

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 8, 2022
TWENTY-EIGHTH DAY

Tuesday, February 8, 2022

TWENTY-EIGHTH 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, February 7, 2022, being the first order of business, when the further reading thereof was dispensed with, and the same approved.

Committee Reports

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 4406, To establish the West Virginia Military Hall of Fame,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4406) was referred to the Committee on Government Organization.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 4141, Authorizing the Governor's Committee Crime, Delinquency and Correction to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4141) was referred to the Committee on Government Organization.

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. 4114, H. B. 4115, H. B. 4116, H. B. 4117,

H. B. 4114, Authorizing the Ethics Commission to promulgate a legislative rule relating to Use of Office for Private Gain, Including Nepotism,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4114 - "A Bill to amend and reenact §64-2-1 *et. seq.* of the Code of West Virginia, 1931, as amended, all relating generally, to authorizing certain agencies of the Department of Administration to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Ethics Commission to promulgate a legislative rule relating to use of office for private gain, including nepotism; authorizing the Division of Personnel to promulgate a legislative rule relating to the Administrative rule of the West Virginia Division of Personnel; authorizing the Office of Technology to promulgate a legislative rule relating to the Chief Information Officer review; and authorizing the Office of Technology to promulgate a legislative rule relating to cyber reporting,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2160, Issuing identification documents to homeless individuals residing at homeless shelters,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2160) 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. 4438, Applying current requirements for certain voting systems to be independent and non-networked to all voting systems that seek certification in West Virginia,

And reports the same back with the recommendation that it 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:

Com. Sub. for S. B. 279, Authorizing DEP to promulgate legislative rules,

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

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4007, To reduce personal income tax rates,

And,

S. B. 451, Updating definitions of WV Corporation Net Income Tax Act,

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

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

S. B. 450, Updating definitions of WV Personal Income Tax Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4162, Authorizing the Tax Department to promulgate a legislative rule relating to Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4162) was referred to the Committee on Government Organization.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4167, Authorizing the Tax Department to promulgate a legislative rule relating to On-line Bingo and Raffles,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4167) was referred to the Committee on Government Organization.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4158, Authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery State Lottery Rules,

H. B. 4159, Authorizing the Lottery Commission to promulgate a legislative rule relating to the West Virginia Lottery Limited Video Lottery Rule,

H. B. 4160, Authorizing the Racing Commission to promulgate a legislative rule relating to Thoroughbred Racing,

H. B. 4161, Authorizing the Racing Commission to promulgate a legislative rule relating to Pari-Mutuel Wagering,

H. B. 4163, Authorizing the State Tax Department to promulgate a legislative rule relating to West Virginia Tax Credit for Federal Excise Tax Imposed upon Small Arms and Ammunition Manufacturers,

H. B. 4164, Authorizing the Tax Department to promulgate a legislative rule relating to the Sales Tax Holiday,

And,

H. B. 4166, Authorizing the Tax Department to promulgate a legislative rule relating to Vendor Absorption or Assumption of Sales and Use Tax,

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. 4158, H. B. 4159, H. B. 4160, H. B. 4161, H. B. 4163, H. B. 4164 and H. B. 4166) were each referred to the Committee on Government Organization.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4186, Authorizing the Auditor to promulgate a legislative rule relating to Accountability Requirements for State Funds and Grants,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4186) was 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. 4466, Relating to School Building Authority's review of school bond applications,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4466) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 4420, To modify definitions of school bus operators,

And reports back a committee substitute therefor, as follows:

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

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 4535, Repeal section relating to school attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle,

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

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

Your Committee on Government Organization has had under consideration:

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4295 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-20b; to amend and reenact §33-2-23 of said code; and to amend and reenact §33-3-14 and §33-3-14a of said code, all relating to the State

Office of the National Flood Insurance Program; transferring the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management; authorizing the director of the Division of Emergency Management to employ staff for the State Office of the National Flood Insurance Program; providing that state-owned property in any nonparticipating community shall be governed by appropriate rules promulgated by the Division of Emergency Management; requiring the State Office of the National Flood Insurance Program and floodplain managers to develop a strategic plan to meet goals and objectives, which plan shall be reviewed and approved by the State Resiliency Officer and State Resiliency Board; requiring the State Office of the National Flood Insurance Program to establish floodplain management guidelines in special hazard areas which are in conformity with federal regulations; providing the State Office of the National Flood Insurance Program shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; transferring the assets of the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management; and requiring the state treasurer to distribute funds from the flood insurance tax fund to finance the operations and responsibilities of the State Office of the National Flood Insurance Program,”

With the recommendation that the committee substitute do pass.

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. C. R. 23, Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families,

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

In accordance with the former direction of the Speaker, the resolution (H. C. R. 23) was referred to the Committee on Rules.

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. C. R. 6, Elmer Galford Memorial Road,

H. C. R. 8, U.S. Army Private Elmo Davis Memorial Road,

H. C. R. 10, Lance CPL Leonard Joe Zelaski Memorial Bridge,

H. C. R. 15, Thomas Brothers Memorial Bridge,

H. C. R. 16, World War II Veterans Toothman Brothers Memorial Bridge,

H. C. R. 17, Daniel Okey Cunningham Memorial Bridge,

H. C. R. 28, Cpt. Billy Jake Smith Memorial Bridge,

- H. C. R. 30**, To name the U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge,
- H. C. R. 34**, U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge,
- H. C. R. 37**, U.S. Army Corporal Charles William “Bill” Knight Memorial Bridge,
- H. C. R. 38**, To name the “Dale Shaheen and George H. Hooker Memorial Bridge.”,
- H. C. R. 40**, To name the USMC Cpl Guy Maywood Edwards Memorial Bridge,
- S. C. R. 1**, US Army PFC Billy Keith Ford Memorial Bridge,
- S. C. R. 3**, USMC CAPT Dempsey Stowers Memorial Bridge,
- Com. Sub. for S. C. R. 5**, US Marine Corps CPL James “Bud” Cox Memorial Bridge,
- S. C. R. 6**, Holden 22 Coal Miners Memorial Bridge,
- S. C. R. 9**, Haynie Family Veterans Memorial Bridge,
- Com. Sub. for S. C. R. 11**, Dennis E. Davis Veterans Nursing Home,
- Com. Sub. for S. C. R. 13**, US Army PFC Joseph Stanley McKinney Memorial Bridge,
- And,
- S. C. R. 15**, US Army PVT Shirley E. Bailey Memorial Bridge,

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

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 6, H. C. R. 8, H. C. R. 10, H. C. R. 15, H. C. R. 16, H. C. R. 17, H. C. R. 28, H. C. R. 30, H. C. R. 34, H. C. R. 37, H. C. R. 38, H. C. R. 40, S. C. R. 1, S. C. R. 3, Com. Sub. for S. C. R. 5, S. C. R. 6, S. C. R. 9, Com. Sub. for S. C. R. 11, Com. Sub. for S. C. R. 13 and S. C. R. 15) were each referred to the Committee on Rules.

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. 4282, Relating to establishing next generation 911 services in this state,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4282) was 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. 2950, Provide the Division of Motor Vehicles authority to develop an “Antique Fleet” program so that multiple antique motor vehicles may utilize a single registration plate,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2950) was referred to the Committee on Government Organization.

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

H. B. 4430, Relating to definitions of base salary and overtime for police and firemen pensions,

H. B. 4431, Relating to electors of trustees for certain pension and relief funds,

H. B. 4432, Relating to holding certain pensions in abeyance in some instances,

H. B. 4433, Providing that retirement benefits are not subject to execution,

And,

H. B. 4462, Relating to Deferred Retirement Option Plan evaluations,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4430, H. B. 4431, H. B. 4432, H. B. 4433 and H. B. 4462) were each referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

H. B. 4517, Relating to the repealing requirements to display video ratings,

And reports the same back with the recommendation that it 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. 7 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; providing that increased risk of disease is not a compensable basis for damages or other relief in

any civil action; and establishing requirements for an order for payment of medical monitoring expenses”; 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. 481 - “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 17 years of age or younger be accompanied by an adult; changing streams eligible for participation in program; altering process for selecting stream participation in program; allowing department to approve or deny applications at its discretion; expanding sources of funding to support program; lengthening period of stream participation from one to three years; altering method of collection of stream litter; and requiring one cleanup of the river prior to road signs being erected”; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

Resolutions Introduced

Delegate Graves offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 12 - “A resolution supporting the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan), strengthening the sisterhood partnership between the State of West Virginia and Taiwan, and reaffirming support for Taiwan’s meaningful participation and contributions in international organizations.”

Whereas, The Republic of China (Taiwan) and the United States have enjoyed a longstanding partnership and share the common values of freedom, democracy and human rights. In 2021, Taiwan was ranked as the 2nd freest country in Asia by Freedom House, and was ranked 6th among 178 world economies in terms of economic freedom by the Heritage Foundation, showcasing Taiwan as a beacon of democracy in East Asia. The West Virginia Legislature supports more democratic countries, such as Lithuania, to pursue closer and greater cooperation with Taiwan; and

Whereas, The State of West Virginia is proud of the sisterhood partnership it has enjoyed with Taiwan since August 4, 1980, marked by strong bilateral trade, investment, educational and cultural exchanges. In 2022, the State of West Virginia celebrates the 42nd anniversary of the sisterhood partnership with Taiwan and looks forward to an even closer relationship between West Virginia and Taiwan in the future; and

Whereas, The United States and Taiwan have forged ever stronger economic relations over the last four decades; with the United States now Taiwan’s 2nd largest trading partner and with Taiwan now the 8th largest trading partner of the United States, West Virginia welcomes all opportunities to enhance an even closer economic partnership and supports Taiwan’s efforts to secure the signing of a U.S.-Taiwan Bilateral Trade Agreement (BTA) to increase West Virginia exports to Taiwan; and

Whereas, In 2020, the trade volume between West Virginia and Taiwan amounted to nearly \$90 million and Taiwan is our 3rd largest source of import and 7th largest export market in Asia, demonstrating that Taiwan is a remarkable trading partner of West Virginia. West Virginia looks

forward to reopening its trade office in Taiwan to bring in more Taiwanese investment such as the \$34 million project initiated by the Far Eastern New Century Corporation in 2018; and

Whereas, In December, 2020, the United States and Taiwan signed an MOU on International Education Cooperation, aiming at enhancing the bilateral cooperation on international education, particularly in the area of language education. West Virginia encourages U.S. universities to partner and work with Taiwan and Taiwanese universities in order to promote a positive learning environment and to enhance comprehensive Mandarin language education for American students, as Taiwan has proven itself to be a valuable center of learning for international students; and

Whereas, Taiwan has proven to be a very valuable contributor in a broad range of global issues, and it is necessary for Taiwan to be granted meaningful participation in various intergovernmental organizations and mechanisms such as the World Health Organization (WHO), International Civil Aviation Organization (ICAO), United Nation Framework Convention on Climate Change (UNFCCC), and International Criminal Police Organization (INTERPOL); therefore, be it

Resolved by the House of Delegates:

That the West Virginia House of Delegates supports Taiwan's efforts to secure the signing of a BTA with the United States; commends Taiwan's vibrant full-fledged democracy; reaffirms its commitment to strengthen and deepen the sisterhood partnership with Taiwan; and continues to support Taiwan's meaningful participation and contributions in the above-mentioned and other international organizations which help safeguard the health, safety and well-being of its people, and supports its aspiration to make more contributions in the international community; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to Governor James C. Justice, II of West Virginia, and another sent to Ms. Bi-khim Hsiao, Representative of the Taipei Economic and Cultural Representative Office in the United States.

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. 51 - "Requesting the Division of Highways name a portion of CR19/1, known as Maple Avenue, from its intersection with Laurel Street to its intersection with Lively Street, in Fayette County, the 'U. S. Army 1LT James A. Murdock, Jr. Memorial Road'."

Whereas, James A. Murdock, Jr. was born on September 26, 1947, to James Murdock, Sr. and Gracealee Bowyer Murdock in Scarbro, WV; and

Whereas, Jim was born and raised in Fayette County; he was a graduate of Collins High School in Oak Hill in 1965, and resided in Fayetteville, WV for the past 35 years; and

Whereas, U. S. Army 1LT James A. Murdock, Jr. served on active duty in the U.S. Army from 1969 to 1973, serving in Vietnam, first as a Sergeant, and was field commissioned a Lieutenant; he was awarded the Combat Infantry Badge and was also awarded the Bronze Star for his exemplary service; and

Whereas, U. S. Army 1LT James A. Murdock, Jr. was President of W. R. Murdock & Sons, Inc. which produces couplings, fittings, hydraulic equipment and tube fittings; and

Whereas, U. S. Army 1LT James A. Murdock, Jr. was also very active in the Fayette County community; the love of his community led to one of his proudest accomplishments, serving as Mayor of Fayetteville; he was converted from an Oak Hill fan to a die-hard Fayetteville Pirate fan, and he truly bled green and white; he was a faithful member of the Oak Hill Church of the Nazarene, member of the Gideons International (Fayette county camp), where he was most recently serving as treasurer and was a previous president; he served on the Fayette County Republican Executive Committee and was a previous Chairman; he also enjoyed volunteering at the Beckley VA Hospital and Beckley Vet Center; and

Whereas, Known as “Papaw Jim”, “Uncle Jimmy”, and “Jim” to many, U. S. Army 1LT James A. Murdock, Jr. was passionate about God, his family, his country, and supporting law enforcement.

Whereas, U. S. Army 1LT James A. Murdock, Jr. passed away at the age of 74, on December 23, 2021, surrounded by his family; he is survived by his wife, Barbara Clinebell Murdock, sons, James Murdock III & Matthew Jarvis, daughter, Jodi Frantz, sons-in-law Kevin Mealer & Tim Frantz, daughter-in-law Erika Jarvis, and grandchildren Logan Frantz, Cloey Frantz, James Murdock IV, Daniel Mealer, Jacob Mealer, Samuel Mealer, Chase Jarvis, and Mia Jarvis; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army 1LT James A. Murdock, Jr. and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of CR19/1, known as Maple Avenue, from its intersection with Laurel Street to its intersection with Lively Street, in Fayette County, the “U. S. Army 1LT James A. Murdock, Jr. Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the “U. S Army 1LT James A. Murdock, Jr. Memorial Road”; and, be it

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

Delegates Diserio, Queen, Westfall, Storch, McGeehan, Capito, Anderson and Linville offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 52 - “Requesting the Division of Highways to name a portion of Commerce Street; beginning at the corner of 12th and Commerce Streets and ending at the Department of Highways facility located just north of Kroger in Wellsburg, in Brooke County, the ‘U. S. Army SGT Roy E. Givens Memorial Road’.”

Whereas, U. S. Army SGT Roy E. Givens was born April 27, 1929, in Wellsburg, Brooke County; and

Whereas, U. S. Army SGT Roy E. Givens served the 2nd District of West Virginia in the West Virginia House of Delegates for a total of 24 years. During that time, he served with seven governors, five House speakers and secured approximately \$60 million for a variety of projects, including the growth of the Brooke County Public Library, the creation of the Brook Pioneer Trail,

assisting the Brook County 4-H, Brooke County Senior Center and local police and fire departments and the expansion of state Route 2. He was also instrumental in establishing the West Virginia Veterans Nursing facility in Clarksburg, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army SGT Roy E. Givens and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Commerce Street; beginning at the corner of 12th and Commerce Streets and ending at the Department of Highways facility located just north of Kroger in Wellsburg, in Brooke County, the "U. S. Army SGT Roy E. Givens Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U. S. Army SGT Roy E. Givens Memorial Road"; 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.

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

Delegates Mallow, Haynes, Barnhart, Conley, Miller, Holstein, Reynolds, Summers and Mandt:

H. J. R. 107 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

Bills Introduced

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

By Delegates Hamrick, Howell, Paynter, Dean and Pack:

H. B. 4570 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-10-24 of this code, all relating to telehealth services; defining terms; establishing requirements for the practice of telehealth; establishing requirements to form a veterinarian-client-patient relationship; providing for renewal of registration; establishing standard of care; and requiring telehealth providers provide certain information for patients"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Hamrick, Hanshaw (Mr. Speaker), Toney, Ellington, Statler, Pack, Smith and Maynor:

H. B. 4571 - "A Bill to amend and reenact §18-9A-7, of the Code of West Virginia, 1931, as amended, relating to including electric-powered school busses in the county foundation allowance; and increasing by 5% the allowance for school bus systems manufactured in the state of West Virginia"; to the Committee on Education then Finance.

By Delegates Cooper, Haynes, Barrett, Dean, Paynter, Zatezalo, Reynolds and Rowan:

H. B. 4572 - "A Bill to amend and reenact §16-2D-10 of the Code of West Virginia, 1931, as amended, relating to exemption for certificate of need for a long-term health care facility that increases the number of beds by five percent for occupation by veterans"; to the Committee on Health and Human Resources.

By Delegates Pushkin, Rohrbach, Hanna, Keaton and Thompson:

H. B. 4573 - "A Bill to repeal §16-5Y-12 of the Code of West Virginia, 1931, as amended, relating to removing the Certificate of Need moratorium on opioid treatment facilities"; to the Committee on Health and Human Resources.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 4574 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, and §29-33-4, all relating to creating the 'West Virginia Workforce Resiliency Act,' establishing the West Virginia Workforce Resiliency Office in the Office of the Governor; establishing the position of the West Virginia Workforce Resiliency Officer; setting forth the authority and duties of the West Virginia Workforce Resiliency Officer; and allowing for the West Virginia Workforce Resiliency Officer to hire staff"; to the Committee on Government Organization.

By Delegate Westfall:

H. B. 4575 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §36-13-1, §36-13-2, §36-13-3, §36-13-4, §36-13-5, §36-13-6, §36-13-7, §36-13-8, §36-13-9, §36-13-10, §36-13-11, §36-13-12, and §36-13-13, all relating to implementing the Uniform Partition of Heirs Property Act; providing for the partition of heirs property, alternatives to partition, and conditions to be applied in an action for partition; creating short title; defining terms; specifying applicability in relation to other law; defining the time of effect; providing for certain forms of notice; requiring court appointed commissioners to be disinterested, providing methods for determination of value of property and parcels thereof; allowing a cotenant to buy out other tenants; outlining procedure and conditions for court-ordered sale of property; requiring report from broker of sale; mandating application in uniform manner, and specifying limits of the application of the federal Electronic Signatures in Global and National Commerce Act to the provisions of this article"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Griffith, Ellington, Hornbuckle, Young, Evans, Ferrell and Thompson:

H. B. 4576 - "A Bill to amend and reenact §18-7A-38 of the Code of West Virginia, 1931, as amended, relating to providing that the Consolidated Public Retirement Board may not set forth in a rule a maximum number of days in which a retired teacher may accept employment prior to having his or her retirement benefit reduced that is less than 180 days"; to the Committee on Pensions and Retirement then Finance.

By Delegates Hamrick, Paynter, Dean, Zukoff, Griffith, Thompson and Pushkin:

H. B. 4577 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-6b, relating to creating the Compassion for Community Cats Fund; and providing that the fund is administered by the Commissioner of Agriculture; providing definitions; the source of funds; and how the funds are to be used"; to the Committee on Agriculture and Natural Resources then the Judiciary then Finance.

By Delegate Capito:

H. B. 4578 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-56, relating to authorizing the superintendent to administer the Handle with Care program"; to the Committee on the Judiciary.

By Delegates Clark, Ellington, Ferrell, Longanacre, Thompson, Bridges, Mazzocchi, Horst, Maynor, Jennings and Hanna:

H. B. 4579 - "A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18A-2-3a; and to amend and reenact §18A-4-10 and §18A-4-14 of said code, all relating to public school personnel; prohibiting regular classroom teachers and special education classroom teachers required to participate an individualized education program committee from being required to prepare or reduce to writing the individualized education program plan; providing for contracted employment of substitute teachers for 180 instructional days; requiring employment in schools of certain size and describing duration, nature, qualifications and daily rate of pay of 180 day contract substitute teacher; increasing number of personal leave days an employee may use without regard to the cause for the absence; and requiring state board rule providing uniform procedure, prohibition, form and benefit regarding a teacher's voluntary exchange of duty-free lunch recess to perform duties at the school"; to the Committee on Education then Finance.

By Delegates Graves, Toney, Clark, Ferrell, Barnhart and Nestor:

H. B. 4580 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-15a, relating to reemployment of retired bus operators; providing for legislative findings; providing for definitions; explaining the purpose of the section; defining the framework for when these individuals may work as needed; and providing for an expiration date"; to the Committee on Education then Finance.

By Delegates Tully, Horst, J. Jeffries, Dean, Fast, Haynes, Ferrell, Maynor, D. Jeffries, Linville and Honaker:

H. B. 4581 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-17-5, §21-17-6, and §21-17-7, all relating to establishing a nurse staffing and safe harbor peer review process; defining safe harbor; establishing protections for nurse licensure under safe harbor; providing for invocation of safe harbor protections; establishing a withdrawal of request for safe harbor nursing review; establishing a Safe Harbor Peer Review committee and providing for the makeup and composition of the committee; providing when to invoke safe harbor and refuse nursing assignments; defining protection from civil or criminal liability under safe harbor; and defining CNOs/Nurse Practitioners"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Barnhart:

H. B. 4582 - "A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-8 of said code, all relating to modifying the definition of 'e-bikes' in West Virginia generally; defining a Class 2 electric bicycle; and clarifying where an individual is permitted to operate a Class 2 electric bicycle"; to the Committee on the Judiciary.

By Delegate Criss:

H. B. 4583 - "A Bill to amend and reenact §39B-1-106 of the Code of West Virginia, 1931, as amended, relating to the validity of a power of attorney; clarifying the definition of 'incapacity'; and providing that criminal incarceration or detention outside of the United States may not be inferred

as resulting in a lack of capacity to execute a power of attorney”; to the Committee on the Judiciary.

By Delegates Rohrbach, D. Jeffries, Summers, Pack, Reed, Worrell, Bates, Rowan, Barnhart, Tully and Miller:

H. B. 4584 - “A Bill to amend and reenact §61-12-3, §61-12-4, §61-12-5, §61-12-6, §61-12-7, §61-12-10, §61-12-10a, §61-12-11, §61-12-12, §61-12-13, §61-12-14 and §61-12-15 of the Code of West Virginia, 1931, as amended, all relating to Office of the Chief Medical Examiner and the disposition of unidentified and unclaimed remains; authorizing the Office of the Chief Medical Examiner to locate lands suitable for use as a cemetery; authorizing the Office of the Chief Medical Examiner to determine the appropriate length of time a decedent may be kept prior to burial or cremation; establishing burial for certain conditions; establishing cremation of certain conditions; authorizing the Chief Medical Officer or a designee to return a decedent’s remains to next of kin and remove a decedent from the cemetery; and prohibiting any cause of action against the Office of the Medical Examiner”; to the Committee on Health and Human Resources then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 4084, Relating to advanced recycling; 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. 85**), 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: Clark, Horst, J. Jeffries, Kessinger, Martin, McGeehan and Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4084) 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. 4369, Update the telepsychology compact; 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. 86**), 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: Clark, Horst, J. Jeffries, Kessinger, Martin, McGeehan and Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4369) passed.

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

On this question, the yeas and nays were taken (**Roll No. 87**), 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: Clark, Horst, J. Jeffries, Kessinger, Martin, McGeehan and Nestor.

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. 4369) 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. 436, Correcting code citation for authority of State Fire Marshal; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 3036, Sunsetting the Board of Sanitarians; 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. 4105, Relating to service employees with National Association for Pupil Transportation Certifications; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4355, Relating to the disclosure by state institutions of higher education of certain information regarding textbooks and digital courseware and certain charges assessed for those items; 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. 4380, Relating to transportation of athletic teams; on second reading, coming up in regular order, was read a second time.

Delegate Evans moved to amend the bill on page three, section thirteen, line seventy, following the semi-colon, by striking out the word “and” and inserting in lieu thereof, the following:

“(iv) First aid kits and fire extinguishers; and”

And,

Renumbering paragraph (iv) on line seventy-seven of page four accordingly.

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. 88**), and there were—yeas 23, nays 69, absent and not voting 8, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Clark, Horst, J. Jeffries, Kessinger, Martin, McGeehan, Nestor and Storch.

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. 4389, Relating to repealing school innovation zones provisions superseded by Innovation in Education Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 4032, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse,

Com. Sub. for H. B. 4098, Relating to Geothermal Energy Development,

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

And,

H. B. 4522, Relating to the expungement of criminal records.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Clark, Horst, J. Jeffries, Kessinger, Martin, McGeehan and Nestor.

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. 4100: Delegate Fast;

H. B. 4108: Delegate Fast;

H. B. 4406: Delegate Linville;

H. B. 4477: Delegate Walker;

H. B. 4483: Delegate Howell;

And,

H. J. R. 107: Delegate Booth.

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. 4483: Delegate Hott.

At 11:58 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 9, 2022.

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

SPECIAL CALENDAR

Wednesday, February 9, 2022

29th Day

11:00 A. M.

THIRD READING

- S. B. 436 - Correcting code citation for authority of State Fire Marshal (STEELE) (REGULAR)
- Com. Sub. for H. B. 3036 - Sunsetting the Board of Sanitarians (STEELE) (REGULAR)
- Com. Sub. for H. B. 4105 - Relating to service employees with National Association for Pupil Transportation Certifications (ELLINGTON) (REGULAR)
- H. B. 4355 - Relating to the disclosure by state institutions of higher education of certain information regarding textbooks and digital courseware and certain charges assessed for those items (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4380 - Relating to transportation of athletic teams (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4389 - Relating to repealing school innovation zones provisions superseded by Innovation in Education Act (ELLINGTON) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 4032 - Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4098 - Relating to Geothermal Energy Development (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4297 - To facilitate the sharing of information between the Department of Health and Human Resources and the State Auditor's office in order to investigate reports of financial abuse and neglect of a vulnerable adult (CAPITO) (REGULAR)
- H. B. 4522 - Relating to the expungement of criminal records (CAPITO) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 279 - Authorizing DEP to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE)
- S. B. 450 - Updating definitions of WV Personal Income Tax Act [FINANCE COMMITTEE AMENDMENT PENDING] (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

- S. B. 451 - Updating definitions of WV Corporation Net Income Tax Act (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 4007 - To reduce personal income tax rates (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4114 - Authorizing certain agencies of the Department of Administration to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4295 - To transfer the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management (STEELE) (REGULAR)
- Com. Sub. for H. B. 4420 - To modify definitions of school bus operators (ELLINGTON) (REGULAR)
- H. B. 4438 - Applying current requirements for certain voting systems to be independent and non-networked to all voting systems that seek certification in West Virginia (CAPITO) (REGULAR)
- H. B. 4517 - Relating to the repealing requirements to display video ratings (STEELE) (REGULAR)
- H. B. 4535 - Repeal section relating to school attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle (STEELE) (REGULAR)

HOUSE CALENDAR

Wednesday, February 9, 2022

29th 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**

WEDNESDAY, FEBRUARY 09, 2022

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON EDUCATION AND COMMITTEE ON THE JUDICIARY
PUBLIC HEARING
9:00 A.M. – HOUSE CHAMBER
H. B. 4011, ESTABLISHING THE ANTI-STEREOTYPING ACT.**

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

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

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

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

**SMALL BUSINESS, ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT
2:00 P.M. – ROOM 410 M**

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

**COMMITTEE ON FINANCE
3:00 P.M. – ROOM 462 M**

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

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