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January 31, 2022

TWENTIETH DAY

Monday, January 31, 2022

TWENTIETH 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 Friday, January 28, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Rowan, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

H. B. 3054, Expanding definition of who may apply for grandparent visitation,

H. B. 3099, Relating to grandparents' rights to visit grandchildren,

And,

H. B. 4041, Providing for an expedited hearing for grandparent visitation when one of the parents has died,

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. 3054, H. B. 3099 and H. B. 4041) were each referred to the Committee on the Judiciary.

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. 4111, Relating to the prescriptive authority of advance practice registered nurses,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4111 - "A Bill to amend and reenact §30-3E-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-7-15a of said code, all relating to clarifying prescriptive authority of physicians assistants and registered professional nurses,"

And,

H. B. 4311, Creating criminal penalties for illegal voting activity,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4311 - "A Bill to amend and reenact §3-9-17 of the Code of West Virginia, 1931, as amended, prohibiting knowingly and willfully voting more than once in any election, whether held in West Virginia or between West Virginia and another state, and making such violations a felony offense; making it a felony offense to vote or attempt to vote when not legally entitled to do so; making it a felony offense to procure or attempt to procure the acceptance of illegal votes or the rejection of legal votes; and making it a felony offense to alter ballots, or deceive voters,"

With the recommendation that the committee substitutes each 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. 2838, Authorize the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds, and to create the State Auditor's Public Integrity and Fraud Fund for use of said funds,

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. 2838) was referred to the Committee on Finance.

Delegate D. Jeffries, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 28th day of January, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 8, Relating generally to state's savings and investment programs.

Delegate D. Jeffries, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 28th day of January, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

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

Messages from the Senate

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. 246 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-9G-1, §18-9G-2, and §18-9G-3, all relating to imposing water bottle filling station requirements for newly constructed public school buildings and existing public school buildings undergoing a major improvement; purpose; defining terms; requiring State Board of Education rules; setting forth requirements for any water bottle filling station installed in a public school building; and requiring county boards to permit students in schools with water bottle filling stations to carry water bottles”; which was referred to the Committee on Education then 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

Com. Sub. for S. B. 431 - “A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating generally to the Uniform Controlled Substances Act; defining and clarifying the phrase “engaged in the illegal use of a controlled substance with another person”; and establishing criminal penalties”; which was referred to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

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. 435 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2D-8, relating to awarding the service weapon of a retiring Division of Protective Services member to the retiree without charge when the retiring member honorably retires with at least 10 years of service or with less than 10 years of service based upon determination that the retiring member is totally physically disabled as a result of service with the Division of Protective Services; prohibiting the award of a service weapon to a retiring member whom the Division of Protective Services knows is prohibited from possessing a firearm, is mentally incapacitated, or a danger to any person or the community; authorizing the sale of service weapons that are taken out of service due to routine wear to any active or retired Division of Protective Services member; providing that proceeds from the sales be used to offset the cost of new service weapons; and exempting the sale from the requirements of the Purchasing Division”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 437 - “A Bill to amend and reenact §62-12-18 of the Code of West Virginia, 1931, as amended, relating to granting early discharge to parolees after a minimum of one-year on parole; authorizing the Commissioner of the Division of Corrections and Rehabilitation or his or her designee to request early discharge of a parolee; and providing that the chairperson of the parole board grant early discharge from parole for a parolee upon review of the request for early discharge rather than the decision being made by a panel of the parole board”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 449 - "A Bill to amend and reenact §62-12-13c of the Code of West Virginia, 1931, as amended, relating to clarifying that the Nonviolent Offense Parole Program is not available to offenders who are serving a sentence aggregated either consecutively or concurrently with an offense that is a crime of violence against a person or animal, as well as a felony controlled substance offense, a felony firearm offense, nor a felony where the victim was a minor child; and making the provisions of this section unavailable to those previously released under the terms of this section from the same sentence"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

S. C. R. 9 - "Requesting the Division of Highways name bridge number 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV 75 over Twelvepole Creek in Wayne County, the 'Haynie Family Veterans Memorial Bridge'."

Whereas, The Haynies have been in the Buffalo Creek area since the early 1800s and served their country in World Wars I and II; and

Whereas, Anthony Haynie, PVT, WW I, was born July 22, 1895, in Wayne County, West Virginia. He enlisted in the U.S. Army on October 5, 1917 and was discharged on June 10, 1919. He served under General Pershing, Battery C 315, Field Artillery, 80 Division. PVT Anthony Haynie's unit had advanced to the town of Romagne and were engaged with the Germans. Three guns of his battery were knocked out by shell fire and gas attack. The battery commander asked for volunteers to man the guns in spite of the fierce gas attack and PVT Anthony Haynie answered the call. His record reveals that he was severely wounded in that engagement, and he received the Purple Heart. PVT Anthony Haynie died on January 17, 1976; and

Whereas, Arthur Haynie was born November 17, 1921. He attended the old wooden school in Buffalo, West Virginia. He entered the U.S. Army on December 14, 1942. At discharge, he was a Tech 5 of the military police. He died on September 18, 1995; and

Whereas, James E. Haynie, PVT, WW II, was born on August 16, 1923, in Wayne County. He attended and graduated from Buffalo High School. He served in the U.S. Army from July 8, 1943, through December 7, 1945. PVT James E. Haynie was a demolition expert and served in Calcutta and Burma. His unit merged with Merrill's Marauders and came behind them, "cleaning up their mess". He received the Asiatic Pacific Theater Ribbon, WW II Victory Ribbon, and Distinguished Unit Badge with two Bronze Stars. PVT James E. Haynie died September 14, 2014; and

Whereas, Robert V. Haynie, PVT, WW II, was born on March 24, 1925, in Wayne County. He attended Buffalo High School. He served in the U.S. Army from August 28, 1943, through February 14, 1946. PVT Robert V. Haynie was a military policeman serving in the European Theater of Operation. He served in Normandy, Northern France, and the Rhineland. He was a recipient of the Purple Heart, the European African Middle Eastern Theater Ribbon, and the WW II Victory Ribbon. PVT Robert V. Haynie died December 25, 2018; and

Whereas, Charles E. Haynie, WW II, was born on April 14, 1927, in Wayne County. He attended Buffalo High School. He enlisted in the U.S. Navy and served on the USS Sandoval (APA-194) as a coxswain in Iwo Jima. Charles E. Haynie died November 20, 2016; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Haynie family 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 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV 75 over Twelvepole Creek in Wayne County, the “Haynie Family 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 “Haynie Family Veterans Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways. “; which was referred to the Committee on Technology and Infrastructure then Rules.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

Com. Sub. for S. C. R. 11 - “Requesting the West Virginia Department of Veterans’ Assistance to name the new veterans’ nursing home, to be built in Beckley, the ‘Dennis E. Davis Veterans Nursing Home’.”

Whereas, Dennis E. Davis began his association with the United States military in 1959 when he entered the Reserve Officer Training Corps (ROTC) program at West Virginia State College, now known as West Virginia State University; and

Whereas, Dennis E. Davis served stints with the U.S. Army at Fort Knox in Kentucky and Fort Sill in Oklahoma. In 1965, he graduated from the Army’s Non-Commissioned Officer Academy and received an honorable discharge in 1970; and

Whereas, In 1968, Dennis E. Davis received a Bachelor of Science degree in the field of education from West Virginia State College and subsequently began a career with the Kanawha County schools as a teacher, counselor, and administrator. In 1970, he received a Master of Science degree from Marshall University; and

Whereas, Dennis E. Davis ultimately took on the role of Assistant Superintendent of Kanawha County Schools for vocational, technical, and adult education; and

Whereas, In 1996, Governor Cecil Underwood appointed Dennis E. Davis as Executive Director of Workforce Development for West Virginia, in which position he served for four years; and

Whereas, Dennis E. Davis briefly returned to Kanawha County schools in 2013 as a member of the Kanawha County Board of Education, serving out the unexpired term of a previous member; and

Whereas, In January 2017, Governor Jim Justice appointed Dennis E. Davis as Cabinet Secretary for the West Virginia Department of Veterans Assistance. He was responsible for the administration of claims for assistance across the state, as well as the WV Veterans Nursing Facility, the West Virginia Veterans Home, and the Donel C. Kinnard Memorial State Veterans Cemetery, where he was also a member of the honor guard; and

Whereas, Dennis E. Davis passed away on January 18, 2021, at his home in Institute, West Virginia, in the presence of his loving wife and son. Dennis E. Davis was subsequently interred in the Donel C. Kinnard Memorial State Veterans Cemetery; and

Whereas, It is fitting that an enduring memorial be established to commemorate the achievements and contributions of Dennis E. Davis to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Department of Veterans Assistance name the new veterans' nursing home, to be built in Beckley, the "Dennis E. Davis Veterans Nursing Home"; and, be it

Further Resolved, That the Department of Veterans' Assistance is hereby requested to have made and be placed signs identifying the facility as the "Dennis E. Davis Veterans Nursing Home"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the acting Secretary of the West Virginia Department of Veterans Assistance and the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

Com. Sub. for S. C. R. 13 - "Requesting the Division of Highways name the bridge at coordinates 37.501667, -81.336111, carrying WV 10 over Noseman Branch in Wyoming County, the 'U. S. Army PFC Joseph Stanley McKinney Memorial Bridge'."

Whereas, Joseph Stanley McKinney was born July 20, 1947, in Wyoming County, West Virginia; and

Whereas, Joseph Stanley McKinney graduated from Herndon High School in 1966; and

Whereas, PFC Joseph Stanley McKinney entered the U. S. Army during the Vietnam War as a member of the 4th Infantry Division, 12th Infantry, 3rd Battalion; and

Whereas, PFC Joseph Stanley McKinney was killed in action on January 23, 1968, in the Kontum Province of Vietnam during the Tet Offensive; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Joseph Stanley McKinney and his ultimate sacrifice 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 the bridge at coordinates 37.501667, -81.336111, carrying WV 10 over Noseman Branch in Wyoming County, the "U. S. Army PFC Joseph Stanley McKinney 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 PFC Joseph Stanley McKinney Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules as follows:

S. C. R. 15 - "Requesting the Division of Highways name bridge numbers 20-077/00-113.44 (NB and SB) (20A232, 20A450), locally known as I-77 White Chapel Bridge, carrying Interstate 77 (NB and SB) over CR 21 in Kanawha County, the 'U.S. Army PVT Shirley E. Bailey Memorial Bridge'."

Whereas, PVT Shirley E. Bailey served in World War II, and was killed in action in the Hurtgen Forest, on the Belgium/Germany border on November 29, 1944; and

Whereas, PVT Shirley E. Bailey was born on April 17, 1925, and attended schools in Sissonville, West Virginia. He dropped out of school in the ninth grade to work on a dairy farm to help support his family; and

Whereas, PVT Shirley E. Bailey was drafted by the United States Army at the age of 18 in September 1943, and was sent to France after completing basic training; and

Whereas, In France, PVT Shirley E. Bailey was injured during a battle and recuperated in a hospital, after which he received a Purple Heart and a Silver Star for his bravery and efforts during battle; and

Whereas, After recuperating, PVT Shirley E. Bailey was sent to the front lines in Germany as a medic with the U.S. Army's Company G, 8th Infantry Regiment, 4th Infantry Division. He provided medical support to dozens of casualties during the Battle of Hurtgen Forest; and

Whereas, During the battle, PVT Shirley E. Bailey earned the recognition of officers in his unit who recommended him for a Silver Star, with a citation that noted he "worked continually for over 14 hours under recurrent hostile artillery barrages to administer aid to the wounded and to direct litter carriers in evacuation of the seriously wounded"; and

Whereas, PVT Shirley E. Bailey went back and forth through mine fields from one point to another until all wounded were evacuated. He was not wounded on the first day of fighting east of Schevenhutte; and

Whereas, On November 29, 1944, during another battle, the 2nd Battalion lost 35 soldiers, with as many as 15 men from Company G killed or wounded and with PVT Shirley E. Bailey as one of the casualties. PVT Shirley E. Bailey was fatally wounded as he assisted other soldiers in need of medical aid, and for his bravery, he earned another Purple Heart and Silver and Bronze Stars; and

Whereas, PVT Shirley E. Bailey's remains were left on the battlefield, found by a local German citizen three years later, and ultimately buried in the Ardennes American Cemetery, Neuville-en-Condroz, Belgium where he remained for 70 years unidentified; and

Whereas, PVT Shirley E. Bailey is memorialized on the Walls of the Missing at the Netherlands American War Cemetery and Memorial in the village of Margraten; and

Whereas, The U.S. Army in Nebraska worked to identify fallen soldiers in an effort to bring them home and identified PVT Shirley E. Bailey after extensive DNA testing, notifying his family, and returning his remains to Yeager Airport, on November 29, 2017; and

Whereas, PVT Shirley E. Bailey was given a memorial service with full military rites at Keller Funeral Home in Dunbar, West Virginia. He was laid to rest at the Donel C. Kinnard Memorial State Veteran's Cemetery in Institute, West Virginia on December 2, 2017, being the first veteran killed in action to be buried there; and

Whereas, Seventy-four years after PVT Shirley E. Bailey was drafted and after having been awarded two Purple Hearts, two Silver Stars, and one Bronze Star, he was finally home in West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate the contributions of PVT Shirley E. Bailey 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 numbers 20-077/00-113.44 (NB and SB) (20A232, 20A450), locally known as I-77 White Chapel Bridge, carrying Interstate 77 (NB and SB) over CR 21 in Kanawha County, the "U.S. Army PVT Shirley E. Bailey 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 PVT Shirley E. Bailey Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways."; which was referred to the Committee on Technology and Infrastructure then Rules.

Bills Introduced

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

By Delegates Rohrbach, Steele, Linville, Fast, Worrell, Lovejoy, Mandt and Hornbuckle:

H. B. 4425 - "A Bill to amend and reenact §18B-1-8b of the Code of West Virginia, 1931, as amended, relating to establishing a college of law at Marshall University Graduate College; and requiring a revised strategic plan"; to the Committee on Education then Finance.

By Delegates Westfall, D. Jeffries and Criss:

H. B. 4426 - "A Bill to repeal §33-25G-1, §33-25G-2, §33-25G-3, §33-25G-4, and §33-25G-5 of the Code of West Virginia, 1931, as amended, all relating to Provider Sponsored Networks"; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Skaff, Steele, Young, Pack, Barach, Capito and Pushkin:

H. B. 4427 - "A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to review of recorded videos of special education classrooms; requiring a county designated monitoring supervisor; requiring periodic monitoring session reviews; expanding time frame for retention of video recordings; and establishing requirements associated with video reviews"; to the Committee on the Judiciary then Finance.

By Delegate Hornbuckle:

H. B. 4428 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-11, relating to creating the West Virginia Small Business COVID Relief Act to be established under the West Virginia Department of Commerce; providing legislative findings; creating the act and providing qualifications for relief; and providing an effective date"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate Hansen:

H. B. 4429 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-13-9, relating to establishing a penalty for any vehicle to unlawfully park in a parking space that is designated for fueling a vehicle; defining terms; authorizing designation of fueling spaces on private property; allowing localities to create local ordinances for refueling vehicle parking spaces; designated contents of signage; authorizing law-enforcement and local parking personnel to enforce violations on private property within their jurisdictions; and creating penalties for violations"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Storch, Gearheart, Evans, Anderson and Pethtel:

H. B. 4430 - "A Bill to amend and reenact §8-22-16 of the Code of West Virginia, 1931, as amended, relating to providing definitions of 'base salary' and 'overtime and other remuneration' for a policemen's pension fund and firemen's pension and relief fund"; to the Committee on Pensions and Retirement then Finance.

By Delegates Storch, Evans, Anderson, Graves, Bates and Pethtel:

H. B. 4431 - "A Bill to amend and reenact §8-22-18 of the Code of West Virginia, 1931, as amended, relating to including active police officers and firefighters as electors of trustees for certain pension funds"; to the Committee on Pensions and Retirement then Finance.

By Delegates Storch, Evans, Anderson, Graves, Bates and Pethtel:

H. B. 4432 - "A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to modifying police and firemen pension plans for trustees"; to the Committee on Pensions and Retirement then Finance.

By Delegates Storch, Gearheart, Evans, Anderson, Bates and Pethtel:

H. B. 4433 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-25b, relating to providing that the right to benefits are not subject to execution; prohibiting assignments; relating to deductions for group insurance; providing setoffs for fraud; providing an exception for certain domestic relations orders; and providing that assets are exempt from taxes"; to the Committee on Pensions and Retirement then Finance.

By Delegate Young:

H. B. 4434 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, §16-2P-3, §16-2P-4, §16-2P-5, §16-2P-6, §16-2P-7, §16-2P-8, §16-2P-9, §16-2P-10, §16-2P-11, §16-2P-12, §16-2P-13, §16-2P-14, §16-2P-15, §16-2P-16, §16-2P-17, §16-2P-18, §16-2P-19, and §16-2P-20, all relating to establishing the Family and Medical Leave Insurance Benefits Act; defining terms; detailing eligibility requirements; declaring the duration of benefits authorized by the article; noting the amount of benefits; specifying contributions; setting certain requirements and entitlements under the article; protecting against certain adverse action for exercising certain rights under the article; prohibiting retaliation or discrimination under the article; declaring the article to run concurrently with other leave-related laws; requiring employers to provide certain notice; detailing the process for enforcing the article; addressing erroneous payments and disqualification; permitting self-employed persons to elect coverage with certain requirements; requiring the Insurance Commissioner to establish the Family and Medical Leave Insurance Program; requiring certain disclosures related to federal income tax; creating the Family and Medical Leave Insurance Account Fund; authorizing certain expenditures from the fund and investments of the fund; requiring annual reports to the Legislature; requiring the Insurance Commissioner to implement a public education program; encouraging the Insurance Commissioner to use state data collection and technology to integrate the program with other state policies; authorizing legislative rules by a certain date; and setting an internal effective date"; to the Committee on Banking and Insurance then Finance.

By Delegate Young:

H. B. 4435 - "A Bill to repeal §48-2-103 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-2-106 and §48-2-301, all related to establishing that 18 is the age of consent and removing the ability of an underage person to obtain consent to marry through their parents, legal guardians, or by petition to the circuit court"; to the Committee on the Judiciary.

By Delegate Hornbuckle:

H. B. 4436 - "A Bill to repeal §16A-5-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §5B-11-1, §5B-11-2, §5B-11-3, §5B-11-4, §5B-11-5, §5B-11-6, §5B-11-7, §5B-11-8, §5B-11-9, §5B-11-10, §5B-11-11, §5B-11-12, §5B-11-13, §5B-11-14, §5B-11-15, and §5B-11-16; to amend and reenact §16A-15-4 of said code; and to amend said code by adding thereto a new section, designated §60A-7-709, all relating to decriminalizing cannabis; providing a short title; providing legislative purpose and findings; providing for definitions; permitting the possession of cannabis and cannabis products by adults; permitting production and adult use of cannabis; restricting public smoking of cannabis; prohibiting false identification to obtain cannabis; providing for the unlawful extraction of cannabis; providing for the lawful operation of a cannabis facility; permitting growing and possession of cannabis by adults; providing procedure for municipalities to enact an ordinance to permit cannabis production and sales; regulating market activity for the production, sales, transfer and transport of cannabis; establishing diversity licensing goals for minority, women, and veteran owned businesses; establishing mechanisms for permitting and licensing production and sales facilities by the Department of Commerce and localities; authorizing the department to promulgate

rules, establish licensing and administrative penalties relating to the production, sales, transfer and transport cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; providing for safety warning and inserts on cannabis products; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund to additional funds; creating new funds for excise tax deposits; providing for a portion of tax collected benefit municipal governments where market activity occurs; providing current laws relating to employment, vehicle operation, underage use or private property use preserved; providing for background checks to employ anyone in a cannabis establishment; establishing certain conditions for employees to pass background checks; providing that no medical cannabis provisions are affected; expanding protections to employees relating to employment and the use of medical cannabis; and prohibiting asset forfeiture”; to the Committee on Health and Human Resources then the Judiciary then Finance.

By Delegate Hornbuckle:

H. B. 4437 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated N:\Duplicating\HousePrint\HClerksOffice§25-8-1, §25-8-2, §25-8-3, §25-8-4, §25-8-5, §25-8-6, §25-8-7, §25-8-8, and §25-8-9; all relating to creation of a task force to provide comprehensive reentry transitional services to offenders reentering communities; providing for a short title; providing for legislative findings; providing for membership of the task force; providing for no compensation to members; providing for staffing requirements; providing for duties of the task force; providing for funding; creating a fund; providing for the disposition of fund moneys; establishing requirements to apply for federal grant funding; requiring a strategic plan for funding; providing for standard reentry services; providing for family-based substance abuse services; providing for educational services; providing for drug treatment and mentoring services; providing for responsible reintegration services; providing for elderly and family reunification services; providing for children of incarcerated parents services; providing for reports to the Legislature; providing a severability clause; and providing for an effective date”; to the Committee on Select Committee on Jails and Prisons then the Judiciary then Finance.

By Delegates Espinosa, Holstein, Barrett, Criss, Westfall, Clark, Householder, Summers and Hardy:

H. B. 4438 - “A Bill to amend and reenact §3-4A-9 of the Code of West Virginia, 1931, as amended, relating to requiring electronic voting systems to be independent and nonnetworked with no component connected to the internet”; to the Committee on the Judiciary.

By Delegates Cooper, Dean, Paynter, Zatezalo and Toney:

H. B. 4439 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-J-6; and to amend and reenact §36-8-13 of said code, all relating generally to creating a special revenue account known as the Military Authority Federal Matching Grant Fund; establishing the account; declaring the purpose of the account; providing that the Adjutant General shall administer the account; authorizing the Adjutant General to invest moneys in the account; setting forth the permissible contents of the account; authorizing the Adjutant General to make certain expenditures from the account; requiring the Adjutant General to deposit federal reimbursement moneys into the account upon receipt; providing that moneys in the account will revert to the Unclaimed Property Fund at the end of each fiscal year; authorizing the unclaimed property administrator to transfer a certain amount from the Unclaimed Property Trust Fund to the account each fiscal year; and deleted obsolete language”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate Longanacre:

H. B. 4440 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, and §7-28-4, all relating to requiring local entities to enforce immigration laws; providing for definitions; requiring that a local entity not prohibit the enforcement of immigration laws or the cooperation with other governmental agencies to enforce immigration laws; protecting the taxpayers of West Virginia by ensuring that cities, towns, municipalities and counties in West Virginia are immediately required to contact the United States Immigration and Customs Enforcement to identify where noncitizen residents are residing, so that the matter of their illegal status is resolved in the courts; and prohibiting discrimination while enforcing existing immigration laws and prohibiting sanctuary cities in West Virginia"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Horst, Summers, Riley, Espinosa, Rowan, Maynard, Young, Skaff, Phillips, Dean and Bridges:

H. B. 4441 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-42aa, relating to creating a Class M air rifle stamp; providing for when the stamp is applicable; and providing for when the stamp is required"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Espinosa, Barrett, Holstein, Criss, Clark, Householder and Hardy:

H. B. 4442 - "A Bill to amend and reenact §3-7-3, §3-7-6 and §3-7-7 of the Code of West Virginia, 1931, as amended, all relating to making procedures for election contests before a special court applicable to contested elections of certain judges; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals; granting rulemaking authority to the Supreme Court of Appeals regarding election contests before circuit courts"; to the Committee on the Judiciary.

By Delegate Hornbuckle:

H. B. 4443 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-15-51, relating to prohibiting certain devices which enhance a diesel-powered vehicle's capacity to emit soot, smoke, or other particulate emissions; and creating misdemeanor offense with penalty"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Hornbuckle:

H. B. 4444 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to establishing a pilot program to develop school-based mental and behavioral health services as an alternative to disciplinary action for disruptive student behavior"; to the Committee on Education then Finance.

By Delegate Hornbuckle:

H. B. 4445 - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to modifying the school calendar; setting the school year to 170 days of instruction; establishing limits on the start and end of the school year; and modifying the number and purposes of noninstructional days"; to the Committee on Education.

By Delegate Hornbuckle:

H. B. 4446 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to the establishment of the 'Student Rescue Act,' allowing for students of all grades in West Virginia to be able to attend these courses if they so desire, and if there is enough interest, in order to make up instructional time or educational opportunities lost for a pandemic, natural disaster, or other singular event lasting more than 21 days; providing for a source of funding; and providing an effective date"; to the Committee on Education then Finance.

By Delegate Hornbuckle:

H. B. 4447 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3-13, relating to establishing the Cultural Competency in Education Act; providing expanded measures relating to teacher certification; and requiring teachers attaining their initial licensure or renewing their license to participate in cultural competency training"; to the Committee on Education.

By Delegate Hornbuckle:

H. B. 4448 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-23-9b, relating to establishing the Commission on American History Enrichment; providing legislative findings relating to evaluating history lessons and materials for history courses that are more inclusive of the history of historic minorities; providing for appointment and membership of the commission; requiring commission to meet and submit reports; and providing for pay and expenses of commission"; to the Committee on Education then Finance.

By Delegates Espinosa, Holstein, Barrett, Criss, Westfall, Clark, Householder and Hardy:

H. B. 4449 - "A Bill to amend and reenact §3-2-6 of the Code of West Virginia, 1931, as amended, relating to clarifying the uniform statewide deadline for electronically submitted voter registration applications"; to the Committee on the Judiciary.

By Delegates Espinosa, Holstein, Barrett, Criss, Westfall, Clark, Householder and Hardy:

H. B. 4450 - "A Bill to repeal §3-2-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-3-1 of said code; and to amend and reenact §17B-2-8 of said code, all relating to removing the \$0.50 fee charged and deposited in the Combined Voter Registration and Driver's Licensing Fund for each driver's license issued by the Department of Motor Vehicles, which fees are no longer necessary for affording voter registration costs"; to the Committee on Finance.

By Delegates Householder and Criss:

H. B. 4451 - "A Bill to amend and reenact §11-6F-6 of the Code of West Virginia, 1931, as amended, all relating to the special method for appraising qualified capital additions to manufacturing facilities, eliminating the requirement that otherwise qualified investment assets be located or installed at or within two miles of a preexisting manufacturing facility, specifying effective date"; to the Committee on Finance.

By Delegate Hornbuckle:

H. B. 4452 - "A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-15-25, all relating to the development and implementation of a program to regulate source-separated

organic material waste; requiring permits for the facilities and general operation; providing for general handling of organic material waste; authorizing the secretary to promulgate rules; authorizing the secretary to provide exemptions; and to provide for curb-side pickup of composting”; to the Committee on Health and Human Resources then Government Organization.

By Delegate Longanacre:

H. B. 4453 - “A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to requiring that all percentage salary increases shall be based upon merit and performance and not in equal amounts to all employees; the bill is to be known as the ‘Fair Advancements for State Employees Act’; to the Committee on Government Organization then Finance.

By Delegates Reed, Kimes, Nestor, Haynes, Worrell, Mallow, Rowan, Riley, Bates, Jennings and Forsht:

H. B. 4454 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, and §46A-6O-3, all relating to creating a consumers’ right to limit the sale and sharing of his or her personal information; establishing a consumers’ right to opt-out of any sale or sharing of his or her personal information; creating a consumers’ right of no retaliation following any opt-out or exercise of other rights; and providing for methods of limiting sale, sharing, and use of personal information, as well as any use of sensitive personal information”; to the Committee on the Judiciary.

By Delegates Pritt, Paynter, Foster, Longanacre, Hott, Kimes, D. Jeffries, Steele, G. Ward, Jennings and Bridges:

H. B. 4455 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-37, relating to permitting pharmacists to dispense ivermectin by means of a standing order; creating definitions; providing for guidelines, clarifying the role of the West Virginia Board of Medicine; and providing for an effective date”; to the Committee on Health and Human Resources.

By Delegate Hornbuckle:

H. B. 4456 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4, all relating to creating the Mountaineer Games Sports League; establishing findings; establishing board of directors; creating duties and objectives for the board; establishing league affiliates; creating structure for the divisions; and creating the Mountaineer Games Governor’s Cup”; to the Committee on Health and Human Resources then Government Organization.

By Delegates Holstein, Kessinger, Maynor, Haynes, Keaton, Hanna, Sypolt, Linville, Steele, Rohrbach and Graves:

H. B. 4457 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, relating to establishing a tax credit for employers who hire qualified employees in a program of recovery from substance abuse; authorizing tax credit; defining terms; specifying the application process for tax credit; determining the amount of the credit; restricting disclosure of diagnosis and treatment information; establishing maximum allowable credits; and providing that unused credits do not carry over to subsequent years”; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

By Delegate Hornbuckle:

H. B. 4458 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-25A-1, §16-25A-2, and §16-25A-3, all relating to screening for

adverse childhood experiences; providing for a definition and setting forth legislative findings; and setting forth terms for mandatory insurance coverage and school coverage”; to the Committee on Banking and Insurance then Finance.

By Delegate Pushkin:

H. B. 4459 - “A Bill to amend and reenact §33-15-1b of the Code of West Virginia, 1931, as amended, relating to allowing alternative health insurance premiums for persons that have not received recommended vaccinations”; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Householder and Criss:

H. B. 4460 - “A Bill to amend and reenact §11-13S-4 and §11-13Y-5 of the Code of West Virginia, 1931, as amended, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions”; to the Committee on Finance.

By Delegates Householder and Criss:

H. B. 4461 - “A Bill to amend and reenact §11-10-27 of the Code of West Virginia, 1931, as amended, relating to the consolidation of all administrative fees collected by the agency into the existing ‘Tax Administration Services Fund’; removing the \$3 million cap on the fund; providing that excess amounts in this Fund are not converted into the General Fund; consolidating the balances of moneys in various funds collected as fees by, and administered for, the Tax Division of the Department of Revenue reducing the amount of the fee for the state administration of local sales and use taxes; and providing an effective date”; to the Committee on Finance.

By Delegates Storch, Pethel, Evans, Anderson, Bates and Graves:

H. B. 4462 - “A Bill to amend and reenact §8-22-25a of the Code of West Virginia, 1931, as amended, relating to requiring actuarial reports to be prepared and presented to the Legislature’s Joint Committee on Pensions and Retirement regarding active deferred retirement option plans every five years”; to the Committee on Pensions and Retirement then Finance.

By Delegates Crouse, Clark, Steele, Howell, Mazzocchi, Householder and D. Jeffries:

H. B. 4463 - “A Bill to amend and reenact §29-5A-1 and §29-5A-16 of the Code of West Virginia, 1931, as amended, all relating to the compensation the members of the State Athletic Commission may receive during a fiscal year for their attendance and participation in public meetings of the commission; and their work at exhibitions and matches sanctioned by the commission”; to the Committee on Government Organization then Finance.

By Delegates Paynter, Phillips, Cooper and Miller:

H. B. 4464 - “A Bill to amend and reenact §20-2-44b of the Code of West Virginia, 1931, as amended, relating to the bear damage stamp; including additional license classes with which the stamp may be used; specifying when additional stamps are required; and providing limitations when a seasonal bag limit is reached”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Householder and Criss:

H. B. 4465 - “A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, all relating to the tax credit for apprenticeship training; eliminating the requirement that the credit base be limited to wages paid to apprentices in the construction trades, specifying effective date; and making stylistic changes”; to the Committee on Finance.

By Delegates Barnhart, Martin, Ferrell, G. Ward, Wamsley, Statler, J. Kelly, Anderson, Ellington, Smith and Clark:

H. B. 4466 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9D-4e, relating to seeking contribution of School Building Authority funds to support a local capital improvement bond finance plan; providing for application to the School Building Authority; requiring initial approval prior to conducting bond levy election; requiring conditional language in materials referencing School Building Authority participation; and establishing time limit for project completion"; to the Committee on Education then Finance.

By Delegates Hanshaw (Mr. Speaker), Summers, Toney, Rowan, Cooper, Anderson, Jennings and Queen:

H. B. 4467 - "A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-5 of said code; and to amend said code by adding thereto a new section, designated §18A-5-9, all relating to requiring early childhood classroom assistant teacher in certain grade levels and enrollment levels in said grade levels; and removing outdated provisions; increasing ratios of service personnel per student net enrollment in state basic foundation program; requiring early childhood classroom assistant teachers exercise authority and control over students in certain instances and within certain limits; prohibiting assignment of noninstructional duties to early childhood classroom assistant teacher in excess of contractual requirements unless mutually agreed upon; and requiring in-service training for early childhood classroom assistant teachers on responsibilities and appropriate measures for exercising authority and control over students"; to the Committee on Education then Finance.

By Delegates Doyle, Skaff, Hansen, Barach, Garcia, Diserio, Pushkin, Fleischauer, Evans, Walker and Rowe:

H. B. 4468 - "A Bill to repeal §3-3-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-34 and §3-1-41 of said code; to amend and reenact §3-1A-5 of said code; to amend and reenact §3-3-1, §3-3-1a, §3-3-2, §3-3-2a, §3-3-5, §3-3-9, §3-3-10, and §3-3-12 of said code; to amend and reenact §3-6-6, §3-6-7, and §3-6-9 of said code; to amend said code by adding thereto a new section, designated §3-9-14; and to amend and reenact §3-9-19 of said code, all relating to modernization of procedures for voting in public elections; modifying voter identification procedure at the polls; removing authority of election commissioners and poll clerks to dispute voter claims of disability; authorizing all registered voters to vote absentee ballot by mail; simplifying the requirements for an emergency absentee ballot; providing for secure receipt of hand-delivered absentee ballots; providing for stand-alone drop-off locations for deposit of completed absentee ballots; revising terms and procedures for casting an absentee ballot by mail; reforming the procedures and grounds for challenging an absentee ballot; specifying the form and printed text of envelopes for absentee ballots; establishing a pre-canvass procedure for ballots received in advance of Election Day; authorizing voter cure for potentially deficient absentee ballots; establishing a criminal offense of coercion and intimidation of a voter; defining a criminal offense of unauthorized marking of another person's absentee ballot; providing criminal penalties for violations; and correcting citations and grammar throughout"; to the Committee on the Judiciary.

By Delegates Hardy, Queen, Criss, Barrett, Reed, Hott, Westfall, Kessinger and Haynes:

H. B. 4469 - "A Bill to amend and reenact §31-15A-10 of the Code of West Virginia, 1931, as amended, relating to administration of the Infrastructure Fund; and how assistance from the fund is provided for or the water and wastewater revolving loan programs"; to the Committee on Finance.

By Delegates Householder and Criss:

H. B. 4470 - "A Bill to amend and reenact §11-15-9n of the Code of West Virginia, 1931, as amended, all relating to the consumers sales and service tax and use tax exemption for qualified purchases of computers and computer software, primary material handling equipment, racking and racking systems, and components, building materials and certain tangible personal property to be incorporated into a qualified, new or expanded warehouse or distribution facility; changing threshold jobs creation number from 300 to 50; and making stylistic changes"; to the Committee on Finance.

By Delegates Longanacre, Haynes, Honaker, Cooper, Pritt, Phillips, McGeehan, J. Jeffries, Foster, Mazzocchi and Hanna:

H. B. 4471 - "A Bill to amend and reenact §15A-11-9 of the Code of West Virginia, 1931, as amended, relating to the Save Our Volunteer Fire Departments Act, requiring the State Fire Commission to review and revise certain rules for training of volunteer fire firefighters and certification of volunteer fire departments; removing provision for a pilot program to implement proposed changes to such requirements; and requiring the State Fire Commission to consider separate standards to fit the character and level of development of a volunteer fire department's designated rural area"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Howell, Householder, Criss, Hamrick, Linville, Hott, Ellington, Smith, Phillips, Rohrbach and Maynor:

H. B. 4472 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, and §11-13MM-10, all relating to the Distribution Center Tax Credit Act; providing for a short title; providing legislative findings and purpose; creating definitions, including specific definitions for both small and large distribution centers; establishing the Distribution Center tax credit; providing for restrictions on investment; providing for a penalty; providing for disclosure of tax credits; providing for tax credit review and accountability; creating rules; and providing for an effective date"; to the Committee on Finance.

By Delegate Criss:

H. B. 4473 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to authorizing the superintendent of the State Police to offer locality pay to members stationed in certain counties"; to the Committee on Finance.

By Delegate Criss:

H. B. 4474 - "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing the salary for a cadet in training; increasing the salary differentials between the supervisory ranks; and increasing the salary differentials between the administrative support specialist classifications V through VIII"; to the Committee on Finance.

Special Calendar**Third Reading**

S. B. 4, Repealing ban on construction of nuclear power plants; 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. 55**), and there were—yeas 76, nays 16, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Bridges, Brown, Criss, Dean, Doyle, Evans, Graves, Hansen, Lovejoy, Maynard, Mazzocchi, Paynter, Rowe, Summers, Toney and Walker.

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 4) passed.

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

H. B. 2631, Provide for WVDNR officers to be able to work “off duty”; 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. 56**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2631) 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. 2817, Donated Drug Repository Program; 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. 57**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2817) 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. 4048, WV Keep, Bear and Drive with Arms Act; 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. 58**), and there were—yeas 91, nays 1, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Doyle.

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4048) 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. 4097, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission; 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. 59**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4097) passed.

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

Com. Sub. for H. B. 4257, Require visitation immediately following a procedure in a health care facility; 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. 60**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4257) passed.

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

On this question, the yeas and nays were taken (**Roll No. 61**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4257) takes effect from its passage.

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

Com. Sub. for H. B. 4263, Prohibit the practice of white bagging; 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. 62**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4263) 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. 4299, To prohibit the intentional interference with election processes and creating associated criminal penalties; 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. 63**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, Hornbuckle, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4299) passed.

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

Com. Sub. for H. B. 4324, To update collaborative pharmacy practice agreements; 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. 64**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, D. Jeffries and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4324) passed.

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

On this question, the yeas and nays were taken (**Roll No. 65**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, D. Jeffries and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4324) takes effect from its passage.

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

Second Reading

S. B. 244, Relating to appointment of judges to Intermediate Court of Appeals; on second reading, coming up in regular order, was read a second time and ordered to third reading.

H. B. 4110, Relating to staffing levels at multi-county vocational centers; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4286, Relating to exempting persons employed as attorneys from the civil service system; on second reading, coming up in regular order, was read a second time.

Delegate Rowe moved to amend the bill on page two, section four, line thirty-five, following the words “as an attorney”, by inserting the words “in a policy-making position”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 66**), and there were—yeas 20, nays 73, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Barach, Boggs, Brown, Diserio, Doyle, Evans, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Young and Zukoff.

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, D. Jeffries and Williams.

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

The bill was then ordered to engrossment and third reading.

H. B. 4312, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances; on second reading, coming up in regular order, was read a second time.

Delegates Doyle and Hansen moved to amend the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof, the following:

“ARTICLE 3. VOTING BY ABSENTEES.

§3-3-1. Persons eligible to vote absentee ballots.

(a) All registered and other qualified voters of the county may vote an absentee ballot during the period of early voting in person.

(b) ~~Registered~~ All registered voters and other qualified voters in the county are authorized to vote an absentee ballot by mail. ~~in the following circumstances:~~

~~(1) Any voter who is confined to a specific location and prevented from voting in person throughout the period of voting in person because of:~~

~~(A) Disability, illness, injury, or other medical reason;~~

~~(B) Physical disability or immobility due to extreme advanced age; or~~

~~(C) Incarceration or home detention: *Provided*, That the underlying conviction is not for a crime which is a felony or a violation of §3-9-12, §3-9-13, or §3-9-16 of this code involving bribery in an election;~~

~~(2) Any voter who is absent from the county throughout the period and available hours for voting in person because of:~~

~~(A) Personal or business travel;~~

~~(B) Attendance at a college, university, or other place of education or training; or~~

~~(C) Employment which because of hours worked and distance from the county seat make voting in person impossible;~~

~~(3) Any voter absent from the county throughout the period and available hours for voting in person and who is an absent uniformed services voter or overseas voter, as defined by 42 U.S.C. §1973, *et seq.*, the Uniformed and Overseas Citizens Absentee Voting Act of 1986, including members of the uniformed services on active duty, members of the merchant marine, spouses and dependents of those members on active duty, and persons who reside outside the United States and are qualified to vote in the last place in which the person was domiciled before leaving the United States;~~

~~(4) Any voter who is required to dwell temporarily outside the county and is absent from the county throughout the time for voting in person because of:~~

~~(A) Serving as an elected or appointed federal or state officer; or~~

~~(B) Serving in any other documented employment assignment of specific duration of four years or less;~~

~~(5) Any voter for whom the designated area for absentee voting within the county courthouse or annex of the courthouse and the voter's assigned polling place are inaccessible because of his or her physical disability; and~~

~~(6) Any voter who is participating in the Address Confidentiality Program as established by §48-28A-103 of this code.~~

(c) Registered voters and other qualified voters in the county are authorized to vote an electronic absentee ballot in the following circumstances:

(1) The voter has a physical disability, as defined in §3-3-1a of this code; or

(2) The voter is absent from the county throughout the period and available hours for voting in person and is an absent uniformed services voter or overseas voter, as defined by 42 U.S.C. §1973, *et seq.*, the Uniformed and Overseas Citizens Absentee Voting Act of 1986, including members of the uniformed services on active duty, members of the merchant marine, spouses and dependents of those members on active duty, and persons who reside outside the United States and are qualified to vote in the last place in which the person was domiciled before leaving the United States.

(d) Registered voters and other qualified voters in the county may, in the following circumstances, vote an emergency absentee ballot, subject to the availability of the services as provided in this article:

(1) Any voter who is confined or expects to be confined in a hospital or other duly licensed health care facility within the county of residence or other authorized area, as provided in this article, on the day of the election;

(2) Any voter who resides in a nursing home within the county of residence and would be otherwise unable to vote in person, providing the county commission has authorized the services if the voter has resided in the nursing home for a period of less than 30 days;

(3) Any voter who becomes confined, on or after the seventh day preceding an election, to a specific location within the county because of illness, injury, physical disability, immobility due to advanced age, or another medical reason; *Provided*, That the county clerk may require a written confirmation by a licensed physician, physician's assistant, or advanced practice registered nurse that the voter meets the criteria of this subdivision before permitting such voter to vote an emergency absentee ballot; and

(4) Any voter who is working as a replacement poll worker and is assigned to a precinct out of his or her voting district, if the assignment was made after the period for voting an absentee ballot in person has expired."

On the question of the adoption of the amendment, the yeas and nays were taken (**Roll No. 67**), and there were—yeas 6, nays 87, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Doyle, Evans, Hansen, Pushkin, Rowe and Walker.

Absent and Not Voting: Booth, Clark, Cooper, Fleischauer, Hardy, D. Jeffries and Williams.

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4333, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters; 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. 4360, Relating to WV Invests community service requirements; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Booth, Clark, Cooper, Fleischauer, Hardy, D. Jeffries and Williams.

Miscellaneous Business

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

- Delegate Espinosa regarding H. B. 4024 on January 28, 2022

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

H. B. 4041: Delegates Mandt and Zukoff;

H. B. 4425: Delegate Pack;

H. B. 4473: Delegate Barrett;

And,

H. B. 4474: Delegate Barrett.

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

H. B. 4053: Delegate Steele;

H. B. 4064: Delegate Smith;

H. B. 4346: Delegate Smith;

And,

H. B. 4385: Delegate Toney.

At 12:41 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 1, 2022.

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

SPECIAL CALENDAR

Tuesday, February 1, 2022

21st Day

11:00 A. M.

THIRD 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 Invests Grant Program community service requirements (ELLINGTON) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 4111 - Relating to the prescriptive authority of advance practice registered nurses (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4311 - Creating criminal penalties for illegal voting activity (CAPITO) (REGULAR)

HOUSE CALENDAR

Tuesday, February 1, 2022

21st 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**

TUESDAY, FEBRUARY 01, 2022

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON ENERGY AND MANUFACTURING
2:00 P.M. – ROOM 410 M**

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
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