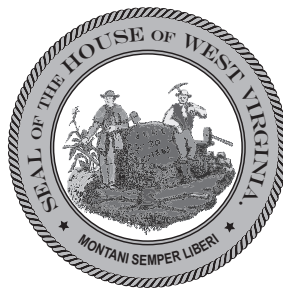


West Virginia Legislature

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February 9, 2022
TWENTY-NINTH DAY

Wednesday, February 9, 2022

TWENTY-NINTH 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 Tuesday, February 8, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 4105, on Third Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

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

H. B. 4027, Relating to increasing the limit on value of agricultural products under the Farm-To-Food Bank Tax Credit,

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. 4027) was referred to the Committee on Finance.

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

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

H. B. 4050, Defining terms related to livestock trespassing,

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. 4050) was referred to the Committee on the Judiciary.

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

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

H. B. 4248, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to Public Shooting Ranges,

H. B. 4249, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to General Hunting,

H. B. 4250, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to Commercial Sale of Wildlife,

And,

H. B. 4251, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to Lifetime Hunting, Trapping, and Fishing Licenses,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4248, H. B. 4249, H. B. 4250 and H. B. 4251) were each referred to the Committee on Government Organization.

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

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 4483, Relating to establishing term limits to certain real property interests and registration requirements associated with carbon offset agreements,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4483 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-12-4b and §36-4-20; all relating to real property and registration requirements associated with carbon offset agreements and term limits therefor; defining terms; requiring certain parties to current and new carbon offset agreements to register with the State Tax Department; specifying required registration information and authorizing the State Tax Department to create registration forms through rule-making; requiring periodic updates to registration; requiring reports by Division of Forestry and specifying the minimum content thereof; authorizing disclosure of information by the Tax Commissioner to Division of Forestry; 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 40 years or less; and providing that options to

renew or continue such arrangements beyond the maximum term of 40 years shall be valid only if the consideration is required to be renegotiated to exercise the option,”

With the recommendation that the committee substitute do pass, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 4483) to the Committee on Finance was abrogated.

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. 2257, Relating to extended supervision for certain drug offenders,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2257 - “A Bill to amend the Code of West Virginia, as amended, by adding thereto a new section, designated §62-12-30, relating to extended supervision for certain drug offenders; specifying that the section shall apply to a person with a second or subsequent conviction; establishing supervised release penalty of up to 10 years for certain drug offenders; establishing when period of supervised release begins; providing for supervision by multijudicial circuit probation officers; clarifying terms of supervised release same as those for probation; establishing a fee for supervised release; establishing that court may modify or revoke supervised release; providing court required probation officer provide written conditions; providing for supervised release following revocation; providing for delayed revocation,”

With the recommendation that the committee substitute do pass.

On motion for leave a bill was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization), which was read by its title, as follows:

By Delegates Rohrbach, Summers, Longanacre, D. Jeffries and Criss:

H. B. 4621 - “A Bill to repeal §30-4-9 and §30-4-11, of the Code of West Virginia, 1931, as amended; to repeal §30-3E-10a, §30-3E-11, and §30-3E-12 of said code; to repeal §30-4-9 and §30-4-11 of said code; to repeal §30-5-10 and §30-5-12 of said code; to repeal §30-7-15, §30-7-15a, §30-7-15b, §30-7-15c and §30-7-15e of said code; to repeal §30-8-9, §30-8-14 and §30-8-15 of said code; to repeal §30-10-9 and §30-10-11 of said code; to repeal §30-16-18 of said code; to repeal §30-20-9 of said code; to repeal §30-20A-5 of said code; to repeal §30-23-10, §30-23-11, §30-23-16, §30-23-18 and §30-23-21 of said code; to repeal §30-30-11, §30-30-13 and §30-30-15 of said code; to repeal §30-32-13 and §30-32-14 of said code; to repeal §30-36-13 of said code; to amend said code by adding thereto a new section, designated §30-1-27; to amend and reenact §30-1A-2 and §30-1A-3 of said code; to amend and reenact §30-8-6 and §30-8-14 of said code; to amend and reenact §30-28-4 of said code; and to amend and reenact §30-34-2 of said code; all relating to scope of practice.”

Pursuant to House Rule 80, the Speaker referred the bill to the Committee on Government Organization.

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

Your Committee on Rules has had under consideration:

H. 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. 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,

And,

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

And reports the same back with the recommendation that they each be adopted.

Messages from the Executive

A communication from His Excellency, the Governor, advised that on February 8, 2022, he approved **S. B. 4**.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 2325, Removing the requirement of continuing education for barbers and cosmetologists.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4067, To make certain agency reports electronic or eliminating certain agency reports altogether.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate, with further amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 11B. PREGNANT WORKERS FAIRNESS ACT.

§5-11B-7. Reports.

The Commission shall ~~annually~~ on October 1 of each year report to the Joint Committee on Government and Finance on the number of complaints filed under this article during the previous year and their resolution. The report shall be transmitted to the members of the committee electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 6C. WEST VIRGINIA CYBER INCIDENT REPORTING.

§5A-6C-4. Cybersecurity Office annual report.

(a) On or before December 31 of each year, and when requested by the Legislature, the Cybersecurity Office shall provide a report to the Joint Committee on Government and Finance containing the number and nature of incidents reported to it during the preceding calendar year. The report shall be transmitted to the members of the committee electronically and shall be sent to the legislative librarian to be posted on the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

(b) The Cybersecurity Office shall also make recommendations, if any, on security standards or mitigation that should be adopted.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 13C. MUNICIPAL TAX IN LIEU OF BUSINESS AND OCCUPATION TAX; AND MUNICIPAL TAXES APPLICABLE TO PENSION FUNDS; ADDITIONAL AUTHORITIES RELATING TO PENSIONS AND BOND ISSUANCE.

§8-13C-13. Study.

[Repealed.]

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**ARTICLE 7. JOBS INVESTMENT TRUST FUND.****§12-7-12. Reports of board; report of housing development fund.**

(a) The board shall prepare annually, or more frequently if deemed necessary by the board, a report of its operations and the performance of the various investments administered by it. A copy thereof shall be furnished to the Governor, the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, to any legislative committee. Such report shall be kept available for inspection by any citizen of this state.

(b) The West Virginia housing development fund shall prepare annually and submit to the ~~president~~ President of the Senate, the ~~speaker~~ Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee, a report on the performance of the board and the quality of its investments for the preceding year.

(c) The report shall be transmitted to the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.**ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.****§14-2A-21. Annual report of West Virginia Legislative Claims Commission.**

The West Virginia Legislative Claims Commission shall prepare and transmit annually to the Governor and the Legislature a report of the activities of the West Virginia Legislative Claims Commission under this article. The report shall include the number of claims filed, the number of awards made, ~~and~~ the amount of each award, and a statistical summary of claims and awards made and denied; the balance in the Crime Victims Compensation Fund with a listing by source and amount of the moneys that have been deposited in the fund; the amount that has been withdrawn from the fund, including separate listings of the administrative costs incurred by the West Virginia Legislative Claims Commission, compensation of commissioners and commission personnel, and the amount awarded as attorneys' fees. The report shall be transmitted to the Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

CHAPTER 16. PUBLIC HEALTH.**ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.****§16-1-21. Creation of Diabetes Action Plan.**

[Repealed]

ARTICLE 33. BREAST AND CERVICAL CANCER PREVENTION AND CONTROL ACT.**§16-33-6. Annual report.**

The director shall submit an annual report to the Governor and the Legislature concerning the operation of the breast and cervical cancer detection and education program including available data and assessment. Such report shall also include any recommendations for additional action to respond to the high incidence of breast and cervical cancer in this state. The report shall be transmitted to Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

ARTICLE 41. ORAL HEALTH IMPROVEMENT ACT.**§16-41-6. Reporting requirements.**

[Repealed.]

CHAPTER 18. EDUCATION.**ARTICLE 10L. RON YOST PERSONAL ASSISTANCE SERVICES ACT.****§18-10L-7. Report.**

[Repealed.]

CHAPTER 22A. MINERS' HEALTH, SAFETY AND TRAINING.**ARTICLE 6. BOARD OF COAL MINE HEALTH AND SAFETY.****§22A-6-11. Study of methane detecting shut off devices.**

[Repealed.]

§22A-6-12. Study of whistleblower protections.

[Repealed.]

§22A-6-13. Study of ingress and egress to bleeder and gob areas of longwall panels and pillar.

[Repealed.]

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**ARTICLE 6. CIVIL SERVICE SYSTEM.****§29-6-7a. Report on a centralized personnel system.**

[Repealed.]

CHAPTER 31. CORPORATIONS.**ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.****§31-15A-17b. Infrastructure lottery revenue bonds for watershed compliance projects.**

(a)(1) The Chesapeake Bay has been identified as an impaired water body due to excessive nutrients entering the bay from various sources in six states, including wastewater facilities in West Virginia. To restore the Chesapeake Bay, the states have agreed to reduce their respective nutrient contributions to the Chesapeake Bay.

(2) The Greenbrier River Watershed in southeastern West Virginia which encompasses approximately 1,646 square miles, the majority of which lies within Pocahontas, Greenbrier, Monroe, and Summers counties, has been identified as an impaired water body due to excessive levels of fecal coliform and phosphorus entering the watershed from various sources, including wastewater facilities in West Virginia. To restore the Greenbrier River Watershed, the state agrees to reduce the fecal coliform and phosphorus contributions to the Greenbrier River Watershed.

(b) Notwithstanding any other provision of this code to the contrary, the Water Development Authority may issue, in accordance with the provisions of §31-15A-17 of this code, infrastructure lottery revenue bonds payable from the West Virginia Infrastructure Lottery Revenue Debt Service Fund created by §31-15A-9 of this code and such other sources as may be legally pledged for such purposes other than the West Virginia Infrastructure Revenue Debt Service Fund created by §31-15A-17 of this code.

(c) The council shall direct the Water Development Authority to issue bonds in one or more series when it has approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects with an authorized permitted flow of 400,000 gallons per day or more. The proceeds of the bonds shall be used solely to pay costs of issuance, fund a debt service reserve account, capitalize interest, pay for security instruments necessary to market the bonds, and to make grants to governmental instrumentalities of the state for the construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects. To the extent funds are available in the West Virginia Infrastructure Lottery Revenue Debt Service Fund that are not needed for debt service, the council may direct the Water Development Authority to make grants to project sponsors for the design or construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects: *Provided*, That the council shall direct the Water Development Authority to provide from moneys in the Lottery Revenue Debt Service Fund not needed to pay debt service in fiscal year 2013, a grant of \$6 million to a Chesapeake Bay watershed compliance project which opened bids on December 28, 2011, and further provided that such Chesapeake Bay watershed compliance project shall receive no further grant funding under this section after receipt of the \$6 million grant.

(d) No later than June 30, 2012, each publicly owned facility with an authorized permitted flow of 400,000 gallons per day or more that is subject to meeting Chesapeake Bay compliance standards or Greenbrier River watershed compliance standards shall submit to the council a 10-year projected capital funding plan for Chesapeake Bay watershed compliance projects or Greenbrier River watershed compliance projects, as the case may be, including a general project description, cost estimate, and estimated or actual project start date and project completion date, if any. The council shall timely review the submitted capital funding plans and forward approved plans to the Water Development Authority for further processing and implementation pursuant to this article. If the council finds a plan to be incomplete, inadequate, or otherwise problematic, it

shall return the plan to the applicant with comment on the plan shortcomings. The applicant may then resubmit to council an amended capital funding plan for further consideration pursuant to the terms of this subsection.

(e) Upon approval, each proposed Chesapeake Bay watershed compliance project or Greenbrier River watershed compliance project, or portion of a larger project, which portion is dedicated to compliance with nutrient standards, or fecal coliform and phosphorus standards, established for the protection and restoration of the Chesapeake Bay or the Greenbrier River watershed, as the case may be, shall be eligible for grant funding by funds generated by the infrastructure lottery revenue bonds described in subsection (b) of this section. At the request of the applicant, the remaining percentage of project funding not otherwise funded by grant under the provisions of this article may be reviewed as a standard project funding application.

~~(f) No later than December 1, 2012, the Water Development Authority shall report to the Joint Committee on Government and Finance the total cost of Chesapeake Bay watershed compliance projects and the Greenbrier River watershed compliance projects and the proposed grant awards for each eligible project. From the proceeds of bonds issued under subsection (b) of this section, the council shall direct the Water Development Authority to make grants to eligible projects ready to proceed to construction and those grant awards shall be pro-rated to an equal percentage of total eligible costs among all applicants for each eligible project as certified by the Water Development Authority in its report to the Joint Committee on Government and Finance dated November 26, 2012: *Provided*, That the final project, and its financing, is consistent with the scope of the eligible project included in the council's approval on December 5, 2012~~

~~(g)~~ (f) Eligible projects that have obtained project financing prior to December 31, 2012, may apply to the council for funding under the provisions of this section. These applications shall be processed and considered as all other eligible projects, and a grant funding awarded shall, to the extent allowed by law, be dedicated to prepay all or a portion of debt previously incurred by governmental instrumentalities of the state for required Chesapeake Bay nutrient removal projects or Greenbrier River watershed fecal coliform and phosphorus removal projects, subject to the bond covenants and contractual obligations of the borrowing governmental entity. However, any private portion of funding provided by agreement between a political subdivision and one or more private entities, either by direct capital investment or debt service obligation, shall not be eligible for grant funding under the provisions of this article.

ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.

§31-18-24. Annual audit; reports to Joint Committee on Government and Finance; information to joint committee or legislative auditor.

The Housing Development Fund shall cause an annual audit to be made by an independent certified public accountant of its books, accounts, and records, with respect to its receipts, disbursements, contracts, mortgages, leases, assignments, loans, and all other matters relating to its financial operations, including those of the Operating Loan Fund, the Land Development Fund, and the Mortgage Finance Bond Insurance Fund. The person performing such audit shall furnish copies of the audit report to the commissioner of finance and administration, where they shall be placed on file and made available for inspection by the general public. The person performing such audit shall also furnish copies of the audit report to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses. The audit report shall be transmitted to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative

website. No hard copy of the audit report shall be issued; however, upon request a hard copy shall be provided.

In addition to the foregoing annual audit report, the Housing Development Fund shall also render every six months to the Joint Committee on Government and Finance a report setting forth in detail a complete analysis of the activities, indebtedness, receipts, and financial affairs of such fund and the Operating Loan Fund, the Land Development Fund, Affordable Housing Fund, and the Mortgage Finance Bond Insurance Fund. Upon demand, the Housing Development Fund shall also submit to the Joint Committee on Government and Finance or the Legislative Auditor any other information requested by such committee or the Legislative Auditor. The report shall be available electronically only, and no hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

CHAPTER 33. INSURANCE.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-35. Rural health maintenance organizations.

[Repealed.]”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4067 - “A Bill to repeal §8-13C-13 of the Code of West Virginia, 1931, as amended; to repeal §16-1-21 of said code; to repeal §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §22A-6-11, §22A-6-12, and §22A-6-13 of said code; to repeal §29-6-7a of said code; to repeal §33-25A-35 of said code; to amend and reenact §5-11B-7; to amend and reenact §5A-6C-4 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of said code; to amend and reenact §16-33-6 of said code; to amend and reenact §31-15A-17b of said code; and to amend and reenact §31-18-24 of said code, all relating to making certain reports electronic rather than in printed hard-copy form; providing for hard copies to be furnished upon request; and eliminating the reporting requirement entirely for those agencies whose reports are no longer needed or whose deadlines have passed with reports already submitted.”

With the further amendment, sponsored by Delegate Summers, being as follows:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 11B. PREGNANT WORKERS FAIRNESS ACT.

§5-11B-7. REPORTS.

The Commission shall ~~annually~~ on October 1 of each year report to the Joint Committee on Government and Finance on the number of complaints filed under this article during the previous

year and their resolution. The report shall be transmitted to the members of the committee electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 6C. WEST VIRGINIA CYBER INCIDENT REPORTING.

§5A-6C-4. Cybersecurity Office annual report.

(a) On or before December 31 of each year, and when requested by the Legislature, the Cybersecurity Office shall provide a report to the Joint Committee on Government and Finance containing the number and nature of incidents reported to it during the preceding calendar year. The report shall be transmitted to the members of the committee electronically and shall be sent to the legislative librarian to be posted on the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

(b) The Cybersecurity Office shall also make recommendations, if any, on security standards or mitigation that should be adopted.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 13C. MUNICIPAL TAX IN LIEU OF BUSINESS AND OCCUPATION TAX; AND MUNICIPAL TAXES APPLICABLE TO PENSION FUNDS; ADDITIONAL AUTHORITIES RELATING TO PENSIONS AND BOND ISSUANCE.

§8-13C-13. Study.

[Repealed.]

CHAPTER 9. HUMAN SERVICES.

ARTICLE 4A. MEDICAID UNCOMPENSATED CARE FUND.

§9-4A-2b. Expansion of coverage to children and terminally ill.

(a) It is the intent of the Legislature that steps be taken to expand coverage to children and the terminally ill and to pay for this coverage by fully utilizing federal funds. To achieve this intention, the Department of Health and Human Resources shall undertake the following:

(1) The department shall provide a streamlined application form, which shall be no longer than two pages, for all families applying for medical coverage for children under any of the programs set forth in this section; and

(2) The department shall provide the option of hospice care to terminally ill West Virginians who otherwise qualify for Medicaid. ~~The department shall provide quarterly reports to the Legislative Oversight commission on health and human resources accountability created pursuant to section four, article twenty-nine e, chapter sixteen of this code regarding the program provided for in this subdivision. The report shall include, but not be limited to, the total number, by age, of newly eligible clients served, the average annual cost of coverage per client and the total cost, by provider type, to serve all clients.~~

(3) The department shall accelerate the Medicaid option for coverage of Medicaid to all West Virginia children whose family income is below one hundred percent of the federal poverty guideline. ~~The department shall provide quarterly reports to the Legislative Oversight commission on health and human resources accountability regarding the program acceleration provided for in this subdivision. The report shall include, but not be limited to, the number of newly eligible clients, by age, served as a result of the acceleration, the average annual cost of coverage per client and the total cost of all clients served by provider type.~~

(b) Notwithstanding the provisions of §9-4A-2a of this code, the accruing interest in the medical services trust fund may be utilized to pay for the programs specified in subsection (a) of this section: *Provided*, That to the extent the accrued interest is not sufficient to fully fund the specified programs, the disproportionate share hospital funds paid into the medical services trust fund after June 30, 1994, may be applied to cover the cost of the specified programs.

(c) Annually on January 1, the department shall report to the Governor and to the Legislature information regarding the number of children and elderly covered by the programs in subdivisions (2) and (3) of subsection (a), the cost of services by type of service provided, a cost-benefit analysis of the acceleration and expansion on other insurers and the reduction of uncompensated care in hospitals as a result of the programs.

ARTICLE 4C. HEALTH CARE PROVIDER MEDICAID ENHANCEMENT ACT.

§9-4C-7. Powers and duties.(a) Each board created pursuant to this article shall:

(1) Develop, recommend, and review reimbursement methodology where applicable, and develop and recommend a reasonable provider fee schedule, in relation to its respective provider groups, so that the schedule conforms with federal Medicaid laws and remains within the limits of annual funding available to the single state agency for the Medicaid program. In developing the fee schedule the board may refer to a nationally published regional specific fee schedule, if available, as selected by the secretary in accordance with §9-4C-8 of this code. The board may consider identified health care priorities in developing its fee schedule to the extent permitted by applicable federal Medicaid laws, and may recommend higher reimbursement rates for basic primary and preventative health care services than for other services. In identifying basic primary and preventative health care services, the board may consider factors, including, but not limited to, services defined and prioritized by the basic services task force of the health care planning commission in its report issued in December of the year 1992; and minimum benefits and coverages for policies of insurance as set forth in and minimum benefits and coverages for policies of insurance as set forth in ~~section fifteen, article fifteen, chapter thirty-three of this code and section four, article sixteen-c of said chapter~~ and rules of the Insurance Commissioner promulgated thereunder. If the single state agency approves the adjustments to the fee schedule, it shall implement the provider fee schedule;

(2) Review its respective provider fee schedule on a quarterly basis and recommend to the single state agency any adjustments it considers necessary. If the single state agency approves any of the board's recommendations, it shall immediately implement those adjustments ~~and shall report the same to the Joint Committee on Government and Finance on a quarterly basis;~~

(3) Assist and enhance communications between participating providers and the Department of Health and Human Resources;

(4) Meet and confer with representatives from each specialty area within its respective provider group so that equity in reimbursement increases or decreases may be achieved to the greatest extent possible and when appropriate to meet and confer with other provider boards; and

(5) Appoint a chairperson to preside over all official transactions of the board.

(b) Each board may carry out any other powers and duties as prescribed to it by the secretary.

(c) Nothing in this section gives any board the authority to interfere with the discretion and judgment given to the single state agency that administers the state's Medicaid program. If the single state agency disapproves the recommendations or adjustments to the fee schedule, it is expressly authorized to make any modifications to fee schedules as are necessary to ensure that total financial requirements of the agency for the current fiscal year with respect to the state's Medicaid plan are met and shall report such modifications to the Joint Committee on Government and Finance on a quarterly basis. The purpose of each board is to assist and enhance the role of the single state agency in carrying out its mandate by acting as a means of communication between the health care provider community and the agency.

(d) In addition to the duties specified in subsection (a) of this section, the ambulance service provider Medicaid board shall develop a method for regulating rates charged by ambulance services.

~~(e) On a quarterly basis, the single state agency and the board shall report the status of the fund, any adjustments to the fee schedule and the fee schedule for each health care provider identified in section two of this article to the Joint Committee on Government and Finance.~~

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 7. JOBS INVESTMENT TRUST FUND.

§12-7-12. Reports of board; report of housing development fund.

(a) The board shall prepare annually, or more frequently if deemed necessary by the board, a report of its operations and the performance of the various investments administered by it. A copy thereof shall be furnished to the Governor, the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, to any legislative committee. Such report shall be kept available for inspection by any citizen of this state.

(b) The West Virginia housing development fund shall prepare annually and submit to the ~~president~~ President of the Senate, the ~~speaker~~ Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee, a report on the performance of the board and the quality of its investments for the preceding year.

(c) The report shall be transmitted to the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.**ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.****§14-2A-21. Annual report of West Virginia Legislative Claims Commission.**

The West Virginia Legislative Claims Commission shall prepare and transmit annually to the Governor and the Legislature a report of the activities of the West Virginia Legislative Claims Commission under this article. The report shall include the number of claims filed, the number of awards made, ~~and~~ the amount of each award, and a statistical summary of claims and awards made and denied; the balance in the Crime Victims Compensation Fund with a listing by source and amount of the moneys that have been deposited in the fund; the amount that has been withdrawn from the fund, including separate listings of the administrative costs incurred by the West Virginia Legislative Claims Commission, compensation of commissioners and commission personnel, and the amount awarded as attorneys' fees. The report shall be transmitted to the Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

CHAPTER 16. PUBLIC HEALTH.**ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.****§16-1-21. Creation of Diabetes Action Plan.**

[Repealed]

ARTICLE 3B. PERTUSSIS.**§16-3B-4. DATA COLLECTION ON PERTUSSIS VACCINE ADMINISTRATION.**

(a) By guideline, the department shall establish a system, sufficient for the purposes of subsections (b) and (c) of this section, to collect data from the local health officers, from public and private health care providers and from parents on the incidence of pertussis and major adverse reactions to pertussis vaccine.

(b) On the basis of information collected under this subsection and of other information available, the department shall periodically revise and update the information required by and the guidelines adopted under §16-3B-2 of this code.

(c)(1) The department shall report to the United States Centers for Disease Control and Prevention all information collected under this section, including that received under §16-3B-3 of this code.

~~(2) The department shall report annually to the Legislature on the incidence of pertussis and of adverse reactions to pertussis vaccine.~~

ARTICLE 33. BREAST AND CERVICAL CANCER PREVENTION AND CONTROL ACT.**§16-33-6. Annual report.**

The director shall submit an annual report to the Governor and the Legislature concerning the operation of the breast and cervical cancer detection and education program including available

data and assessment. Such report shall also include any recommendations for additional action to respond to the high incidence of breast and cervical cancer in this state. The report shall be transmitted to Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

ARTICLE 41. ORAL HEALTH IMPROVEMENT ACT.

§16-41-6. Reporting requirements.

[Repealed.]

CHAPTER 18. EDUCATION.

ARTICLE 10L. RON YOST PERSONAL ASSISTANCE SERVICES ACT.

§18-10L-7. Report.

[Repealed.]

CHAPTER 22A. MINERS' HEALTH, SAFETY AND TRAINING.

ARTICLE 6. BOARD OF COAL MINE HEALTH AND SAFETY.

§22A-6-11. Study of methane detecting shut off devices.

[Repealed.]

§22A-6-12. Study of whistleblower protections.

[Repealed.]

§22A-6-13. Study of ingress and egress to bleeder and gob areas of longwall panels and pillar.

[Repealed.]

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-7a. Report on a centralized personnel system.

[Repealed.]

CHAPTER 31. CORPORATIONS.

ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.

§31-15A-17b. Infrastructure lottery revenue bonds for watershed compliance projects.

(a)(1) The Chesapeake Bay has been identified as an impaired water body due to excessive nutrients entering the bay from various sources in six states, including wastewater facilities in

West Virginia. To restore the Chesapeake Bay, the states have agreed to reduce their respective nutrient contributions to the Chesapeake Bay.

(2) The Greenbrier River Watershed in southeastern West Virginia which encompasses approximately 1,646 square miles, the majority of which lies within Pocahontas, Greenbrier, Monroe, and Summers counties, has been identified as an impaired water body due to excessive levels of fecal coliform and phosphorus entering the watershed from various sources, including wastewater facilities in West Virginia. To restore the Greenbrier River Watershed, the state agrees to reduce the fecal coliform and phosphorus contributions to the Greenbrier River Watershed.

(b) Notwithstanding any other provision of this code to the contrary, the Water Development Authority may issue, in accordance with the provisions of §31-15A-17 of this code, infrastructure lottery revenue bonds payable from the West Virginia Infrastructure Lottery Revenue Debt Service Fund created by §31-15A-9 of this code and such other sources as may be legally pledged for such purposes other than the West Virginia Infrastructure Revenue Debt Service Fund created by §31-15A-17 of this code.

(c) The council shall direct the Water Development Authority to issue bonds in one or more series when it has approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects with an authorized permitted flow of 400,000 gallons per day or more. The proceeds of the bonds shall be used solely to pay costs of issuance, fund a debt service reserve account, capitalize interest, pay for security instruments necessary to market the bonds, and to make grants to governmental instrumentalities of the state for the construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects. To the extent funds are available in the West Virginia Infrastructure Lottery Revenue Debt Service Fund that are not needed for debt service, the council may direct the Water Development Authority to make grants to project sponsors for the design or construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects: *Provided*, That the council shall direct the Water Development Authority to provide from moneys in the Lottery Revenue Debt Service Fund not needed to pay debt service in fiscal year 2013, a grant of \$6 million to a Chesapeake Bay watershed compliance project which opened bids on December 28, 2011, and further provided that such Chesapeake Bay watershed compliance project shall receive no further grant funding under this section after receipt of the \$6 million grant.

(d) No later than June 30, 2012, each publicly owned facility with an authorized permitted flow of 400,000 gallons per day or more that is subject to meeting Chesapeake Bay compliance standards or Greenbrier River watershed compliance standards shall submit to the council a 10-year projected capital funding plan for Chesapeake Bay watershed compliance projects or Greenbrier River watershed compliance projects, as the case may be, including a general project description, cost estimate, and estimated or actual project start date and project completion date, if any. The council shall timely review the submitted capital funding plans and forward approved plans to the Water Development Authority for further processing and implementation pursuant to this article. If the council finds a plan to be incomplete, inadequate, or otherwise problematic, it shall return the plan to the applicant with comment on the plan shortcomings. The applicant may then resubmit to council an amended capital funding plan for further consideration pursuant to the terms of this subsection.

(e) Upon approval, each proposed Chesapeake Bay watershed compliance project or Greenbrier River watershed compliance project, or portion of a larger project, which portion is dedicated to compliance with nutrient standards, or fecal coliform and phosphorus standards,

established for the protection and restoration of the Chesapeake Bay or the Greenbrier River watershed, as the case may be, shall be eligible for grant funding by funds generated by the infrastructure lottery revenue bonds described in subsection (b) of this section. At the request of the applicant, the remaining percentage of project funding not otherwise funded by grant under the provisions of this article may be reviewed as a standard project funding application.

~~(f) No later than December 1, 2012, the Water Development Authority shall report to the Joint Committee on Government and Finance the total cost of Chesapeake Bay watershed compliance projects and the Greenbrier River watershed compliance projects and the proposed grant awards for each eligible project. From the proceeds of bonds issued under subsection (b) of this section, the council shall direct the Water Development Authority to make grants to eligible projects ready to proceed to construction and those grant awards shall be pro-rated to an equal percentage of total eligible costs among all applicants for each eligible project as certified by the Water Development Authority in its report to the Joint Committee on Government and Finance dated November 26, 2012: *Provided*, That the final project, and its financing, is consistent with the scope of the eligible project included in the council's approval on December 5, 2012~~

~~(g)~~ (f) Eligible projects that have obtained project financing prior to December 31, 2012, may apply to the council for funding under the provisions of this section. These applications shall be processed and considered as all other eligible projects, and a grant funding awarded shall, to the extent allowed by law, be dedicated to prepay all or a portion of debt previously incurred by governmental instrumentalities of the state for required Chesapeake Bay nutrient removal projects or Greenbrier River watershed fecal coliform and phosphorus removal projects, subject to the bond covenants and contractual obligations of the borrowing governmental entity. However, any private portion of funding provided by agreement between a political subdivision and one or more private entities, either by direct capital investment or debt service obligation, shall not be eligible for grant funding under the provisions of this article.

ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.

§31-18-24. Annual audit; reports to Joint Committee on Government and Finance; information to joint committee or legislative auditor.

The Housing Development Fund shall cause an annual audit to be made by an independent certified public accountant of its books, accounts, and records, with respect to its receipts, disbursements, contracts, mortgages, leases, assignments, loans, and all other matters relating to its financial operations, including those of the Operating Loan Fund, the Land Development Fund, and the Mortgage Finance Bond Insurance Fund. The person performing such audit shall furnish copies of the audit report to the commissioner of finance and administration, where they shall be placed on file and made available for inspection by the general public. The person performing such audit shall also furnish copies of the audit report to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses. The audit report shall be transmitted to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the audit report shall be issued; however, upon request a hard copy shall be provided.

In addition to the foregoing annual audit report, the Housing Development Fund shall also render every six months to the Joint Committee on Government and Finance a report setting forth in detail a complete analysis of the activities, indebtedness, receipts, and financial affairs of such

fund and the Operating Loan Fund, the Land Development Fund, Affordable Housing Fund, and the Mortgage Finance Bond Insurance Fund. Upon demand, the Housing Development Fund shall also submit to the Joint Committee on Government and Finance or the Legislative Auditor any other information requested by such committee or the Legislative Auditor. The report shall be available electronically only, and no hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

CHAPTER 33. INSURANCE.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-35. Rural health maintenance organizations.

[Repealed.]

CHAPTER 49. CHILD WELFARE

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-604. Program administration; implementation; procedures; annual evaluation; coordination; plans; grievances; reports.

(a) The administering agency for the family support program is the Department of Health and Human Resources.

(b) The Department of Health and Human Resources shall initially implement the family support program through contracts with an agency within four of the state's behavioral health regions, with the four regions to be determined by the Department of Health and Human Resources in consultation with the state family support council. These regional family support agencies of the family support program will be responsible for implementing this article and subsequent policies for the families of persons with developmental disabilities residing within their respective regions.

(c) The Department of Health and Human Resources, in conjunction with the state family support council, shall adopt policies and procedures regarding:

(1) Development of annual budgets;

(2) Program specifications;

(3) Criteria for awarding contracts for operation of regional family support programs and the role of regional family support councils;

(4) Annual evaluation of services provided by each regional family support agency, including consumer satisfaction;

(5) Coordination of the family support program and the use of its funds, throughout the state and within each region, with other publicly funded programs, including Medicaid;

(6) Performance of family needs assessments and development of family service plans;

(7) Methodology for allocating resources to families within the funds available; and

(8) Resolution of grievances filed by families pertaining to actions of the family support program.

~~(d) The Department of Health and Human Resources shall submit a report to the Governor and the Legislature on the family support program by September 15, of every year so long as the program is funded.”~~

And,

The further title amendment, sponsored by Delegate Summers, amending the title of the bill to read as follows:

H. B. 4067 – “A Bill to repeal §8-13C-13 of the Code of West Virginia, 1931, as amended; to repeal §16-1-21 of said code; to repeal §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §22A-6-11, §22A-6-12, and §22A-6-13 of said code; to repeal §29-6-7a of said code; to repeal §33-25A-35 of said code; to amend and reenact §5-11B-7 of said code; to amend and reenact §5A-6C-4 of said code; to amend and reenact §9-4A-2b of said code; to amend and reenact §9-4C-7 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of said code; to amend and reenact §16-3B-4 of said code; to amend and reenact §16-33-6 of said code; to amend and reenact §31-15A-17b of said code; to amend and reenact §31-18-24 of said code; and to amend and reenact §49-2-604 of said code, all relating to making certain reports electronic rather than in printed hard-copy form; providing for hard copies to be furnished upon request; and eliminating the reporting requirement entirely for those agencies whose reports are no longer needed or whose deadlines have passed with reports already submitted.”

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 89**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Clark, Hamrick, Horst, Kessinger and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4067) passed.

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

On this question, the yeas and nays were taken (**Roll No. 90**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Clark, Hamrick, Horst, Kessinger and Worrell.

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. 4067) 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.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect January 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 2 - “A Bill to amend and reenact §21A-2D-2 of the Code of West Virginia, 1931, as amended, as contained in Chapter 273, Acts of the Legislature, Regular Session, 2021; to amend said code by adding thereto a new section, designated §21A-2D-2a; to amend and reenact §21A-2D-3 of said code; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; and to amend and reenact §21A-6-10 of said code, all relating to indexing unemployment benefits based on the state average unemployment rate; modifying methodology for calculating maximum benefit rate; modifying benefit table consistent with adoption of indexing; requiring Workforce West Virginia Commissioner take certain actions to verify unemployment insurance claim program integrity; requiring commissioner to review suspicious or potentially improper claims under certain circumstances; defining “state average unemployment rate”; limiting the maximum duration of unemployment benefits based on the “state average unemployment rate”; requiring Workforce West Virginia to promulgate legislative rules; establishing an internal effective date; reducing maximum benefit for each wage class; and removing chart column made incorrect by adoption of indexing”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 3 - “A Bill to amend and reenact §21A-6-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for unemployment benefits; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; and setting effective date”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 264 - “A Bill to amend and reenact §19-21A-1, §19-21A-2, §19-21A-3, §19-21A-4, §19-21A-6, and §19-21A-8 of the Code of West Virginia, 1931, as amended, all relating to conservation districts; providing for a short title of the article to be known as the Conservation Districts Law of West Virginia; restating legislative determinations and declaration of policy in clear and concise language; adding definitions for “agriculture” and “urban agriculture”; conferring additional powers and duties upon State Conservation Committee; providing for term of office of district supervisor to begin on July 1, immediately following primary election; providing procedure to fill office of district supervisor if no candidate seeks office; modifying candidate qualifications for election of district supervisor; modifying process for filling

vacancies in office of district supervisor; and conferring additional powers and duties upon conservation districts and supervisors”; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2022, and requested the concurrence of the House of Delegates in the passage, of

S. B. 493 - “A Bill to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring each county board of education to ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website, and recorded with a link to the recording also available through an internet link on its website; providing exception for executive session; allowing each county board to make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend; requiring adoption of procedures to ensure delegations and speakers are treated equally; and requiring the county board to ensure that any person expressing an interest in speaking has the opportunity in compliance with adopted procedures”; which was referred to the Committee on Education then the Judiciary.

A message from the Senate, by

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

S. B. 499 - “A Bill to amend and reenact §18-9D-21 of the Code of West Virginia, 1931, as amended, relating to authorizing legislative rules for the School Building Authority regarding Funding School Building Authority Projects”; which was referred to the Committee on Education.

Resolutions Introduced

Pursuant to House Rule 109, Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk:

H. R. 13 - “Relating to the creation of a Select Committee on Tourism and Economic Diversification.”

Whereas, The welfare of the citizens and the economic and geopolitical security of the nation depends on the affordability, reliability and resilience of the electric power using abundant, domestic fuel supplies and supply chains; and

Whereas, The State of West Virginia has made considerable progress in the past decade in creating and developing a new economy to provide high-quality job opportunities for all West Virginians; and

Whereas, Economic diversification and the advancement of public policy to facilitate recruitment, retention, and expansion of new industries in the State of West Virginia are key priorities for the House of Delegates; and

Whereas, The tourism industry in West Virginia plays a critical part in creating an overall environment advantageous to the State for recruitment, retention, and expansion of economic activity in the State of West Virginia; and

Whereas, The announcement of recent economic development investments in the State of West Virginia has made examination of our State's approach to tourism, economic development, and economic diversification more important than ever; therefore, be it

Resolved by the House of Delegates:

That for the remainder of the 85th Legislature, there is hereby created a Select Committee on Tourism and Economic Diversification, consisting of not more than eleven members of the House of Delegates, to be appointed by the Speaker. Notwithstanding the provisions of any House rule to the contrary, the Select Committee hereby created shall receive testimony, consider legislation, and recommend action to the Speaker of the House regarding all issues relating to tourism and economic diversification in the State of West Virginia; and, be it

Further resolved, That the rules of the House governing Standing Committees shall govern the actions and proceedings of this Select Committee insofar as applicable.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 13) to a committee was dispensed with, and it was taken up for immediate consideration, and adopted.

Delegates Holstein, Horst, Bridges, Mazzocchi, Sypolt, Graves, Nestor, Jennings, Storch, Phillips, J. Jeffries and Barnhart offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 53 - "Requesting the Division of Highways name Bridge Number: 03-003/00-033.48 (03A202), (38.06307,-81.57196) locally known as WV 3 WHITE OAK BRIDGE, carrying WV 3 over WHITE OAK CREEK in Boone county, the 'U.S. Army Sergeant Theron Turner Memorial Bridge'."

Whereas, Theron Turner was born September 19, 1940, at Pine Knob, West Virginia; and

Whereas, Theron Turner joined the United States Army at age 18. He served eight years, attaining the rank of Sergeant, with his final year of duty in Vietnam; and

Whereas, Sergeant Turner, while home during his military service, married Dorothy Hall. They had three daughters. It was during this time that Sergeant Turner started a career as a coal miner. In 1985, the couple divorced. In 1988 Sergeant Turner married Gloria Williams, moving to Rock Creek, West Virginia, where they resided for 21 years. Sergeant Turner continued to work as coal miner until 1991 when he became disabled. He suffered from blindness, diabetes, and kidney failure due to Agent Orange exposure while in Vietnam; and

Whereas, Sergeant Turner; was an avid outdoorsman as a youth. He was a musician, playing mostly gospel music. He was also a collector of guitars, firearms, knives, and fishing equipment; and

Whereas, U.S. Army Sergeant Theron Turner lost his battle with diabetes on April 14, 2010; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army Sergeant Theron Turner and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 03-003/00-033.48 (03A202), (38.06307,-81.57196) locally known as WV 3 WHITE OAK BRIDGE, carrying WV 3 over WHITE OAK CREEK in Boone county, the “U.S. Army Sergeant Theron Turner Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army Sergeant Theron Turner 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 Barrett offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 54 - “Requesting the Division of Highways name Bridge Number: 02-009/56-000.25 (02A166), (39.46467,-77.96611) locally known as Raleigh Street over Winchester and Western RR South, carrying CR 9/56 over Winchester & Western RR in Berkeley County, the ‘Mayor George Karos Bridge’.”

Whereas, George Karos, Mayor of Martinsburg, West Virginia was born on September 10, 1931, in Martinsburg, West Virginia. He attended local schools, graduating from Martinsburg High School. After high school, he attended Shepherd College and received his Bachelor of Science Degree in Pharmacy from the Medical College of Virginia, School of Pharmacy in Richmond, Virginia. Before receiving his degree, he served in the United States Navy as a hospital corpsman and attained the rank of PO3; and

Whereas, Mayor George Karos was the previous owner and operator of Patterson’s Drug Store, Inc. and is now retired, since June, 2015. He has received numerous awards for his devotion to civic and church activities, including the Sam Walton Wal-Mart Business Leadership Award for Service to the Customer; the West Virginia A.H. Robin’s Award for Outstanding Service to the Community and to Pharmacies in West Virginia, and the West Virginia School of Pharmacy Honorary Alumnus Award; and

Whereas, George Karos has served the City of Martinsburg for more than four decades, including five terms as Mayor; and

Whereas, During his tenure, Mayor Karos was part of numerous multiple public capital-improvement and economic development projects, including the construction of the current city hall building, in the mid-1980s, the development of the Foxcroft Avenue commercial district, annexation of more than 700 acres west of Interstate 81, construction of the Caperton Train Station and the redesign of the town square, gateway signage and police department-municipal court building projects, as well as the extension of North Raleigh Street, from West Race Street to Edwin Miller Boulevard; and

Whereas, Mayor George Karos is also the recipient of “Who’s Who in West Virginia Business”, presented by the West Virginia State Journal, and has received the honor of “Distinguished Citizenship Award — Lodge #778” by the Grand Lodge Elks USA. Mr. Karos was awarded the

“Paul Harris Fellow Award for Humanity” from the Martinsburg International Rotary Club as well as the Chamber of Commerce “C. Leslie Golliday Award for Small Businessman of the Year”; and

Whereas, In August 2007, Mayor George Karos received the “2007 Mayor of the Year” award, presented by the West Virginia Municipal League. He was awarded “Man of the Year 2008-2009” by the Berkeley County Chamber of Commerce sponsored by the Journal and in May 2009 Main Street Martinsburg bestowed the honor of “Public Official of the Year” on Mayor Karos. George Karos has also been listed in the “Top 25 Most Influential People in the Eastern Panhandle” as chosen by the Journal; and

Whereas, Professional affiliations of Mayor George Karos include president of the West Virginia Board of Pharmacy; member of the Chamber of Commerce; Berkeley County Development Authority; Berkeley County Health Department, the Eastern Panhandle Builders Association, the Rotary and Elks Clubs, Martinsburg/Berkeley County Library, the West Virginia and Virginia Pharmaceutical Association, the American Pharmaceutical Association and Eastern Panhandle Academy of Pharmacy; director of City National Bank; past president of Martinsburg/Berkeley County Chamber of Commerce; past Senior Warden of Trinity Episcopal Church; past member, officer and director of Berkeley County War Memorial Park and past member of Martinsburg Planning and Zoning Commission. He is also a member of the Equality Lodge #144 AF&M; Martinsburg Scottish Rite 32; Osiris Temple A.A.O.N.M.S., Wheeling, WV and Royal Order of Jesters #117, Cumberland, MD; and

Whereas, Mayor George Karos is also a member of the Governor’s Advisory Council on Substance Abuse, President and Director of Kings Daughter Housing, Inc. and Associates for Community Development, as well as a member of the Board of Directors for the Eastern WV Community Foundation; and

Whereas, Mayor George Karos is married to M. Renee Burkhart and has two children by his late wife, Sophia M. Karos: his daughter, Maria K. Karos, and his son, George K. Karos; and

Whereas, It is fitting that an Tending tribute be established to commemorate Mayor George Karos and his contributions to the City of Martinsburg, our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 02-009/56-000.25 (02A166), (39.46467,-77.96611) locally known as Raleigh Street over Winchester and Western RR South, carrying CR 9/56 over Winchester & Western RR in Berkeley County, the “Mayor George Karos 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 “Mayor George Karos 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 Forsht offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 55 - “Requesting the Division of Highways name Bridge Number: 02-032/00-001.22 (02A152), (39.40678, -78.02421) locally known as TABLERS STATION OVERPASS,

carrying County Route 32 over I 81 (X) in Berkeley County, the 'Deputy CPL Scott D. Myers Memorial Bridge'."

Whereas, Scott Douglas Myers was born on September 13, 1961, in Martinsburg WV, the second of six children of Cecil A. Myers and Virginia Ann Myers (Willen). Growing up, Scott lived his life in the area of Poor House Road in Martinsburg and attended Musselman High School; and

Whereas, Scott D. Myers met his wife Penny D. Myers (Brining) on May 16, 1987, and they married May 16, 1997; and

Whereas, Scott D. Myers was enlisted in the military with the 157th Army National Guard (Jan. 1981-Jan.1987); and

Whereas, Scott D. Myers had his own business called S&D plumbing (1990-1995), was an employee of Roach Oil Company from 1995 until 2002 when he became a deputy sheriff for the Berkeley County Sheriff's Dept. in Martinsburg WV; and

Whereas, Deputy CPL Scott D. Myers, during his years with the Berkeley County Sheriff's Department, was promoted to Deputy CPL; however, he unfortunately had to medically retire due to being diagnosed with cancer in 2009 and underwent surgery in 2013, ending his career; and

Whereas, Deputy CPL Scott D. Myers was a very notable and respected man within the community of Berkeley County. He volunteered with the South Berkeley Fire Department and the Berkeley County Deputy Reserves as a K-9 Handler; and

Whereas, Many children in Berkeley County were very well influenced by Deputy CPL Scott D. Myers as well. He was a role model and a mentor to many as a coach and referee, and for several years, coached baseball in Berkeley County Little League as well as Martinsburg Girls Softball; and

Whereas, Deputy CPL Scott D. Myers served on the Berkeley County Civil Service Commission; he also was a Republican candidate for Berkeley County Sheriff in 2012 as well as a candidate for the Martinsburg City Council in 2020, and remained on the ballot even after his passing; and

Whereas, Deputy CPL Scott D. Myers was a notable deputy; he was recognized by the M.A.D.D organization for his outstanding ability to remove drunk drivers off the road; as a deputy reserve, Deputy CPL Scott D. Myers has found many missing persons, from the Appalachian trail up to Sleepy Creek; and

Whereas, Deputy CPL Scott D. Myers passed away, due to cancer, at his home on July 7 2020, surrounded by all of his loved ones. He is survived by his wife, Penny (Brining) Myers; one daughter, Erin J. Myers; two sons, Corey Gano and wife, Cindy, and James Gano; grandchildren, Jaidyn, Carmyn, Logan, Claire and J.G.; two brothers, Jeff Myers, and Dwayne Myers and wife, Brittany; three sisters, Mary Myers, Lisa Dawson, and Sandy Hess and husband, David; and numerous nieces and nephews; and

Whereas, It is fitting that an enduring memorial be established to commemorate the life of Deputy CPL Scott D. Myers and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 02-032/00-001.22 () (02A152), (39.40678, -78.02421) locally known as TABLERS STATION OVERPASS, carrying County Route 32 over I 81 (X) in Berkeley County, the "Deputy CPL Scott D. Myers 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 "Deputy CPL Scott D. Myers 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 Hanshaw (Mr. Speaker) offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 56 - "Requesting the Division of Highways name a bridge bearing the bridge number: 08-036/01-000.04 (08A063), (38.55377,-81.12988) locally known as Laurel Fork Bridge, carrying CR 36/1 over Laurel Fork of Camp Run in Clay County, West Virginia as the 'Roy Lee Shamblin Memorial Bridge'."

Whereas, Roy Lee Shamblin was born on January 26, 1917, in Blue Knob, West Virginia to Melvin and Addie Drake Shamblin, into a family of three boys and six girls; and

Whereas, Roy Lee Shamblin and his family moved to Wallback, West Virginia in 1918; and

Whereas, Roy Lee Shamblin, as a young boy, spent his time helping his family on the farm taking care of the farm animals and working the gardens and hay field in the summer; and

Whereas, Roy Lee Shamblin attended school in a one-room schoolhouse with coal burning stoves for heat; and

Whereas, Roy Lee Shamblin married Balance Rogers on March 24, 1940, and they were the parents of six children; and

Whereas, Roy Lee Shamblin was drafted into the United States Army on December 27, 1943, during World War II as a Military Duty Soldier III 590, receiving his Basic Training at Fort Meade, Maryland, and then onto Gainesville Florida for Advanced Infantry Training (AIT), with qualifications including the MKM M1 Rifle before being deployed overseas; and

Whereas, Roy Lee Shamblin began his entry into Active Service on January 14, 1944, as a Technician Fifth Grade with the 790th Engineer Petroleum Distribution Company under the direction of Lt. Col. AGD Richard C. O'Connell; and

Whereas, Roy Lee Shamblin, as part of his battalion, was stationed in Rome, Southern France, and Germany in Central Europe; and

Whereas, Roy Lee Shamblin, during his time in service, received the Good Conduct Medal, European African Middle Eastern Theater Ribbon, and the World War II Victory Ribbon; and

Whereas, Roy Lee Shamblin was discharged from the United States Army on January 1, 1946, at the Separation Center Fort George G. Meade in Maryland; and

Whereas, Roy Lee Shamblin returned to his home in Wallback, West Virginia, where he worked in the coal mines for many years, then ended his working career as a Clay County, West Virginia school bus driver with over 20 years of service; and

Whereas, Sadly, Roy Lee Shamblin passed away on January 26, 1996, at the age of 79 years old, and was buried at the Moore Cemetery, Wallback, West Virginia with Veterans of Foreign Wars military honors; and

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

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a bridge bearing the bridge number: 08-036/01-000.04 (08A063), (38.55377,-81.12988) locally known as Laurel Fork Bridge, carrying CR 36/1 over Laurel Fork of Camp Run in Clay County, West Virginia as the "Roy Lee Shamblin Memorial Bridge;" and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "Roy Lee Shamblin Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways and to the family of Mr. Shamblin.

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

Delegates Holstein, Wamsley and Barnhart

H. J. R. 108 - "Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof, relating to exempting honorably discharged veterans of the Armed Forces of the United States who have been determined to have a one hundred percent or lesser disability from ad valorem property taxation on the full amount of assessed value of a primary residence and all personal property; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

Petitions

Delegate Hanna presented a petition from more than 900 petitioners regarding replacing the Nicholas County Schools Superintendent; which was referred to the Committee on Government Organization.

Bills Introduced

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

By Delegates Steele and Rohrbach:

H. B. 4585 - "A Bill to amend and reenact §60A-9-4 of the Code of West Virginia, 1931, as amended, relating to controlled substance monitoring; and removing a dispensing prohibition"; to the Committee on Health and Human Resources.

By Delegates Sypolt, Crouse, Jennings, Holstein, Steele, Kimes, Forsht, Tully, Graves and Mallow:

H. B. 4586 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21A-6-18, relating to permitting those persons who made the decision to not take the COVID-19 vaccine to be able to collect unemployment benefits dated back to their original date of termination"; to the Committee on Workforce Development then Finance.

By Delegates Pushkin, Fluharty, Skaff, Bates, Dean, McGeehan, Steele and Smith:

H. B. 4587 - "A Bill to amend and reenact §16A-2-1 of the Code of West Virginia, 1931, as amended; and to further amend §16A-11-1 of said code, all relating to certification of a patient's eligibility for medical cannabis; amending a definition; and revising eligibility qualifications for patients to receive medical cannabis"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Worrell, Dean, Paynter, Diserio, G. Ward and Storch:

H. B. 4588 - "A Bill to repeal §21-3C-14 of the Code of West Virginia, 1931, as amended; to repeal §21-16-11 of said code; to amend and reenact §21-3D-1, §21-3D-2, §21-3D-3, §21-3D-4, §21-3D-5, §21-3D-6, §21-3D-7, §21-3D-8, and §21-3D-9 of said code; to amend and reenact §21-14-2, and §21-14-7 of said code; to amend and reenact §21-16-2, §21-16-3, §21-16-5, and §21-16-8 of said code; to amend and reenact §29-3B-2, §29-3B-3, §29-3B-4, §29-3B-6, and §29-3B-8 of said code; and to amend and reenact §29-3D-2, §29-3D-3, §29-3D-4, and §29-3D-7 of said code, all relating to licensure in this state; providing for local ordinances over state code precedence; modifying the national standard and national certification for crane operators; removing the legislative appropriation of the Crane Operators Certification Fund; modifying the definitions of a Journeyman and Master plumber; removing monetary penalties for performing plumbing work under certain conditions; providing for altered definitions of HVAC Technician; removing the requirement that an applicant for a HVAC technician license must provide documentation of up to 2,000 hours work, training, and experience; removing monetary penalties for improperly performing HVAC work under certain conditions; modifying eligibility for HVAC technician licensure; providing for altered definitions of Journeyman and Master electricians; removing exemptions for licensure under certain conditions; modifying time frames for electricians to renew a license without retesting; removing monetary penalties for performing electrical work under certain conditions; providing for definitions of fire protection workers; providing for an altered definition of Journeyman sprinkler fitter; modifying an exemption from licensure when meeting certain conditions; removing monetary penalties for certain fire protection work; and providing for other minor technical changes"; to the Committee on Government Organization.

By Delegates Haynes, Wamsley, Barrett, Hamrick, Hanshaw (Mr. Speaker), Bates, Pack, Pinson, Queen and Graves:

H. B. 4589 - "A Bill to repeal §17A-10-3C of the Code of West Virginia, 1931, as amended, relating to removing the \$200 fee for electric vehicle registration and the \$100 fee for hybrid vehicle registration"; to the Committee on Finance.

By Delegates Worrell, Dean, Paynter, Diserio, G. Ward and Storch:

H. B. 4590 - "A Bill to repeal §30-42-1, §30-42-2, §30-42-3, §30-42-4, §30-42-5, §30-42-6, §30-42-7, §30-42-8, §30-42-9, §30-42-10, §30-42-11, §30-42-12, §30-42-13, §30-42-14, §30-42-15, §30-42-16, §30-42-17, §30-42-18, §30-42-19, and §30-42-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-11A-3a of said code; to amend and reenact §5-22-1 of said code; to amend and reenact §21-1-3 of said code; to amend and reenact §21-3C-10a, §21-3C-10b, and §21-3C-11 of said code; to amend and reenact §21-9-2, and §21-9-9 of said code; to amend said code by adding thereto a new article, designated §21-11-1, §21-11-2, §21-

11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, §21-11-19, and §21-11-20; to amend and reenact §21-9-2 and §21-9-9 of said code; to amend and reenact §21-11A-2 and §21-11A-4 of said code; to amend and reenact §21-16-4 of said code; and to amend and reenact §21A-10-11 of said code, all relating to the West Virginia Contractor Licensing Act; providing for relocating the licensing of contractors from Chapter 30 back to Chapter 21 of this code; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, its composition, and the terms, qualifications and appointment of members; defining administrative duties of board; authorizing the proposal of legislative rules; changing the congressional district residency requirement for members of the board; requiring contractor license and providing exemptions; providing licensing procedure; providing for expiration date, fees, and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; providing for prerequisites to obtaining building permit and mandatory written contracts; providing for requiring informational list for basic universal design features; providing for injunction and criminal penalties for violation of article; providing for specific administrative duties of board and record keeping by the board; establishing authorization to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; providing for misdemeanor criminal penalties for violations of article; providing for limitations on municipalities, local governments, and counties from requiring a license to perform contractor work; providing for an exemption from a contractor license for residential work up to \$5,000 and commercial work up to \$25,000; providing for an exemption from a contractor license for a person performing landscaping and painting services; establishing regulatory review schedule for board; and making technical changes to update code citation references throughout the code”; to the Committee on Government Organization.

By Delegates Hardy, Barrett, Haynes, Kessinger, Householder, Forsht, Bates, Foster and Hanna:

H. B. 4591 - “A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax”; to the Committee on Finance.

By Delegate Pack:

H. B. 4592 - “A Bill to amend and reenact §8-28-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-29-1, §8-29-2, §8-29-3, §8-29-4, §8-29-5, §8-29-6, §8-29-8, §8-29-9, §8-29-12, §8-29-17, and §8-29-20 of said code; and to amend and reenact §8-29B-2, §8-29B-3, and §8-29B-5 of said code, all relating to defining abandoned aircraft and providing for the disposal of such abandoned aircraft; to increasing the cost of violations for pedestrian traffic near airports and airport rules and regulations; updating certain terms and definitions; adding the term ‘international airport’ and ‘vertiport’ to certain areas of the code; adding to the authority of airports; and updating retirement information”; to the Committee on Government Organization then the Judiciary.

By Delegates Kimble, G. Ward, Mazzocchi, Pritt, Conley, Phillips, McGeehan, Pinson, Burkhammer, Sypolt and Fast:

H. B. 4593 - “A Bill to amend and reenact §3-1A-6 of the Code of West Virginia, 1931, as amended, relating to requiring the Secretary of State to refer potential election fraud to the Attorney General for prosecution instead of a county prosecuting attorney”; to the Committee on Political Subdivisions then Government Organization then the Judiciary.

By Delegate Walker:

H. B. 4594 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-27-8c, relating to providing the Board of Barbers and Cosmetologists the authority to establish an apprenticeship program for cosmetologists; providing for licensing requirements and fees; and authorizing rulemaking"; to the Committee on Government Organization.

By Delegates Booth, Reed, Statler and Riley:

H. B. 4595 - "A Bill to amend and reenact §17C-6-1 and §17C-6-7a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17C-6-7b, all relating to establishing a program for camera assisted speed enforcement in active work zones in this state; authorizing the Commissioner of Highways to set speed limits in work zones on public highways; establishing use of work zone speed control systems as an exception to the prohibition against photo monitoring devices for traffic law enforcement; establishing duty of vehicle owners to ensure lawful operation of their vehicles on public highways; defining terms; authorizing the use of work zone speed control systems for enforcement of speed restrictions in active work zones; specifying lawful uses of equipment and setting conditions upon their operation; specifying qualifications of system operators; establishing specification and restrictions for machine functions; providing for administration of enforcement program by contractor; requiring written notice of violations to be provided to vehicle owners, with specification for contents and manner of delivery; establishing civil penalties for violations and limiting the effect and use of admissions and assessments; establishing response options for owner and the owner's obligation to respond; providing for default for owner's failure to respond and suspension of vehicle registration; authorizing collection of delinquent penalties; providing for administrative hearing, notice of hearing, and judicial review of decisions; restricting the use of images and providing an exception from the Freedom of Information Act; requiring the proposal and acceptance of legislative rules; correcting references to other sections; and requiring the submission of annual reports"; to the Committee on the Judiciary then Finance.

By Delegates Barrett, Haynes, Fast, Barnhart, Holstein, Hanna, Dean, Phillips, Paynter, Bridges and McGeehan:

H. B. 4596 - "A Bill to amend and reenact §15A-7-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-29-1 of said code; to amend and reenact §49-4-719 of said code; to amend and reenact §61-7-11a of said code; to amend and reenact §62-11B-7a of said code; to amend and reenact §62-12-5, of said code; and to amend and reenact §62-12-6 of said code, all relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act; clarifying that home confinement supervisors, state adult probation officers, juvenile probation officers, and state parole officers are, by virtue of their duties, qualified law enforcement officers who may carry a concealed firearm nationwide, as authorized by the federal Law-Enforcement Officers Safety Act; exempting certain persons from prohibition for carrying deadly weapons on the premises of educational facilities; providing the statutory authority to give home confinement supervisors, state probation officers, juvenile probation officers, and parole officers the option to carry firearms pursuant to applicable federal law; requiring annual firearm training pursuant to federal law; removing inconsistent language relating to probation officers; clarifying that supervisory entities retain sole discretion as to authorizing participation of qualified officers in such program; providing for training to enable home confinement supervisors, state probation officers, juvenile probation officers, and state parole officers to fully qualify as law-enforcement officers if they have not previously done so; setting forth the duties of supervising authorities as to participation of home confinement supervisors, state probation officers, juvenile probation officers, and state parole officers, and removing a duplicative reference to probation officers in code"; to the Committee on the Judiciary.

By Delegates Dean, Paynter, Haynes, Bridges, Worrell, Toney, Barrett, Fleischauer, Boggs, Diserio and Zukoff:

H. B. 4597 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §23-4D-1, §23-4D-2, §23-4D-3, §23-4D-4, §23-4D-5, and §23-4D-6, all relating to creating the West Virginia Black Lung Program; granting entitlement for pain and suffering for occupational pneumoconiosis; providing that 10 years' exposure as a miner is a conclusive presumption of entitlement to pain and suffering benefits; calculating benefits; providing tax credit for benefits; imposing additional severance tax and tax on generation of electricity by solar and wind devices; creating the State Black Lung Fund; requiring the Governor and Legislature to cooperate with other states to attempt to recoup the federal excise tax on coal; and proposing rules by the Insurance Commissioner and Tax Commissioner"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Evans, Pushkin, Garcia, Paynter, Worrell, Toney, Dean, Bridges, Zukoff, Haynes and Fluharty:

H. B. 4598 - "A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-26, all relating to occupational pneumoconiosis; eliminating the prohibition on permanent partial disability awards based solely on a diagnosis of occupational pneumoconiosis; declaring that an employee with occupational pneumoconiosis without measurable pulmonary impairment shall be paid certain benefits; and requiring certain claimants to receive permanent partial disability awards that may later be offset from a future disability award"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Riley:

H. B. 4599 - "A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating to reducing the composition, and modifying the membership of the Emergency Medical Services Advisory Council to provide for 12 members appointed by the Governor with advice and consent of the Senate, to provide for ex-officio, nonvoting membership by the Secretary of the Department of Health and Human Resources or his or her designee; providing for staggered terms, setting term limits, and establishing an effective date of July 1, 2022"; to the Committee on Government Organization.

By Delegates Mazzocchi, Ellington, Kimble, Bridges, Maynor, Kessinger, Toney, Ferrell, Longanacre, Holstein and Capito:

H. B. 4600 - "A Bill to amend and reenact §61-2-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8D-5a and §61-8D-11 of said code, all relating to penalties for assault, battery, and verbal abuse of a child; creating the offense of assault of a child by a person in a position of trust and specifying penalties; creating the offense of assault of a child by a person in a position of trust and specifying penalties; creating the offense of battery assault of a child by a person in a position of trust and specifying penalties; and creating the offense of failure of a mandatory reporter to report and specifying penalties"; to the Committee on the Judiciary.

By Delegate Rohrbach:

H. B. 4601 - "A Bill to amend and reenact §30-8A-1 of the Code of West Virginia, 1931, as amended, relating to extending expiration date of an optometrist's prescription"; to the Committee on Health and Human Resources.

By Delegates Young, Clark, Kessinger, Wamsley, Ferrell, Statler and Hornbuckle:

H. B. 4602 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40a; and to amend and reenact §18B-1B-7 of said code, all relating to student suicide prevention; requiring suicide prevention phone numbers be printed on student identification cards for students in grades 6-12 in public schools that issue student identification cards; and requiring suicide prevention phone numbers be printed on student identification cards for students in a public or private institution of higher education that issues student identification cards"; to the Committee on Education then Finance.

By Delegates Young, Fluharty, Garcia, Pushkin, Thompson, Kessinger and Steele:

H. B. 4603 - "A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-20-1, §55-20-2, §55-20-3, §55-20-4, §55-20-5, §55-20-6, §55-20-7, §55-20-8, §55-20-9, and §55-20-10, all relating to permitting civil remedies for the unauthorized disclosure of intimate images; providing for a short title; defining terms; providing for a civil action; providing exceptions to liability; providing for plaintiff's privacy; providing for remedies; creating a statute of limitations; providing for construction; providing for uniformity of application and construction; and addressing the effective date"; to the Committee on the Judiciary.

By Delegates Ellington, Statler, Smith, Mazzocchi, Longanacre, Hanna, Tully, Maynor and Hamrick:

H. B. 4604 - "A Bill to amend and reenact §18B-3D-2 of the Code of West Virginia, 1931, as amended, relating to abolishing the Workforce Development Initiative Program advisory council"; to the Committee on Finance.

By Delegates Fleischauer, Statler, Hansen, Evans, Williams, Dean, Phillips, Walker, Griffith, Sypolt and Rowe:

H. B. 4605 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33c, relating to West Virginia University Rifle Team electronic application donation program; including solicitation for voluntary donation to West Virginia University Rifle Team on electronic application for hunting or fishing license; providing opportunity to designate donation in any amount; creating special account; establishing funding sources; specifying terms for expenditures; authorizing disbursements and administrative fee; and requiring annual reports"; to the Committee on Finance.

Special Calendar

Third Reading

S. B. 436, Correcting code citation for authority of State Fire Marshal; 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. 91**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Clark, Hamrick, Horst, Kessinger and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 436) passed.

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

Com. Sub. for H. B. 3036, Sunsetting the Board of Sanitarians; 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. 92**), and there were—yeas 76, nays 18, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Evans, Fleischauer, Fluharty, Griffith, Hansen, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, G. Ward, Williams, Young and Zukoff.

Absent and Not Voting: Boggs, Clark, Hamrick, Horst, Kessinger and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3036) 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. 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 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. 93**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Clark, Hamrick, Horst and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4355) passed.

On motion of Delegate Ellington, the title of the bill was amended to read as follows:

H. B. 4355 – “A Bill to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended, all relating to the sale of educational materials, books, stationary, and other school and office supplies generally carried in college bookstores; requiring the disclosure by state institutions of higher education of certain information regarding textbooks and digital courseware; requiring disclosure of courses using open education resource materials; requiring disclosure of automatic charges assessed by an institution for required educational materials; establishing the standards to which an institution must adhere when entering into an automatic billing agreement with an entity; prohibiting institutions from entering into automatic billing agreements that would deny a student access to educational materials for refusing to allow the use of that student’s data; and providing definitions.”

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. 4380, Relating to transportation of athletic teams; 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. 94**), and there were—yeas 72, nays 23, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Barach, Brown, Diserio, Doyle, Evans, Ferrell, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Paynter, Pethtel, Pushkin, Rowe, Skaff, Thompson, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Boggs, Clark, Hamrick, Horst and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4380) passed.

On motion of Delegate Ellington, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 4380 – “A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to the transportation of students and passengers for extracurricular activities; increasing the number of ten-passenger vehicles which may be used for any school-sponsored activity; and clarifying that busses shall be used to transport nineteen or more passengers.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 95**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Clark, Hamrick, Horst and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4389) passed.

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

Second Reading

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

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 S. B. 279, Authorizing DEP to promulgate legislative rules,

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

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

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

Com. Sub. for H. B. 4114, Authorizing certain agencies of the Department of Administration to promulgate legislative rules,

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,

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

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.,

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

And,

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

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Clark, Hamrick, Horst and Kessinger.

Remarks by Members

Speaker Pro Tempore Howell in the Chair

Delegate Hanna asked unanimous consent that the remarks by Delegate Tully be printed in the Appendix to the Journal, which consent was not granted, objection being heard.

Delegate Hanna then so moved.

On this question, the yeas and nays were demanded, which demand was not sustained.

Delegate J. Jeffries arose to a point of order regarding there being a motion to adjourn pending.

The Speaker Pro Tempore replied that the Delegate was correct and no other motions were in order.

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

- Delegate Fluharty
- Delegate Jennings
- Delegate Sypolt
- Delegate Walker

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. 2095: Delegate Ferrell;

And,

H. B. 4010: Delegate Capito.

At 1:02 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 10, 2022.

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

SPECIAL CALENDAR

Thursday, February 10, 2022

30th Day

11:00 A. M.

UNFINISHED BUSINESS

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

THIRD 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)

SECOND 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)

FIRST READING

- Com. Sub. for H. B. 2257 - Relating to extended supervision for certain drug offenders (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4483 - Relating to establishing term limits to certain real property interests and registration requirements associated with carbon offset agreements (ANDERSON) (REGULAR)

HOUSE CALENDAR

Thursday, February 10, 2022

30th Day

11:00 A. M.

THIRD READING

Com. Sub. for H. B. 4105 - Relating to service employees with National Association for Pupil Transportation Certifications (ELLINGTON) (REGULAR)

SECOND READING

H. B. 2882 - Relating to repealing a ban on construction of nuclear power plants (STEELE) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, FEBRUARY 10, 2022

HOUSE CONVENES AT 11:00 A.M.

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

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

**TECHNOLOGY AND INFRASTRUCTURE
6:00 P.M. – ROOM 215 E**

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