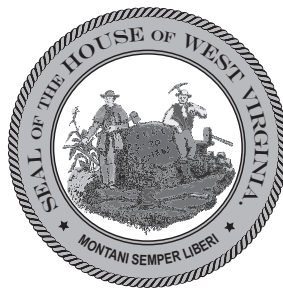


West Virginia Legislature

**JOURNAL**  
of the  
**HOUSE of DELEGATES**

Eighty-Fifth Legislature  
Second Regular Session

Held at Charleston  
Published by the Clerk of the House



February 1, 2022  
TWENTY-FIRST DAY



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Tuesday, February 1, 2022

**TWENTY-FIRST 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 Monday, January 31, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 4064**, Allowing antique car license plates for cars over 10,000lbs,

And,

**H. B. 4082**, Require State Police to provide multiple sets of licenses,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4064 and H. B. 4082) were each referred to the Committee on Government Organization.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 4116**, Authorizing the Office of Technology to promulgate a legislative rule relating to Chief Information Officer Review,

And,

**H. B. 4117**, Authorizing the Office of Technology to promulgate a legislative rule relating to Cyber Reporting,

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. 4116 and H. B. 4117) were each referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

**H. B. 4391**, Relating generally to school nurses,

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. 4391) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 3043**, Relating to transport of persons accused of being mentally ill to mental health relating hearings,

**H. B. 4296**, To revise outdated provisions within Chapter 23 of the West Virginia Code, which pertains to workers' compensation,

**S. B. 435**, Awarding service weapon to retiree from Division of Protective Services,

**Com. Sub. for S. B. 437**, Providing for early discharge of parolees,

And,

**Com. Sub. for S. B. 449**, Relating to Nonviolent Offense Parole Program,

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

Pursuant to House Rule 80, the Speaker referred H. B. 3043 to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4003**, Relating generally to commercial benefit of substances removed from waters of the state by the treatment of mine drainage,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4003** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-2-10, relating generally to the ownership and commercial benefit of substances removed from waters of the state by the treatment of mine

drainage; restating public policies concerning the maintenance of reasonable standards of purity and quality of the waters of the state consistent with public health and the protection of all forms of life; providing for legislative findings, intent, and purpose, including that treatment of mine drainage reduces environmental harm by reducing toxic substances and pollution in the waters of the state, that such treatment may produce valuable concentrations of materials which may be utilized for commercial gain, and that said materials are part of the water; stating the legislative intent of fulfilling the state's obligations to maintain reasonable standards of purity and quality of the waters of the state by encouraging investments into the treatment of mine drainage; providing that all chemical compounds, elements, and other potentially toxic materials found within the waters of this state and derived from the treatment of mine drainage which have economic value may be used, sold, or transferred by the Department of Environmental Protection or its designee for commercial gain and benefit; providing that all funds received by said department shall be deposited and used at the discretion of the secretary into already established environmental funds; providing that all chemical compounds, elements, and other potentially toxic materials found within the waters of this state and derived from the treatment of mine drainage which have economic value may be used, sold, or transferred by any party who successfully removes the same from the waters of this state for commercial gain and benefit; and providing a severability clause,"

With the recommendation that the committee substitute do pass.

### **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. 151** - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue special vehicle registration plates recognizing the occupation of linemen; and establishing fees for the special vehicle registration plate"; which was referred to the Committee on Technology and Infrastructure then Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 192** - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue special Civil Air Patrol vehicle registration plates; and establishing fees for the special vehicle registration plate"; which was referred to the Committee on Technology and Infrastructure then Government Organization.

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. 261** - "A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to requiring video cameras in certain special education classrooms; allowing school principal to designate another school administrator to be the custodian of the video camera, all recordings of the camera, and access to those recordings;

modifying provisions pertaining to the amount of time a video is required to be retained; removing requirement to delete or otherwise make unretrievable after a certain time period; clarifying that the principal or other designated school administration is not required to view the video recording absent an authorized request or suspicion of an incident except as otherwise provided; removing prohibition against allowing regular, continuous, or continual monitoring of video recording; allowing the school principal, other school administration designee, or in certain instances, a county designee to view a video recording; requiring no less than 15 minutes of the video of each self-contained classroom to be viewed at no less than every 90 days; modifying provisions pertaining to the viewing of a video recording by a law-enforcement officer or the Department of Health and Human Resources; requiring a public school or school district to allow a judge, counsel, or other legal entity to view a video recording in certain instances; requiring certain incidents to be reported pursuant to code section mandating reporting of suspected child abuse and neglect; and providing that cameras in special education classrooms section only applies to cameras installed pursuant to that section"; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 279** - "A Bill to amend and reenact §64-3-1 et. seq. of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the requirements for the management of coal combustion residuals; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the requirements governing water quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the underground injection control rule; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to administrative proceedings and civil penalty assessment"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 441** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-8a, relating to correctional institutions and juvenile facilities generally; deeming certain video and audio recordings records and reports to be confidential; creating exceptions to confidentiality; requiring court orders directly disclosure to contain a provision limiting disclosure to the purposes necessary to the proceeding and prohibiting unauthorized use and publication; and defining terms"; which was referred to the Committee on the Judiciary.

### Resolutions Introduced

Delegates Nestor, Hott, Pritt, Kimes, Rohrbach, D. Jeffries, Conley, Ferrell, Jennings and J. Jeffries offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 39** - "Requesting the Division of Highways name the bridge bearing Identification Number 42-219/86-003.18 (42A228), located in Randolph County, West Virginia, carrying County Route 219 over Stalnaker Run, Latitude 38.988821, Longitude -79.83132, locally known as Stalnaker Run Bridge, the 'PFC Donald L. Stuckey Memorial Bridge'."

Whereas, Donald L. Stuckey, was born in Elkins, Randolph County, West Virginia, on August 13, 1931, and enlisted in the United States Army following high school; and

Whereas, Private First Class Donald L. Stuckey served as a Light Weapons Infantryman with the U.S. Army's 27<sup>th</sup> Infantry regiment, 25<sup>th</sup> Infantry Division, during the Korean War; and

Whereas, PFC Donald L. Stuckey served at the Battle of Chosin Reservoir, also known as the Chosin Reservoir Campaign, which was a decisive battle during the Korean War. On November 27, 1950, the Chinese Army surprised United Nations Forces at the Chosin Reservoir, resulting in a brutal 17-day battle in freezing weather and rough terrain; and

Whereas, between November 27, 1950, and December 13, 1950, 30,000 United Nations troops were encircled and attacked by approximately 120,000 Chinese troops under devastating conditions, which led to 17,000 UN Forces being killed, wounded, or missing in action; and

Whereas, PFC Donald L. Stuckey suffered traumatic injuries during the battle and died of his wounds on November 27, 1950, at the age of 19. He is remembered at the Korean War Veterans Memorial in Washington, D.C., and is buried at Little Arlington Cemetery in Elkins, West Virginia; and

Whereas, For his bravery and sacrifice, PFC Donald L. Stuckey was awarded a Purple Heart, Combat Infantryman Badge, Marksmanship Badge, Korean Service Medal, National Defense Service Medal, Republic of Korea Presidential Citation, Republic of Korea War Service Medal, and United Nations Service Medal; and

Whereas, It is fitting that an enduring memorial be established to commemorate the contributions of PFC Donald L. Stuckey to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name the bridge bearing Identification Number 42-219/86-003.18 (42A228), located in Randolph County, West Virginia, carrying County Route 219 over Stalnaker Run, Latitude 38.988821, Longitude -79.83132, locally known as Stalnaker Run Bridge, the "PFC Donald L. Stuckey 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 "PFC Donald L. Stuckey 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 Linville offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 40** - "Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the 'USMC Cpl Guy Maywood Edwards Memorial Bridge'."

Whereas, United States Marine Corps Corporal Guy Maywood Edwards was born on September 13, 1918, in Myra, West Virginia, to Hiram Otho Edwards and Elmyra Elizabeth Porter Edwards; and

Whereas, Corporal Edwards graduated from Hamlin High School, and enlisted in the Marines during the winter of 1942; and

Whereas, Corporal Edwards was serving with the Fourth Division of the Marines and, despite having been wounded in October 1944 on Saipan in the Marina Islands, landed on Iwo Jima on February 20, 1945, ready for duty. Corporal Edwards was killed in action six days later on February 26, 1945; and

Whereas, Corporal Edwards' brother PFC Donald Edwards was also serving in the Fourth Marine Division on Iwo Jima and was wounded on February 28, 1945; and

Whereas, It is right and just to honor the memory of United States Marine Corps Corporal Guy Maywood Edwards, who so ably served his country and state, and having made the ultimate sacrifice, by naming this bridge after him; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the "USMC Cpl Guy Maywood Edwards 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 "USMC Cpl Guy Maywood Edwards 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 Haynes offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 41** - "Requesting the Division of Highways name a road in Oak Hill, Fayette County, West Virginia beginning at coordinates (37.9483168, -81.1642034), (38.94030, -80.42246) and Roending at coordinates (37.9518730, -81.1646419), locally known Scarbro Road, as the 'Benton E. "Benny" Conner Memorial Road'."

Whereas, Benton E. Conner was born on November 6, 1945, in Oswald, West Virginia to mother, Bethel Shrount Conner and to father, the late Arthur Conner; and



Whereas, Benton E. Conner was a boss in the strip mines where he guided miners and workers on a daily basis; and

Whereas, Benton E. Conner attended the Harvey Methodist Church faithfully; and

Whereas, Benton E. Conner was a United States Army Veteran who fought bravely in the Vietnam War; and

Whereas, Sadly, Benton E. Conner passed away on July 18, 2019, at the age of 73 at the VA Medical Center in Beckley, West Virginia; and

Whereas, For these reasons it is fitting and proper that the road be named in honor of Benton E. Conner; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is requested to name a road in Oak Hill, Fayette County, West Virginia beginning at coordinates (37.9483168, -81.1642034), (38.94030, -80.42246) and ending at coordinates (37.9518730, -81.1646419), locally known Scarbro Road, as the “Benton E. ‘Benny’ Conner Memorial Road.”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the road containing bold and prominent letters proclaiming the stretch of road as the “Benton E. ‘Benny’ Conner Memorial Road.”; and, be it

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

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

**Delegates Walker, Zukoff, Evans, Barach, Griffith, Young, Garcia, Diserio, Hansen and Pushkin**

**H. J. R. 105** - “Proposing an amendment to the Constitution of the State of West Virginia, by adding section twenty-three, article three thereof, relating to the Bill of Rights; providing for the right to food, food sovereignty and freedom from hunger; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Health and Human Resources then the Judiciary.

### **Bills Introduced**

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

**By Delegates Pritt, Smith, Tully, Longanacre, G. Ward, Maynor, Crouse, Clark, Horst and Hanna:**

**H. B. 4011** - “A Bill to amend and reenact §18-5G-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to prohibiting anti-stereotyping in state public schools and public charter schools; establishing The Anti-Stereotyping Act; providing that training, instructional or curricula materials be displayed on the public school, county board or public charter school website provided that reproduction does not infringe copyrights; providing that

county boards, public schools, public charter schools, and employees thereof, shall not, in the course or scope of employment, promote, embrace, or endorse stereotypes; ensuring that the county board, public school or charter school does not require or compel a student, teacher, administrator, or other employee to affirm, adopt, or adhere to any certain beliefs or concepts and preserving free speech protections”; to the Committee on Education then the Judiciary.

**By Delegates D. Jeffries, Foster and Steele:**

**H. B. 4016** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44; to amend said code by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, and §18-2L-5; to amend said code by adding thereto a new section, designated §18-5-50; to amend and reenact §18-5G-3 of said code; to amend and reenact §18-5G-6 of said code; and to amend and reenact §18A-2-8 of said code, all relating to creating the Anti-Racism, Anti-Sexism, and Prevention of Political-Economic Bias in School Curriculum and Pedagogy Act of 2022; prohibiting curricula, pedagogy, and employee training that is racist, sexist, biologically and/or genetically counter-factual, or presents biased and/or historically inaccurate information concerning political-economic systems in state public schools and public charter schools; providing findings; defining terms; specifying controlling law to resolve conflicts with other provisions; identifying prohibited content; providing for curricula transparency; requiring cancellation, modification or reformation of existing inconsistent contractual provisions; requiring county boards ensure their employees comply with the act; authorizing a county board to dismiss an employee for violation of the act; providing that a public charter school authorizer require charter schools and their employees comply with the act; providing that violations of the act by a charter school or its employee may be grounds for suspension and/or revocation of a charter school contract; and establishing an effective date”; to the Committee on Education then the Judiciary.

**By Delegate Keaton:**

**H. B. 4475** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-20b, relating to the reallocation of certain severance tax proceeds to the State Road Fund, rather than the General Revenue Fund; providing for a three-year fiscal year phase-in date; and providing exceptions for counties and municipalities who receive severance tax proceeds that are not otherwise intended for the General Revenue Fund”; to the Committee on Finance.

**By Delegate Keaton:**

**H. B. 4476** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-15A-25, relating to the reallocation of all Business and Occupation tax revenue, unless otherwise allocated, to a special revenue fund of the Infrastructure and Jobs Development Council; and providing for a three-year fiscal year phase-in date”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegate Graves:**

**H. B. 4477** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-56, relating to establishing a class of employees within the West Virginia Public Employees Retirement System consisting of 911 staff; and providing for lower retirement age and increased pension payments”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Householder and Criss:**

**H. B. 4478** - “A Bill to amend and reenact §31G-1-3 of the Code of West Virginia, 1931, as amended, relating to transferring the Broadband Enhancement Council from the Department of

Commerce to the Department of Economic Development; removing the Secretary of Commerce from the Broadband Enhancement Council; designating the Secretary of the Department of Economic Development as a voting member; and removing archaic language”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Dean, Evans, Mazzocchi, Haynes, Holstein, Paynter, Zukoff, Brown, Reynolds, Bridges and Hansen:**

**H. B. 4479** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, and §5B-2K-6, all relating to establishing the Coalfield Communities Grant Facilitation Commission; providing legislative findings; establishing the Commission and providing for its membership and duties; providing for commission assistance from the Economic Development Authority and certain institutions of higher education; authoring the Commission to provide the local match portion for local public and private entities applying for grants from federal, state and private sources; providing what constitutes a public purpose for eligibility for grant match; establishing a special revenue account; directing the creation of a special subcommittee of the Commission comprised of state institutions of higher education to assist the Commission and grant applicants training and other technical expertise as directed by the Commission; and providing for annual electronic reports to the Legislature’s Joint Committee on Government and Finance”; to the Committee on Select Committee on Coalfield Communities then Finance.

**By Delegates Anderson, J. Kelly, Graves, Wamsley, Hansen and Young:**

**H. B. 4480** - “A Bill to amend and reenact §22-5-2 and §22-5-4 of the Code of West Virginia, 1931, as amended, all relating to air pollution control, and granting to the West Virginia Department of Environmental Protection Division of Air Quality the authority to invest the money held in the Air Pollution Control Fund (Fund #3336) and the Air Pollution Education and Environment Fund (Fund #3024) in order to receive interest on the funds held in those accounts in order to offset decreasing permit fee collections and to preserve funding for the West Virginia Department of Environmental Protection Division of Air Quality”; to the Committee on Energy and Manufacturing then Finance.

**By Delegates Anderson, J. Kelly, Hott, Mandt, Young and Keaton:**

**H. B. 4481** - “A Bill to amend and reenact §22-15A-3a of the Code of West Virginia, 1931, as amended, relating to the Adopt-A-Stream program; requiring volunteers aged 17 or under be accompanied by adult; allowing department to approve or deny applications at its discretion; lengthening period of adoptions from one to three years; and requiring one cleanup of river prior to road signs being erected”; to the Committee on Government Organization.

**By Delegates Anderson and Young:**

**H. B. 4482** - “A Bill to amend and reenact §22-1-15 of the Code of West Virginia, 1931, as amended, relating to removing the statutory limit of \$300,000 for the Environmental Laboratory Certification Fund”; to the Committee on Government Organization.

**By Delegates Anderson, J. Kelly, Graves, Ferrell, Holstein, Wamsley, Mandt, Clark, Hott and Zatezalo:**

**H. B. 4483** - “A Bill to amend and reenact §11-1C-2 of the Code of West Virginia, 1931, as amended, to amend said code by adding thereto a new section, designated §11-12-4b; to amend said code by adding thereto a new article, designated §11-12E-1, §11-12E-2, §11-12E-3, and §11-12E-4; and to amend said code by adding thereto a new section, designated §36-4-20; all relating to real property, tax and registration requirements associated with carbon offset agreements; defining terms; requiring parties to current and new carbon offset agreements to

register with the State Tax Department for tax years beginning on and after January 1, 2022, and retroactive to such date; requiring reports by Division of Forestry; authorizing disclosure of information by Tax Commissioner to Division of Forestry; imposing excise tax on receipts derived from carbon offset agreements; setting forth reporting requirements; providing an effective date of January 1, 2022, and with retroactive effect to such date; defining 'managed timberland' to exclude timberland that is subject to a carbon offset agreement; specifying application of West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; authorizing promulgation of rules; providing legislative findings and declarations; providing that any covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document, which is executed or recorded after the effective date, which effectively prohibits or restricts the development of land and the harvesting of timber from forests for the purposes of forest carbon capture, carbon offset, and carbon sequestration is void and unenforceable, unless said covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document is for a maximum term of 30 years; and providing that options to renew or continue such arrangements beyond the maximum term of 30 years shall be valid only if the consideration is required to be renegotiated to exercise the option"; to the Committee on Energy and Manufacturing then Finance.

**By Delegates Householder, Gearheart, Storch, Rowan, Riley, Espinosa, Criss, Williams, Rowe, Graves and Ellington:**

**H. B. 4484** - "A Bill recognizing and declaring certain claims against agencies of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof"; to the Committee on Finance.

**By Delegate Hornbuckle:**

**H. B. 4485** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §16-5A-6; to amend said code by adding thereto a new section, designated §33-15-4x; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section, designated §33-16-3pp; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to insurance coverage for breast cancer screening"; to the Committee on Banking and Insurance then Finance.

**By Delegates Dean, Cooper and Miller:**

**H. B. 4486** - "A Bill to amend and reenact §20-2-60 of the Code of West Virginia, 1931, as amended, relating to required attire for deer hunters hunting with a muzzleloader; creating misdemeanor offense for violation; and penalty"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Mallow, Mandt, Haynes, Reed, Forsht, Conley, Honaker, Miller, Barnhart and Nestor:**

**H. B. 4487** - "A Bill to amend and reenact §30-42-10 of the Code of West Virginia, 1931, as amended, relating to requiring a written contract between a licensed contractor and owner or lessee of residential property and information to be contained in the written contract"; to the Committee on the Judiciary.

**By Delegates Anderson, J. Kelly, Hansen and Young:**

**H. B. 4488** - "A Bill to amend and reenact §22-11-10 of the Code of West Virginia, 1931, as amended, relating to coal mining, and changing fees for permitting actions"; to the Committee on Energy and Manufacturing then Finance.

**By Delegates Linville, Hornbuckle and Lovejoy:**

**H. B. 4489** - "A Bill to amend and reenact §18A-2-7a of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education report certain information to the Statewide Job Bank"; to the Committee on Education.

**By Delegate Bates:**

**H. B. 4490** - "A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to extending the expiration date of the freeze of the per diem rate to July 1, 2024; and clarifying that the per diem cost for incarcerated inmates in a regional jail is calculated annually and from the previous three fiscal years of actual costs"; to the Committee on Select Committee on Jails and Prisons then Finance.

**By Delegates Anderson, J. Kelly, Ferrell, Hansen, Wamsley, Holstein, Clark, Hott and Young:**

**H. B. 4491** - "A Bill to amend and reenact §22-11A-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §22-11B-1, §22-11B-2, §22-11B-3, §22-11B-4, §22-11B-5, §22-11B-6, §22-11B-7, §22-11B-8, §22-11B-9, §22-11B-10, §22-11B-11, §22-11B-12, §22-11B-13, §22-11B-14, §22-11B-15, §22-11B-16, §22-11B-17, §22-11B-18, and §22-11B-19, all relating to regulating the drilling of injection wells for, and the operation and completion of, underground carbon dioxide storage sites; declaring legislative purpose; defining terms; specifying scope of former program; establishing requirement for permit; providing option for holders of pre-existing permits to pursue permit modifications under prior or new law; specifying application requirements and fees; clarifying that these provisions apply only to underground carbon dioxide sequestration operations and facilities; directing the proposal of legislative rules for permit applications, providing for public notice, participation, and permit hearings; authorizing the proposal of legislative rules for additional purposes to implement this act; authorizing additional conditions in permits and orders; preserving other existing powers of the secretary; preserving rights of existing mineral owners and authorizing cooperative agreements among owners and operators; declaring that carbon dioxide injected into an underground storage facility is not a pollutant; requiring permit holders to provide and update identification and contact information for a local agent; affirming exclusion of enhanced oil, natural gas, or coalbed methane recovery projects using carbon dioxide injection from requirement of underground carbon dioxide storage permit; specifying requirements for completion of an underground carbon dioxide storage project; directing transfer of ownership to surface owners upon completion of project; providing for liability to transfer to the state; establishing state responsibility for maintenance and monitoring after project completion; establishing the Carbon Dioxide Storage Facility Administrative Fund and the Carbon Dioxide Storage Facility Trust Fund as special revenue accounts and describing the authorized purposes and uses of fund moneys; providing a process for completion of underground carbon dioxide storage projects; requiring annual fees for underground storage or carbon dioxide and a fee to apply for a project completion certificate; providing for cooperative agreements between the Department of Environmental Protection and other government entities for enforcement and regulatory activities; limiting state liability; authorizing the Secretary of the Department of Environmental Protection to make determinations of the amount of carbon dioxide able to be sequestered at a location and to assess fees for that determination; specifying local filing requirements; defining ownership of pore space formations; authorizing entry onto lands to conduct seismic surveys; requiring permit applicants and storage facility operators to identify and obtain consent from potential pore space owners; providing for pooling of interests if the storage operator does not obtain consent of pore space owners for the construction and operation of a storage facility; providing for hearings to establish interests of pore space owners in ownership pools; and providing for assessment of hearing costs"; to the Committee on Energy and Manufacturing then the Judiciary.

**Special Calendar****Third Reading**

**S. B. 244**, Relating to appointment of judges to Intermediate Court of Appeals; 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. 68**), and there were—yeas 86, nays 3, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Martin, Paynter and Young.

Absent and Not Voting: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 244) passed.

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

On this question, the yeas and nays were taken (**Roll No. 69**), 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: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 244) takes effect from its passage.

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

**H. B. 4110**, Relating to staffing levels at multi-county vocational centers; 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. 70**), 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: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4110) 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. 4286**, Relating to exempting persons employed as attorneys from the civil service system; 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. 71**), and there were—yeas 72, nays 17, absent and not voting 11, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4286) 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. 4312**, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances; 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. 72**), 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: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4312) 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. 4333**, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters; 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. 73**), 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: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4333) 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. 4360**, Relating to WV Invests Grant Program community service requirements; 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. 74**), 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: Booth, Clark, Conley, Cooper, Fleischauer, D. Jeffries, Kessinger, Maynard, Wamsley, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4360) passed.

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

### **First Reading**

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

**Com. Sub. for H. B. 4111**, Relating to the prescriptive authority of advance practice registered nurses,

And,

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

### **Leaves of Absence**

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

### **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. 3043**: Delegate Brown;

**H. B. 4041**: Delegate Kimble;

**H. B. 4084**: Delegate Evans;

And,

**H. B. 4421**: Delegate Storch (also made Lead Sponsor).

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. 4464**: Delegate Paynter.



At 11:34 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 2, 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**

**Wednesday, February 2, 2022**

**22<sup>nd</sup> Day**

**11:00 A. M.**

**SECOND 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)

**FIRST READING**

- S. B. 435 - Awarding service weapon to retiree from Division of Protective Services (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 437 - Providing for early discharge of parolees (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 449 - Relating to Nonviolent Offense Parole Program (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4003 - Relating generally to commercial benefit of substances removed from waters of the state by the treatment of mine drainage (CAPITO) (REGULAR)
- H. B. 4296 - To revise outdated provisions within Chapter 23 of the West Virginia Code, which pertains to workers' compensation (CAPITO) (REGULAR)

**HOUSE CALENDAR**

**Wednesday, February 2, 2022**

**22<sup>nd</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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**WEDNESDAY, FEBRUARY 02, 2022**

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

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**BANKING AND INSURANCE  
9:00 A.M. – ROOM 462 M**

**PREVENTION AND TREATMENT OF SUBSTANCE ABUSE  
9:30 A.M. – ROOM 434 M**

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

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

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

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

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

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

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