

West Virginia Legislature

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January 28, 2022  
SEVENTEENTH DAY



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Friday, January 28, 2022

**SEVENTEENTH DAY**

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

The House of Delegates met at 9:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Thursday, January 27, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**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. 4003**, Relating generally to establishing and implementing a program to explore and capitalize on the potential for recovering valuable and strategically important rare earth elements and critical materials,

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. 4003) 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. 4025**, Providing exemption to severance tax for severing rare earth elements and other critical minerals,

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. 4025) 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. B. 4118**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Ambient Air Quality Standards,

**H. B. 4119**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Standards of Performance for New Stationary Sources,

**H. B. 4120**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Control of Air Pollution from Combustion of Solid Waste,

And,

**H. B. 4121**, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Emission Standards for Hazardous Air Pollutants,

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. 4118, H. B. 4119, H. B. 4120 and H. B. 4121) were each referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates D. Jeffries, Conley, Hanna and Graves offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 33** - "Requesting the Division of Highways to name bridge number 20-079/00-019.22 (NB-SB) (20A514-20A515), locally known as I-79 CLENDENIN I/C NB, carrying I-79 over CR 53 in Kanawha County, the 'Walker Brothers Veteran Memorial Bridge'."

Whereas, All five of the Walker men volunteered for military service during the Vietnam War with three experiencing injuries while on active duty; and

Whereas, Albert J. L. Walker served as a civil engineer with the U.S. Air Force at the Eielson Air Force Base in Alaska when the Great Alaskan Earthquake struck in 1964. He was active in rescue efforts and recovery of the dead following the strongest earthquake in North American history; and

Whereas, Allie Melton Walker served with the U.S. Air Force at the Kaden Air Force Base, Okinawa, Japan, as an aircraft mechanic. He deployed to Vietnam for three months at a time as the crew chief on the C130 aircraft delivering cargo and picking up the wounded and the dead. He earned a Good Conduct Medal (AFGCM w/1BR OLC), Special Ops, and marksmanship; and

Whereas, Ray Milton Walker served in the U.S. Army at the Dong Tam Base Camp where he was a part of the ground recon team for the 1<sup>st</sup> Aviation Brigade and was awarded the Combat Infantryman Badge (CIB), Bronze Star, National Defense Service Medal with two bronze stars, and Marksman Badge with Rifle Bar; and

Whereas, Ray Milton Walker is now suffering from cancer and long-term health issues from his exposure to Agent Orange; and

Whereas, Roger Bill Walker served in the U.S. Air Force at Udorn Airbase, Thailand, as a radar operator and air traffic controller assisting with the bombing of North Vietnam, earning the National Defense Service Medal, Vietnam Service Medal, Air Force Good Conduct, and Special Ops; and

Whereas, David Allen Walker joined the WV Army National Guard while he was still a senior in high school, serving as a Green Beret with the 19th S.F. Group Airborne as a combat engineer. He was injured during paratrooper training when his plane caught on fire and forced him to jump onto the tarmac wearing full combat gear, injuring both of his feet. He continued to serve in supply and transport. David Allen Walker also served the State of West Virginia as a WV Delegate from the 33rd District from 2009 to 2015; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Walker Brothers and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-079/00-019.22 (NB-SB) (20A514-20A515), locally known as I-79 CLENDENIN I/C NB, carrying I-79 over CR 53 in Kanawha County, the "Walker Brothers Veterans 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 "Walker Brothers Veterans Memorial Bridge"; and, be it

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

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

**H. C. R. 34** - "Requesting the Division of Highways name bridge number 04-019/26-008.08 (04A166) locally known as the Lower Exchange BXB, carrying County Route 19/26 over Perkins Fork of Cedar Creek in Braxton County, the 'U.S. Navy Seaman 1<sup>st</sup> Class Byrne Lee Singleton Memorial Bridge'."

Whereas, Byrne Lee was born on January 29, 1926, in Braxton County, West Virginia, and lived in Exchange, WV for most of his life; and

Whereas, Byrne Lee was a dedicated employee for Braxton County Schools, safely transporting children for twenty-six years; and

Whereas, Byrne Lee served his country valiantly in the United States Navy during World War II, and was notably honored with the Asiatic/Pacific Theater Medal, the WWII Victory Medal, Philippine Liberation Unit (1 Star), commemoration of the USS White Plains (the ship he served on) and Presidential Unit Citation Point system; and

Whereas, Byrne Lee and his wife, Betty, hosted the annual Exchange Homecoming for thirteen years straight, and is described as an inspiration by his three children; and

Whereas, Byrne Lee was a devoted member of the American Legion Post #33; and

Whereas, Byrne Lee passed away at the age of 81, surrounded by his loved ones, on January 10, 2007; and

Whereas, it is fitting that an enduring memorial be established to Byrne Lee Singleton and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name number 04-019/26-008.08 (04A166) locally known as the Lower Exchange BXBM, carrying County Route 19/26 over Perkins Fork of Cedar Creek in Braxton County, the "U.S. Navy Seaman 1<sup>st</sup> Class Byrne Lee Singleton 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 "U.S. Navy Seaman 1<sup>st</sup> Class Byrne Lee Singleton Memorial Bridge"; and, be it

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

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

**H. C. R. 35** - "Requesting the Division of Highways name bridge number 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.

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

**H. C. R. 36** - “Requesting the Division of Highways name bridge number 04-019/00-027.48 () (04A061) locally known as the Bulltown Bridge, carrying US Route 19 over Little Kanawha River in Braxton County, the ‘John Calvin ‘J.C.’ Baker Memorial Bridge’.”

Whereas, J.C. Baker was born on July 29<sup>th</sup>, 1903, near Gassaway, in Braxton County, West Virginia, and in his lifetime was a small farmer, coal miner, wildcat driller for natural gas and oil, Texaco Distributor for fuel and lubricants, car dealer and hotel owner; and

Whereas, J.C. quit school in the 5<sup>th</sup> grade and started riding a horse throughout Braxton and surrounding counties buying and shipping cattle by steam train to Baltimore, Maryland; and

Whereas, J.C. had several coal mines on Little Otter mined, and then hauled coal to almost every home and business in Gassaway by horse and wagon, and started drilling for natural gas and oil in 1962; his company, J.C. Baker and Sons, Inc. holds the state record for drilling a natural gas well for over 50 continuous years; and

Whereas, While drilling a gas well on Little Otter several years ago, J.C. discovered a sand that was not named, and when given the opportunity to name it by the state of West Virginia, he named it “Braxton”; and

Whereas, J.C. Baker owned numerous farms, businesses, and car dealerships in his lifetime, continuing to support and give back to the communities in the state that he so dearly loved, including Webster Springs where he owned and operated three gas stations; and

Whereas, Another of J.C.’s examples of philanthropy, the Baker’s Island Recreation area, is made available to the town of Webster Springs through a lease agreement of \$1 per year; and

Whereas, John Calvin Baker passed away at the age of 95, surrounded by his loved ones, on August 28, 1998; and

Whereas, it is fitting that an enduring memorial be established to John Calvin ‘J.C.’ Baker and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name number 04-019/00-027.48 () (04A061) locally known as the Bulltown Bridge, carrying US Route 19 over Little Kanawha River in Braxton County, the “John Calvin ‘J.C.’ Baker 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 “John Calvin ‘J.C.’ Baker Memorial Bridge”*; and be it

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

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

**H. C. R. 37** - "Requesting the Division of Highways name bridge number 04-035/02-003.09 (04A196) locally known as the Hyers Run Plate Girder, carrying County Route 35/2 over Little Kanawha River in Braxton County, the 'U. S. Army Corporal Charles William "Bill" Knight Memorial Bridge'."

Whereas, Bill Knight was born on August 22, 1921, in Braxton County, West Virginia, a son of the late Charles Wesley and Jessie Barker Knight; and

Whereas, Bill loved the land, loved farming the land, and loved calling Burnsville, WV his home; and

Whereas, Stories are told of Bill's grandfather floating timber from the family land to Parkersburg, and then taking the three day walk home, and this is the work ethic that Bill learned and exemplified; and

Whereas, Bill entered into service in the United States Army in 1942, stationed in Maryland and serving as a firefighter; and

Whereas, Corporal Knight received the United States Army Good Conduct Medal for his service, and was a proud member of the American Legion Post #33; and

Whereas, Bill was a heavy equipment operator, mechanic, timberman and construction worker in his lifetime, and a devoted member of the Little Kanawha Independent Church, Burnsville, WV; and

Whereas, Charles William Knight passed away at the age of 89, surrounded by his loved ones, on October 4, 2010, and memories of him are treasured by his children and friends; and

Whereas, It is fitting that an enduring memorial be established to U.S. Army Corporal Charles William "Bill" Knight and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 04-035/02-003.09 (04A196) locally known as the Hyers Run Plate Girder, carrying County Route 35/2 over Little Kanawha River in Braxton County, the "U. S. Army Corporal Charles William 'Bill' Knight 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* "U. S. Army Corporal Charles William 'Bill' Knight 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.



And,

Delegates Bridges, Smith, Holstein, Horst, Maynard, Dean, Paynter, Mazzocchi, Hanna, Wamsley and Longanacre offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 38** - "Requesting the Division of Highways name a bridge bearing bridge number 23-44-9.12 on Route 44 in Logan County, West Virginia, the 'Warrant Officer Dale Shaheen and U. S. Army Pvt George H. Hooker Memorial Bridge'."

Whereas, Warrant Officer Dale Shaheen was born to John and Annie Shaheen on May 19, 1925 in Buffalo Creek, Logan County. During his school years he worked at his parent's grocery store. He graduated from Logan High School; and

Whereas, Warrant Officer Dale Shaheen enlisted in the U. S. Army in 1943 and on September 9, 1943 qualified for preactivation as a cadet in the Air Crew; and

Whereas, Warrant Officer Dale Shaheen attended Flight School and became a pilot of a B-25 bomber; and

Whereas, Following his discharge in 1946 Warrant Officer Dale Shaheen opened both a grocery store and a beer distributorship in Omar; and

Whereas, Warrant Officer Dale Shaheen was a pilot for the Middle East Airlines for two years beginning in 1958; and

Whereas, From 1960 until retirement, Warrant Officer Dale Shaheen successfully operated a Stewart's Root Beer drive-in and a Mary Carter Paint store in Williamson; and

Whereas, In his spare time Warrant Officer Dale Shaheen's passions were flying his twin engine Beechcraft airplane and giving his time and energy to the community; and

Whereas, Warrant Officer Dale Shaheen died of cancer on March 3, 1996 and his ashes were buried at the Forest Lawn Cemetery where his parents were laid to rest; and

Whereas, Pvt George H. Hooker was born in October 1917 in Dunlow, West Virginia; and

Whereas, Pvt. Hooker enlisted in the Army on August 7, 1942, in Huntington, West Virginia to serve his country and his state during World War II; and

Whereas, Pvt. Hooker was a Rifleman during his service in the Army and he was assigned to the 376th Field Artillery Battalion, 82nd Airborne Division and was involved in battles in Italy where he received a Purple Heart posthumously; and

Whereas, Pvt. Hooker was employed as mine timberman prior to enlisting in the service and Pvt. Hooker was well known among the community for his baseball talents; and

Whereas, Pvt. Hooker was killed in combat on July 11, 1943, during the invasion of Sicily where Pvt. Hooker was deployed as a paratrooper; and

Whereas, Pvt. Hooker was laid to rest at Sicily-Rome American Cemetery in Nettuno, Italy; and

Whereas, It is fitting that an enduring memorial be established to commemorate both Warrant Officer Dale Shaheen and U. S. Army Pvt George H. Hooker and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name a bridge bearing bridge number 23-44-9.12 on Route 44 in Logan County, West Virginia, the "Warrant Officer Dale Shaheen and U. S. Army Pvt George H. Hooker Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to replace the existing signs bearing the previous memorial bridge name, and have made and be placed in their stead signs identifying the bridge as the "Warrant Officer Dale Shaheen and U. S. Army Pvt George H. Hooker 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, as well as to the families of Warrant Officer Dale Shaheen and U. S. Army Pvt George H. Hooker.

### **Special Calendar**

#### **Unfinished Business**

**H. R. 5,** Regarding power grid stability; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

**H. R. 9,** Amending the rules of the House of Delegates; coming up in regular order, as unfinished business, was reported by the Clerk.

An amendment, offered by Delegates Steele, Hanshaw (Mr. Speaker) and Summers was reported by the Clerk on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

"That House Rule 65 be amended to read as follows:

#### **Order of Business, Daily**

The daily order of business shall be as follows:

- I. To read, correct, and approve the Journal.
- II. Introduction of guests.
- III. To receive and consider reports of standing committees.
- IV. To receive and consider reports of select committees.
- V. To receive and consider messages from the Executive, state officials, and other communications and remonstrances.
- VI. To receive messages from the Senate, and consider amendments proposed by the Senate to bills passed by the House.

- VII. To receive (a) resolutions, (b) petitions, (c) motions.
- VIII. Bills introduced on motion for leave and referred to appropriate committees.
- IX. To act on unfinished business of the preceding day, and resolutions lying over from previous day, but no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.
- X. House and Senate Bills on third reading.
- XI. House and Senate Bills on second reading.
- XII. House and Senate Bills on first reading.
- XIII. To act upon leave of absence for members.
- XIV. Introduction of Guests. Remarks by members of the House. ~~Item XIV, Remarks by members of the House, shall be held on each Wednesday, unless otherwise directed by the Speaker, following the first day through the fifty-seventh day of session, and the Speaker shall announce a time when the chamber of the House shall be available for remarks by members of the House if such a time is requested by a member of the House of Delegates. The House shall convene at such time to receive such remarks, and the Speaker or a designee of the Speaker shall preside. No quorum is necessary to proceed with the receipt of remarks by members of the House, and nothing herein shall prohibit committees from meeting when the House convenes solely for the purpose of remarks by members. Any member desiring to speak shall seek recognition, and upon recognition by the Presiding Officer, may speak for up to five minutes upon any topic of interest to the House. The Presiding Officer shall preserve order and decorum while the House is in session for the duration of remarks. During this designated time for receipt of remarks by members, no motion shall be in order save for a motion to adjourn remarks by member. Remarks made during the pendency of remarks by members may be entered into the appendix to the journal as provided for herein. The time allotted for remarks by members shall expire: (A) After all member desiring to speak have exhausted their allotted time; or (B) after six hours; or (C) ten p.m., whichever occurs first.~~
- XV. Introduction of guests-Miscellaneous business. (HR10, Reg. Sess., 2001; HR3, Reg. Sess., 2002; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021; HR19, Reg. Sess., 2021)
- XVI. Miscellaneous business. (HR10, Reg. Sess., 2001; HR3, Reg. Sess., 2002; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021; HR19, Reg. Sess., 2021) Remarks by members of the House (held on each Wednesday).

That House Rule 65a be amended to read as follows:

**Introduction of guests.**

65a. The House shall observe two opportunities on each day for any member, upon recognition, to introduce to the House citizens seated in the galleries. *Provided*, ~~That for the duration of the 2021 Regular Session of the 85th Legislature, members wishing guests to be introduced during these times shall submit the names of the individuals to be introduced to~~

~~the Majority Leader and/or Speaker Pro Tempore who shall introduce all guests during these periods (HR33, Reg. Sess., 1978; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021).~~

An amendment to the amendment, offered by Delegate Lovejoy, was reported by the Clerk on page 2, line 44, following the words “remarks by members of the House” by striking out the words “(held on each Wednesday).” and inserting in lieu thereof the words:

“During remarks by members of the House, each member shall be limited to five minutes for his or her remarks. Remarks by members shall not exceed 30 minutes.”

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 49**), and there were—yeas 37, nays 55, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Booth, Ellington, Fleischauer, Hardy, Pack, Reed and Skaff.

So, a majority of the members present not having voted in the affirmative, the Speaker declared the amendment to the amendment rejected.

The amendment offered by Delegates Steele, Hanshaw (Mr. Speaker) and Summers was then adopted.

The Speaker advised the members that the Committee on Rules had reported the resolution with the recommendation that it be rejected.

In the absence of objection, the Speaker reformed the motion in order for the question before the House to be, “Shall House Resolution 9, as amended, be adopted?”

**H. R. 9**, Amending the rules of the House of Delegates, was then adopted, as amended.

### Third Reading

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 49**), 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, Booth, Ellington, Fleischauer, Fluharty, Graves, Hardy, Longanacre, Pack, Reed and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2562) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 50**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Booth, Ellington, Fleischauer, Fluharty, Graves, Hardy, Pack, Reed and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4024) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 51**), and there were—yeas 89, nays 2, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Fast and Martin.

Absent and Not Voting: Barrett, Booth, Ellington, Fleischauer, Fluharty, Hardy, Pack, Reed and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4288) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 52**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Booth, Ellington, Fleischauer, Fluharty, Hardy, Pack, Reed and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4291) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 4301**, Reforming membership requirements of Huntington Park and Recreation District Board; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegate Kimes moved to amend the bill on page 1, by amending the section title by striking the word "nonpartisan".

And, to amend the bill on page 1, section 2, line 4, by striking the word "nonpartisan" and inserting in lieu thereof the word "partisan".

And, to amend the bill on page 1, section 2, line 10, by striking the word "nonpartisan" and inserting in lieu thereof the word "partisan".

The question being on the adoption of the amendment, the same was put and did not prevail.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 53**), and there were—yeas 89, nays 2, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Howell and Kimes.

Absent and Not Voting: Barrett, Booth, Ellington, Fleischauer, Fluharty, Hardy, Pack, Reed and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4301) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 54**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Booth, Ellington, Fleischauer, Fluharty, Hardy, Pack, Reed and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4308) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### **Second Reading**

**S. B. 4**, Repealing ban on construction of nuclear power plants; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**H. B. 2631**, Provide for WVDNR officers to be able to work “off duty”; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2817**, Donated Drug Repository Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4048**, WV Keep, Bear and Drive with Arms Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4097**, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission; 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. 4257**, Require visitation immediately following a procedure in a health care facility; 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. 4263**, Prohibit the practice of white bagging; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4299**, To prohibit the intentional interference with election processes and creating associated criminal penalties; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Fast, the bill was amended on page 1, section 21, line 4, immediately following the word “rules” by inserting the following “and electioneering activities, as defined in §3-9-9 of this Code, which do not obstruct or interfere with a voter traveling to or from the polls,”.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4324**, To update collaborative pharmacy practice agreements; 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. 244**, Relating to appointment of judges to Intermediate Court of Appeals, coming up in regular order, were each read a first time and ordered to second reading,

**H. B. 4110**, Relating to staffing levels at multi-county vocational centers, coming up in regular order, were each read a first time and ordered to second reading,

**H. B. 4286**, Relating to exempting persons employed as attorneys from the civil service system, coming up in regular order, were each read a first time and ordered to second reading,

**H. B. 4312**, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances, coming up in regular order, were each read a first time and ordered to second reading,

**Com. Sub. for H. B. 4333**, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters, coming up in regular order, were each read a first time and ordered to second reading,

And,

**Com. Sub. for H. B. 4360**, Relating to WV Invest community service requirements, coming up in regular order, were each read a first time and ordered to second reading.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Barrett, Booth, Ellington, Fleischauer, Hardy, Pack, Reed and Skaff.

### **Miscellaneous Business**

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

**H. B. 2096**: Delegate Thompson;

**H. B. 2107**: Delegate Thompson;

**H. B. 2908**: Delegates Kessinger and Maynor;

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

**H. B. 3054**: Delegate Lovejoy;

**H. B. 3099**: Delegate Mandt;

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

**H. B. 4094**: Delegate Graves;

**H. B. 4104**: Delegate Graves;

**H. B. 4271**: Delegate Rowe;

**H. B. 4341**: Delegate Worrell;

**H. B. 4423**: Delegate Mandt;

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

**H. B. 4053**: Delegate Steele;



**H. B. 4380:** Delegate Zukoff.

At 10:20 a.m, the House of Delegates adjourned until 11:00 a.m., Monday, January 31, 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**

**Monday, January 31, 2022**

**20<sup>th</sup> Day**

**11:00 A. M.**

### **THIRD 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)

### **SECOND 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**

**Monday, January 31, 2022**

**20<sup>th</sup> Day**

**11:00 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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**MONDAY, JANUARY 31, 2022**

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**HOUSE CONVENES AT 11:00 A.M.**

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**COMMITTEE ON THE JUDICIARY  
9:00 A.M. – ROOM 410 M**

**COMMITTEE ON RULES  
10:45 A.M. – BEHIND CHAMBER**

**VETERANS' AFFAIRS AND HOMELAND SECURITY  
1:00 P.M. – ROOM 410 M**

**PENSIONS AND RETIREMENT  
1:00 P.M. – ROOM 462 M**

**TECHNOLOGY AND INFRASTRUCTURE  
1:45 P.M. – ROOM 215 E**

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

**COMMITTEE ON EDUCATION  
3:00 P.M. – ROOM 434 M**

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