDAR**

**Friday, January 28, 2022**

**17<sup>th</sup> Day**

**9:00 A. M.**

### **UNFINISHED BUSINESS**

- H. R. 5 - Regarding power grid stability
- H. R. 9 - Amending the rules of the House of Delegates [Shall the Resolution Be Rejected?]

### **THIRD READING**

- H. B. 2562 - Relating to litter control (CAPITO) (REGULAR)
- H. B. 4024 - Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience (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) [RIGHT TO AMEND]
- H. B. 4308 - Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits (STEELE) (REGULAR)

### **SECOND READING**

- S. B. 4 - Repealing ban on construction of nuclear power plants (STEELE) (REGULAR)
- H. B. 2631 - Provide for WVDNR officers to be able to work "off duty" (CAPITO) (REGULAR)
- H. B. 2817 - Donated Drug Repository Program (ROHRBACH) (REGULAR)
- H. B. 4048 - WV Keep, Bear and Drive with Arms Act (CAPITO) (REGULAR)
- H. B. 4097 - To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission (CAPITO) (REGULAR)

- Com. Sub. for H. B. 4257 - Require visitation immediately following a procedure in a health care facility (ROHRBACH) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4263 - Prohibit the practice of white bagging (ROHRBACH) (REGULAR)
- H. B. 4299 - To prohibit the intentional interference with election processes and creating associated criminal penalties (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4324 - To update collaborative pharmacy practice agreements (ROHRBACH) (EFFECTIVE FROM PASSAGE)

#### **FIRST READING**

- S. B. 244 - Relating to appointment of judges to Intermediate Court of Appeals (CAPITO) (EFFECTIVE FROM PASSAGE)
- H. B. 4110 - Relating to staffing levels at multi-county vocational centers (ELLINGTON) (REGULAR)
- H. B. 4286 - Relating to exempting persons employed as attorneys from the civil service system (STEELE) (REGULAR)
- H. B. 4312 - Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4333 - Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters (STEELE) (REGULAR)
- Com. Sub. for H. B. 4360 - Relating to WV Invest community service requirements (ELLINGTON) (REGULAR)

**HOUSE CALENDAR**

**Friday, January 28, 2022**

**17<sup>th</sup> Day**

**9:00 A. M.**

**SECOND READING**

H. B. 2882 -

Relating to repealing a ban on construction of nuclear power plants (STEELE) (REGULAR)

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**FRIDAY, JANUARY 28, 2022**

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**HOUSE CONVENES AT 9:00 A.M.**

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**SELECT COMMITTEE ON JAILS AND PRISONS  
8:00 A.M. – ROOM 410 M**

**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.**

**SENIOR, CHILDREN, AND FAMILY ISSUES  
11:00 A.M. – ROOM 215 E**

HOUSE OF DELEGATES  
STEPHEN J. HARRISON, Clerk  
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