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THIRTY-FOURTH DAY

Monday, February 14, 2022

THIRTY-FOURTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Friday, February 11, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 4329, To clarify the definition of an “interested person” for purposes of the West Virginia Small Estate Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4329 - “A Bill to amend and reenact §44-1-28, §44-1A-1, §44-1A-2, and §44-1A-4 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Small Estate Act; updating definitions; adding a definition of the term ‘interested person’ for purposes of identifying those who have a property right in or a claim against the estate of a decedent or property; and clarifying treatment of real estate of decedents in small estates,”

And,

H. B. 4553, To clarify the application of zoning requirements to exempt wholesale generators,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4553 - “A Bill to amend and reenact §8A-1-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8A-7-3 of said code; all relating to zoning requirements for exempt wholesale generators; providing for the definition of ‘exempt wholesale generator’; and, providing that exempt wholesale generators are a permitted use in any zoning district,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 4331, West Virginia's Urban Mass Transportation Authority Act,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 4562, Relating generally to the suspension and dismissal of school personnel by board and the appeals process,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4562 - "A Bill to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, as amended, relating generally to the suspension and dismissal of school personnel by board and the appeals process,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 4578, Relating to authorizing the Superintendent of the State Police to administer the Handle with Care program,

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

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

Your Committee on the Judiciary has had under consideration:

H. J. R. 102, Clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection,

And reports the same back with the recommendation that it be adopted.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 25 - "A Bill to amend and reenact §55-7B-2, §55-7B-4, and §55-7B-6 of the Code of West Virginia, 1931, as amended, all relating to the prerequisites for filing suit against a health care provider under the Medical Professional Liability Act; updating the definitions of 'injury' and 'medical injury'; clarifying time limitations for bringing a cause of action for medical

injury as a result of alleged medical professional liability against a health care provider; modifying time frame for providing a statement of intent to provide a screening certificate of merit in certain actions under the Medical Professional Liability Act; and updating the tolling of the statute of limitations applicable in certain actions under the Medical Professional Liability Act”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 505 - “A Bill to amend and reenact §32A-2-1, §32A-2-2, §32A-2-3, §32A-2-4, §32A-2-8, §32A-2-10, §32A-2-11, §32A-2-13, §32A-2-24, and §32A-2-25 of the Code of West Virginia, as amended; and to amend said code by adding two new sections thereto, designated §32A-2-8a and §32A-2-8b, all relating to the licensure and regulation of money transmitters; updating definitions; eliminating outdated provisions; clarifying the financial institution exemption; permitting the Commissioner of Financial Institutions to participate in the multistate licensing and examination process and to conduct examinations; updating net worth requirements to use a sliding scale; providing information requirements for a change in control and updating the change in control process; specifying requirements for individuals in control of a licensee or applicant; requiring permissible investments to match outstanding obligations; and updating the due process procedure to eliminate the two-step process for revocations and suspensions while preserving the order and hearing requirement”; which was referred to the Committee on Banking and Insurance 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

Com. Sub. for S. B. 515 - “A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2022, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 517 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of \$22,500,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund”; 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. 520 - “A Bill to amend and reenact §61-3C-8 of the Code of West Virginia, 1931, as amended, relating to creating the felony offense of disrupting or degrading, causing the disruption or degradation, or threatening the disruption or degradation of computer services of

another with the intent to obtain money or any other thing of value; and establishing criminal penalties”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 525 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of \$125,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title:

S. C. R. 44 – “Clarifying that the 1972 ratification by the 60th Legislature of the proposed 1972 Equal Rights amendment to the Constitution of the United States only was valid through March 22, 1979.”

Whereas, The 92nd Congress of the United States of America, during its second session, with the constitutionally required vote of two thirds of both houses, on March 22, 1972, gave final approval to House Joint Resolution No. 208, commonly referred to as the Equal Rights Amendment, to propose the amendment to the Constitution of the United States, pursuant to Article V of the Constitution of the United States; and

Whereas, In offering the proposed federal constitutional amendment to America’s state lawmakers, the 92nd Congress chose a deadline of 7 years, or until March 22, 1979, for the constitutionally mandated ratification of the amendment by three fourths of the country’s state legislatures; and

Whereas, In Senate Joint Resolution No. 3, the First Extraordinary Session of the 60th Legislature in 1972, responded by ratifying the proposed 1972 Equal Rights Amendment to the Constitution of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby clarifies the 1972 ratification by the 60th Legislature of the proposed 1972 Equal Rights amendment to the Constitution of the United States only was valid through March 22, 1979; and, be it

Further Resolved, That the 85th Legislature deems that the vitality of Senate Joint Resolution No. 3 of the 60th Legislature by which West Virginia lawmakers ratified the 1972 Equal Rights Amendment, officially lapsed at 11:59 p.m. on March 22, 1979; and, be it

Further Resolved, That, after March 22, 1979, the West Virginia Legislature, while in agreement women and men should enjoy equal rights in the eyes of the law, should not be counted by Congress, the Archivist of the United States, lawmakers in any other state, any court of law, or any other person, as still having on record a live ratification of the proposed Equal Rights

Amendment to the Constitution of the United States as was offered by House Joint Resolution No. 208 of the 92nd Congress on March 22, 1972; and, be it

Further Resolved, That the 85th Legislature respectfully requests the full and complete verbatim text of this resolution be duly published in the United States Senate's portion of the Congressional Record, as an official memorial to the United States Senate, and that this resolution be referred to the committee of the United States Senate with appropriate jurisdiction over its subject matter; and, be it

Further Resolved, That the 85th Legislature respectfully requests the substance of this resolution be duly entered in the United States House of Representatives' portion of the Congressional Record, as an official memorial to the United States House of Representatives, and that this resolution be referred to the committee of the United States House of Representatives with appropriate jurisdiction over its subject matter; and, be it

Further Resolved, That the Secretary of State forward copies of this resolution to the Vice President of the United States, the Secretary and Parliamentarian of the United States Senate; the Speaker, Clerk, and Parliamentarian of the United States House of Representatives; each member of the West Virginia Congressional Delegation; and the Archivist of the United States at the National Archives and Records Administration in Washington, D.C.

Delegate Fluharty moved that further action on S. C. R. 44 be laid upon the table.

The Speaker replied that no motion was before the body to be tabled.

Delegate Fluharty then moved that the Senate message not be received.

On this question, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 127**), and there were—yeas 18, nays 75, absent and not voting 7, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Boggs, Brown, Griffith, Hamrick, Hanna, Kessinger and Lovejoy.

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

The message was then received and the Speaker referred the resolution to the Committee on Rules.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the title amendment of the House of Delegates and requested the House to recede from its amendment to

H. B. 4301, Reforming membership requirements of Huntington Park and Recreation District Board.

On motion of Delegate Summers, the House receded from its title amendment.

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

H. B. 4301 – “A Bill to amend and reenact section two, chapter 26, Acts of the Legislature, regular session, 1925 (municipal charters), as last amended by chapter 187, Acts of the Legislature, regular session 2011, relating to election of commissioners to Greater Huntington Park and Recreation District Board; providing for nonpartisan elections; modifying composition of board; modifying timing of elections; providing for number and composition of commissioners to be elected at primary election in 2022; providing for number and composition of commissioners to be elected at primary election in 2024; and providing for number and composition of commissioners to be elected at primary election in 2026.”

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

On this question, the yeas and nays were taken (**Roll No. 128**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Boggs, Brown, Griffith, Hamrick, Hanna, Kessinger and Lovejoy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4301) 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.

Resolutions Introduced

Delegates Toney and Bates offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 62 - “Requesting the Division of Highways name a portion of road, beginning at Dingess Branch Road at Liberty High School in Beckley to the unincorporated sign in Naoma in Raleigh County, as the ‘Raymond Jarrell, Jr., Memorial Road’.”

Whereas, Raymond Jarrell, Jr., was born on February 15, 1959, to Raymond and Ruth Jarrell; and

Whereas, Raymond Jarrell, Jr., was raised by his grandparents, Carl and Sylvia Jarrell, in Raleigh County, West Virginia, and he attended Raleigh County schools; and

Whereas, Raymond Jarrell, Jr., later became an employee of Raleigh County schools as a bus driver for 28 years and also ran Jarrell Backwoods Towing for 38 years; and

Whereas, Raymond Jarrell, Jr., was a member of the Naoma Methodist Church, was a bookkeeper for the Liberty High School Raiders basketball team, and was known for philanthropic acts to benefit his community that he provided personally and through his business; and

Whereas, Raymond Jarrell, Jr., gained fame from an early age as an expert in marble games, achieving his first national championship in New Jersey in 1972 at the age of 13, for which he was recognized in the New York Times; and

Whereas, Raymond Jarrell, Jr., went on to play for the Marble King team sponsored by the famous Marble King company of Paden City, West Virginia, and eventually won the title of World Marble Champion five times in competitions held in Tinsley Green, England;

Whereas, Raymond Jarrell, Jr., passed away August 10, 2019, and was buried at Adkins Cemetery in his home community of Naoma, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate Raymond Jarrell, Jr., and his contributions to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of road, beginning at Dingess Branch Road at Liberty High School in Beckley to the unincorporated sign in Naoma in Raleigh County, as the "Raymond Jarrell, Jr., Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the portion of road as the "Raymond Jarrell, Jr., Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs reading "Home of Raymond Jarrell, Jr., Five-Time World Marble Champion" to be placed with the present signs identifying the unincorporated community of Naoma, Raleigh County, West Virginia; and, be it

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

Delegates Young, Skaff, Pack and Capito offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 63 - "Requesting the Division of Highways name Bridge Number: 20-060/00-013.99 (20A146), (38.36623,-81.66858) locally known as PATRICK STREET BRIDGE, carrying US 60 over KANAWHA RIVER & BLVD in Kanawha county., the 'U. S. Army Master Sergeant Donald Lewis Coen Memorial Bridge'."

Whereas, Donald Lewis Coen was born May 20, 1928, in Wheeling, West Virginia, to Hunter Lewis Coen and Alma Unice Beckett. He attended Tiskelwah Elementary, Vandalia Elementary, South Charleston Junior High School, and South Charleston High School, where he graduated in 1943; and

Whereas, At age 17, Donald enlisted in the United States Marine Corp. He trained at Parris Island and was then sent to China for 11 months. In 1947 he transferred and enlisted in the United States Army. He was assigned to the 11th Airborne Division in Japan where he attended Glider School and Air Transport School and Jump School. In 1949 he was assigned to Fort Campbell with the 11th Airborne Division and in 1953 he was assigned to the 187th Airborne in Korea and

Japan and then back to Fort Bragg, North Carolina. Finally, he was transferred to the 101st Airborne at Fort Campbell, Kentucky; and

Whereas, Master Sergeant Coen married Shelby Jean Smith in 1958. They had three children, Donald Lewis Coen, Dana Suzette Coen Vaughn, and Shani Nicole Coen, who is deceased. Master Sergeant Coen and his wife lived in Germany during the Vietnam conflict and then were transferred to McDill Air Force Base near the end of his military career. He retired in 1972 after 28 years in military service; and

Whereas, Master Sergeant Coen was awarded various medals including the Bronze Star, Army Commendation Medal, Good Conduct Medal and Clasp Silver Loop, Army Occupation Medal and Japan Clasp, Korean Service Medal, Vietnam Service Medal, United Nations Service Medal, Republic of Vietnam Campaign Ribbon with device, Parachutist Badge—Basic, Parachutist Badge—Master, and Diver Badge –1st Class; and

Whereas, Master Sergeant Coen retired to Tennessee where he worked for that State, obtained a GED degree in May 1980. He loved fishing and coaching his children in football, baseball, and softball; and

Whereas, Master Sergeant Coen suffered a stroke and passed on May 1, 1997, in Centerville, Tennessee at age 68; and

Whereas, It is fitting that an enduring memorial be established to commemorate Master Sergeant Donald Lewis Coen and his/her contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 20-060/00-013.99 (20A146), (38.36623,-81.66858) locally known as PATRICK STREET BRIDGE, carrying US 60 over KANAWHA RIVER & BLVD in Kanawha county., the “U. S. Army Master Sergeant Donald Lewis Coen 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 Master Sergeant Donald Lewis Coen 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.

Delegates Hansen, Fleischauer, Walker, Statler and Williams offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 64 - “Requesting the Division of Highways name a portion of Old Route 73 (39.659317, -79.772097 to 39.658476, -79.645041), in Preston County, West Virginia, the ‘Robin W. Ames Memorial Road’.”

Whereas, Robin Wendell Ames was tragically killed by the careless actions of a distracted driver who was texting on her phone and hit and killed him while he rode his bike along Old Route 73 in Bruceton Mills on the day of February 17, 2020; and

Whereas, Robin Wendell Ames was married to Karrah Ames and had two young children: Charlotte Ames and Elliette Ames; and

Whereas, Mr. Ames was 37 years old when the negligent actions of another forever altered the lives of his family; and

Whereas, The driver was sentenced to home confinement for 30 days and served no time in jail as her actions were only deemed a misdemeanor offense, and has continued her life without significant consequence, while to this day his family is still trying to adjust to their lives without a father and husband; and

Whereas, Mr. Ames was educated at West Virginia University as a mechanical engineer and had launched a successful and promising career, where at the time of his death he was employed at the National Energy and Technology Laboratories of the United States Department of Energy in Morgantown, quickly rising through the ranks to become Project Manager; and

Whereas, Programs he managed were of vital importance to regional coal and natural gas industries such as the supercritical Carbon Dioxide Power Cycle Program; and

Whereas, He was an active and respected member of outdoor sports and recreation communities, volunteered for and donated to the Cooper's Rock Foundation, Friends of Decker's Creek, and Heartwood in the Hills, resulting in the loss of his life not only irreparably harming his family, but his community and the State of West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate his loss, to honor his memory for his family and friends, to recognize his importance to his community, and to promote awareness of the dangers of texting and driving; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Old Route 73 (39.659317, -79.772097 to 39.658476, -79.645041), in Preston County, West Virginia, the "Robin W. Ames Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "Robin W. Ames Memorial Road" *include the words "Don't text and drive."*; and, be it

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

Delegates Sypolt, Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Bridges, Burkhammer, Capito, Conley, Cooper, Criss, Crouse, Dean, Diserio, Doyle, Ellington, Espinosa, Evans, Fast, Ferrell, Fleischauer, Fluharty, Forsht, Foster, Garcia, Gearheart, Graves, Griffith, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Haynes, Holstein, Honaker, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Lovejoy, Mallow, Mandt, Martin, Maynard, Maynor, Mazzocchi, McGeehan, Miller, Nestor, Pack, Paynter, Pethtel, Phillips, Pinson, Pritt, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Smith, Statler, Steele, Storch, Summers, Thompson, Toney, Tully, Walker, Wamsley, B. Ward, G. Ward, Westfall,

Williams, Worrell, Young, Zatezalo and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 65 - "Requesting the Division of Highways name Bridge Number: 39-092/00-002.95 (39A225), (39.33068,-79.85035) locally known as EVANSVILLE BRIDGE, carrying WV 92 over LITTLE SANDY CREEK in Preston county, the 'U. S. Army Major Jesse A. Jennings Memorial Bridge'."

Whereas, Jesse A. Jennings was born March 23, 1940, in Evansville, West Virginia. He graduated from Fellowsville High class of 1958. He married Joyce Marie Morris on December 27, 1959. Jesse was a graduate of West Virginia University with a degree in Agriculture. He worked for the State of West Virginia as an animal inspector for 6 years and retired at age 73; and

Whereas, Jesse enlisted with the United States Army in February 1960, in Fort Benning Georgia, where he was assigned to the 101st Airborne Division. Upon completion of three years active duty, he joined the National Guard, 19 Special Forces Unit, a Green Beret at Camp Dawson, Kingwood, WV. He retired as a Major of the 19 Special Forces Unit with 23 years of service; and

Whereas, Prior to his retirement, he went to Officer Candidate School where he became a First Lieutenant. He earned his Korean Jump Wings and received the Army Accommodation Medal along with other numerous awards and designations; and

Whereas, Along with Jesse's career serving the United States Army he continually strived to protect and serve his family and community. He was actively involved in County politics. Jesse served as President of the Preston County School Board where he served 2 terms. He served as a commissioner of Preston County. He was responsible for starting the first Fire Department in Fellowsville. He was responsible for getting a Dentist office for the local community in Fellowsville. Jesse's life was full of great accomplishments, but the greatest of all was his five children. His values and hard work were instilled on his children, who have passed those traits down to their children; and

Whereas, Jesse passed away on November 24, 2021, at Preston County Hospital. He is survived by his wife, Joyce M. Jennings, children Rocky Jennings and Peggy of Evansville, Jessica Jennings of Tunnleton, Jess "Jay" Jennings II of Fellowsville, and Jarrett Jennings and wife Jennifer of Fellowsville, a brother Dorris Rolland "Buck" Jennings, 12 grandchildren, 23 great-grandchildren, and one great-great-grandchild; and

Whereas, It is fitting that an enduring memorial be established to commemorate Major Jesse A. Jennings 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: 39-092/00-002.95 (39A225), (39.33068,-79.85035) locally known as EVANSVILLE BRIDGE, carrying WV 92 over LITTLE SANDY CREEK in Preston county, the "U. S. Army Major Jesse A. Jennings 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 Major Jesse A. Jennings 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.

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

By Delegate Young:

H. J. R. 109 - "Proposing an amendment to the Constitution of the State of West Virginia by amending section thirteen, article VI thereof, relating to eligibility to a seat in the Legislature and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

Bills Introduced

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

By Delegate Rohrbach:

H. B. 4660 - "A Bill to amend and reenact §16-2D-9, of the Code of West Virginia, 1931, as amended, relating to certificate of need; establishing the status of beds when an intermediate care facility for individuals with intellectual disabilities closes"; to the Committee on Health and Human Resources.

By Delegates Crouse, Honaker and Booth:

H. B. 4661 - "A Bill to amend and reenact §16-39-8 of the Code of West Virginia, 1931, as amended, relating to patient visitation requirements for certain healthcare facilities; providing that visitation requirements apply notwithstanding patient or facility quarantine; requiring allowance of visitation of at least one person at all times; license requirements of healthcare facilities subject to the requirements; and establishing a minimum fine for a violation thereof"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Steele:

H. B. 4662 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-115a, relating to licensure of Head Start facilities in this state"; to the Committee on Health and Human Resources.

By Delegates Williams, Lovejoy, Skaff, Garcia, Young, Pushkin and Zukoff:

H. B. 4663 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-10A-101, §48-10A-102, §48-10A-201, §48-10A-202, §48-10A-203, §48-10A-204, §48-10A-301, §48-10A-401, §48-10A-402, §48-10A-403, §48-10A-501, §48-10A-502, §48-10A-601, §48-10A-602, §48-10A-701, §48-10A-702, §48-10A-801, §48-10A-802, §48-10A-901, §48-10A-902, §48-10A-1001, §48-10A-1002, §48-10A-1101, and §48-10A-1201; and to amend and reenact §51-2A-2 of said code, all relating to the creation of a statutory right to petition circuit and family courts in West Virginia for sibling visitation with minor children"; to the Committee on the Judiciary.

By Delegates Evans, Walker, Thompson, Pushkin and Fleischauer:

H. B. 4664 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to allowing public high schools to have full-time athletic trainers; providing for guidelines; and providing for licensure requirements"; to the Committee on Education then Finance.

By Delegate Williams:

H. B. 4665 - "A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum wage based upon increases in the consumer price index"; to the Committee on Workforce Development then the Judiciary.

By Delegates Rohrbach, Lovejoy, Worrell, Mandt, Hornbuckle, Linville, Griffith and Booth:

H. B. 4666 - "A Bill to amend and reenact §15-2B-3 of the Code of West Virginia, 1931, as amended, relating to expanding the definition of 'criminal justice agency' to include the Forensic Analysis Laboratory at Marshall University for access and participation in the West Virginia DNA database for certain specified purposes"; to the Committee on the Judiciary.

By Delegates Howell, Hanshaw (Mr. Speaker) and Summers:

H. B. 4667 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-16-3, relating generally to creating a prohibition on county, municipality, city or town restrictions on advanced air mobility aircraft"; to the Committee on the Judiciary.

By Delegate Capito:

H. B. 4668 - "A Bill to amend and reenact §17C-15-50 of the Code of West Virginia, 1931, as amended, relating to air bag fraud; prohibiting counterfeit and nonfunctional air bags; establishing penalties for prohibited activities related to air bag fraud; specifying the applicability of the section; and creating exceptions"; to the Committee on the Judiciary.

By Delegates Boggs and Pethtel:

H. B. 4669 - "A Bill to amend and reenact §5-10D-6 of the Code of West Virginia, as amended, relating to the voluntary deductions by the Consolidated Public Retirement Board from monthly benefits to retirees to pay association dues and associated mailings; and removing the July 1, 2022, sunset date for this section"; to the Committee on the Judiciary.

By Delegates Barnhart, G. Ward and Keaton:

H. B. 4670 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3aa, relating to permitting counties to create a tax reduction fund; reduce taxes or fees on businesses and individuals; and use the savings funds for losses or shortfalls in the prior fiscal year"; to the Committee on Political Subdivisions then Finance.

By Delegates Boggs and Pethtel:

H. B. 4671 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-7A-26x, relating to establishing an increase in monthly pension for certain teachers who retired 20 or more years ago by \$2 per month per year of service"; to the Committee on Pensions and Retirement then Finance.

By Delegates Steele, Pack, Foster, Summers, Barrett, Wamsley, Smith, Maynor, Holstein, Booth and Honaker:

H. B. 4672 - "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to enacting a pay raise for West Virginia State Troopers; and providing for an educational benefit"; to the Committee on Finance.

By Delegates Williams, Skaff, Westfall, Zukoff, Walker and Pushkin:

H. B. 4673 - "A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; defining food, water, shelter, and treatment; providing

specifics for tethering an animal; providing for seizure of an animal for violations; increasing criminal penalties; and providing that a person in violation of this statute for a second time shall be added to a state-wide, publicly available, do not adopt or sell, registry”; to the Committee on the Judiciary.

By Delegates Rowe, Fleischauer, Pushkin, Lovejoy and Walker:

H. B. 4674 - “A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to child welfare; confidentiality of records; and providing that complaints or petitions that are not pursued within 24 months of the making shall be closed and not disclosed”; to the Committee on the Judiciary.

By Delegates Riley, Linville, Booth, Reed and Barrett:

H. B. 4675 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17C-24-1 and §17C-24-2, all relating to autonomous delivery vehicles; authorizing operation of low-speed autonomous delivery vehicle on certain streets and roads; authorizing operation of low speed autonomous delivery vehicle on streets or roads with posted speed limit of up to a specified number of miles per hour under specified conditions”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Lovejoy, Brown, Rohrbach, Hornbuckle and Rowe:

H. B. 4676 - “A Bill to amend and reenact §5-10-2 and §5-10-24 of the Code of West Virginia, 1931, as amended, all relating to special needs trusts; allowing retirees in the Public Employees Retirement System to designate a special needs trust as beneficiary; defining terms; and providing for substitution of special needs trust as beneficiary post retirement in certain circumstances”; to the Committee on Pensions and Retirement then Finance.

By Delegate Graves:

H. B. 4677 - “A Bill to amend and reenact §16-2D-10 of the Code of West Virginia, 1931, as amended, all relating to certificate of need; and clarifying that a hospital located in the same county as an academic medical center may perform any health service provided by the academic medical center”; to the Committee on Health and Human Resources.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order as unfinished business, were, in the absence of objection, considered en masse, and adopted:

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

H. C. R. 58, February 14 as National Donor Day,

H. C. R. 59, To name the “Warrant Officer James G. Bosley Memorial Bridge”,

H. C. R. 60, Fire Chief Lee Thomas Bridge,

And,

H. R. 11, Urging members of the United States Congress to enact federal legislation designating May 4 as Firefighters Day.

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

Third Reading

Com. Sub. for H. B. 2257, Relating to extended supervision for certain drug offenders; 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. 129**), and there were—yeas 76, nays 17, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Barach, Doyle, Evans, Fleischauer, Fluharty, Garcia, Graves, Hansen, Hornbuckle, Pritt, Pushkin, Rowe, Skaff, Thompson, Walker, Williams and Young.

Absent and Not Voting: Boggs, Brown, Griffith, Hamrick, Hanna, Kessinger and Lovejoy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2257) 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

Com. Sub. for H. B. 2598, Modifying the inspection requirements and the definition of an above ground storage tank; on second reading, coming up in regular order, was read a second time.

On motion of Delegate J. Kelly, the bill was amended on page eleven, section six, on line twenty-one, following the "(N)", by inserting the words "that are located in a zone of critical concern";

And,

On page eleven, section six, on line twenty-three, following the "(N)", by inserting the words "that are located in a zone of critical concern".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3122, Relating to the establishment and operation of regional water, wastewater and stormwater authorities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4004, Relating to limiting an abortion to fifteen weeks' gestation; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with the amendment pending, and the rule was suspended to permit the offering and consideration of the amendment on that reading.

Com. Sub. for H. B. 4005, Relating to fetal body parts; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 4008, Relating to Higher Education Policy Commission funding formula; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4087, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4126, Authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4262, Relating to licensure for polygraph examiners; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 4282, Relating to establishing next generation 911 services in this state; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4307, Increase some benefits payable from Crime Victims Compensation Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4396, Reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads paid electronically; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4410, Specifying allocation, apportionment and treatment of income of flow-through entities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4418, Relating to the Small Business Supplier Certification Assistance Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4461, Relating to the consolidation of all administrative fees collected by the agency into the existing "Tax Administration Services Fund"; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4484, Declaring certain claims against agencies of the state to be moral obligations of the state; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

Com. Sub. for H. B. 4002, Creating the Certified Sites and Development Readiness Program; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4025, Providing exemption to severance tax for severing rare earth elements and other critical minerals; on first reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

Com. Sub. for H. B. 4259, Creating the West Virginia Small Business Jumpstart Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4351, Relating to the implementation of an acuity-based patient classification system; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4352, Decreasing federal taxable income; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4426, Repeal article 33-25G-1 *et seq.* creating provider sponsored networks; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4451, Eliminating the requirement that otherwise qualified investment assets be located or installed at or within 2 miles of a preexisting manufacturing facility; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4460, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4465, Relating to the tax credit for apprenticeship training; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4470, Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4489, Require counties to post open positions on statewide job bank; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4568, To allow phased rehabilitations of certified historic structures; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

H. B. 4301, Reforming membership requirements of Huntington Park and Recreation District Board.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Brown, Griffith, Hamrick, Hanna, Kessinger and Lovejoy.

Miscellaneous Business

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:

- Address to the House today by Delegate Clark
- Delegates Fleischauer, Garcia, Hornbuckle and Pushkin regarding Com. Sub. for H. B. 2257

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

H. B. 4422: Delegate Holstein;

H. B. 4661: Delegate Mandt;

And,

H. B. 4677: Delegate Tully.

At 1:13 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 15, 2022.

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

SPECIAL CALENDAR

Tuesday, February 15, 2022

35th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2598 - Modifying the inspection requirements and the definition of an above ground storage tank (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 3122 - Relating to the establishment and operation of regional water, wastewater and stormwater authorities (STEELE) (REGULAR)
- Com. Sub. for H. B. 4004 - Relating to limiting an abortion to fifteen weeks' gestation (CAPITO) (REGULAR) [AMENDMENT PENDING]
- Com. Sub. for H. B. 4005 - Relating to fetal body parts (CAPITO) (REGULAR) [RIGHT TO AMEND]
- Com. Sub. for H. B. 4008 - Relating to Higher Education Policy Commission funding formula (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4087 - Allowing variance in state fire code for certain buildings used solely for emergency equipment storage (STEELE) (REGULAR)
- Com. Sub. for H. B. 4126 - Authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4282 - Relating to establishing next generation 911 services in this state (STEELE) (REGULAR)
- H. B. 4307 - Increase some benefits payable from Crime Victims Compensation Fund (HOUSEHOLDER) (REGULAR)
- H. B. 4396 - Reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads paid electronically (HOUSEHOLDER) (REGULAR)
- H. B. 4410 - Specifying allocation, apportionment and treatment of income of flow-through entities (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4418 - Relating to the Small Business Supplier Certification Assistance Program (STEELE) (REGULAR)
- Com. Sub. for H. B. 4461 - Relating to the consolidation of all administrative fees collected by the agency into the existing "Tax Administration Services Fund" (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 4484 - Declaring certain claims against agencies of the state to be moral obligations of the state (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

SECOND READING

Com. Sub. for H. B. 4002 - Creating the Certified Sites and Development Readiness Program (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 4259 - Creating the West Virginia Small Business Jumpstart Act (CAPITO) (HOUSEHOLDER)

Com. Sub. for H. B. 4262 - Relating to licensure for polygraph examiners (STEELE) (REGULAR)

Com. Sub. for H. B. 4351 - Relating to the implementation of an acuity-based patient classification system (ROHRBACH) (REGULAR)

H. B. 4352 - Decreasing federal taxable income (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 4426 - Repeal article 33-25G-1 et seq. creating provider sponsored networks (ROHRBACH) (REGULAR)

Com. Sub. for H. B. 4451 - Eliminating the requirement that otherwise qualified investment assets be located or installed at or within 2 miles of a preexisting manufacturing facility (HOUSEHOLDER) (REGULAR)

H. B. 4460 - Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 4465 - Relating to the tax credit for apprenticeship training (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 4470 - Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 4489 - Require counties to post open positions on statewide job bank (ELLINGTON) (REGULAR)

H. B. 4568 - To allow phased rehabilitations of certified historic structures [FINANCE COMMITTEE TITLE AMENDMENT PENDING] (HOUSEHOLDER) (REGULAR)

FIRST READING

H. J. R. 102 - Clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection (CAPITO)

Com. Sub. for H. B. 4025 - Providing exemption to severance tax for severing rare earth elements and other critical minerals (HOUSEHOLDER) (REGULAR)

- Com. Sub. for H. B. 4329 - To clarify the definition of an “interested person” for purposes of the West Virginia Small Estate Act (CAPITO) (REGULAR)
- H. B. 4331 - West Virginia’s Urban Mass Transportation Authority Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4553 - To clarify the application of zoning requirements to exempt wholesale generators (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4562 - Relating generally to the suspension and dismissal of school personnel by board and the appeals process (CAPITO) (REGULAR)
- H. B. 4578 - Relating to authorizing the Superintendent of the State Police to administer the Handle with Care program (CAPITO) (REGULAR)

HOUSE CALENDAR

Tuesday, February 15, 2022

35th 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)

FIRST READING

H. B. 4264 - Change name of Glenville State College to "Glenville State University" (ELLINGTON) (EFFECTIVE FROM PASSAGE)

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)

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, FEBRUARY 15, 2022

HOUSE CONVENES AT 11:00 A.M.

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

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

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

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