

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fifth Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



February 16, 2022
THIRTY-SIXTH DAY

Wednesday, February 16, 2022

THIRTY-SIXTH DAY

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

The House of Delegates 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 15, 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. 4524, Reducing the rate of interest on delinquent property taxes,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4524) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

H. B. 4559, Providing for legislative rulemaking relating to the disposition of unidentified and unclaimed remains in the possession of the Chief Medical Examiner,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4559 - "A Bill to amend and reenact §61-12-3, §61-12-5, §61-12-6, §61-12-7, §61-12-10, §61-12-10a, §61-12-11, §61-12-12, §61-12-13, §61-12-14 and §61-12-15 of the Code of West Virginia, 1931, as amended, all relating to Office of the Chief Medical Examiner and the disposition of unidentified and unclaimed remains; authorizing the Office of the Chief Medical Examiner to locate lands suitable for use as a cemetery; authorizing the Office of the Chief Medical Examiner to determine the appropriate length of time a decedent may be kept prior to burial or cremation; establishing burial for certain conditions; establishing cremation of certain conditions; authorizing the Chief Medical Officer or a designee to return a decedent's remains to next of kin and remove a decedent from the cemetery; and prohibiting any cause of action against the Office of the Medical Examiner,"

And,

H. B. 4596, Relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4596 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated as §62-11B-7b ; to amend and reenact §15A-7-5 of said Code; 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 incarceration 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 incarceration 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 incarceration 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 incarceration supervisors, state probation officers, juvenile probation officers, and state parole officers, and removing a duplicative reference to probation officers in code,"

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. 4627, To provide for no more than two licensed laboratories for medical cannabis testing in this state,

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

Delegate Rohrbach, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 4631, Establishing a bone marrow and peripheral blood stem donation awareness program,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4631 – “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §16-21-2, relating to establishing an awareness program; directing the Department of Health and Human Resources to create a website; providing contents of electronic brochure; providing contents of website; and providing for consultation with certain health care providers to promote awareness,”

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2798, Relating to requiring the Health Department to mandate mucopolysaccharidosis type 1 (MPS1) test for newborn babies, to be known as Embie’s Law,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2798 – “A Bill to amend and reenact §16-22-3 of the Code of West Virginia, 1931 as amended, relating to requiring the Bureau for Public Health to test for mucopolysaccharidosis type 1 (MPS1),”

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 4348, Relating to Pharmacy Technicians,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4348 – “A Bill amend and reenact §30-5-11a and §30-5-26 of the Code of West Virginia, 1931, as amended, all relating to the practice of pharmacist care; relating to the qualifications for pharmacy technician trainees; requiring certain information to be included on a prescription; and requiring a prescription change be communicated to a pharmacist,”

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 4585, Relating to controlled substance monitoring; and removing a dispensing prohibition,

And reports back a committee substitute therefor, as follows:

Com. Sub. for 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; removing the reporting of an opioid antagonist and removing a dispensing prohibition,”

With the recommendation that the committee substitute do pass.

Delegate Rohrbach, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 4649, Transferring the operations of the West Virginia Children’s Health Insurance Program to the Bureau for Medical Services,

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

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. 4488, Relating to coal mining and changing fees for permitting actions,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4488 - “A Bill to amend and reenact §22-11-10 of the Code of West Virginia, 1931, as amended, relating to coal mining operations, permitting, and fees paid to the Department of Environmental Protection; increasing certain defined fees for permitting actions; and establishing and defining certain new fees for permitting actions,”

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. 4488) to the Committee on Finance was abrogated.

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. 4491, To establish requirements for carbon dioxide sequestration,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4491) was referred to the Committee on the Judiciary.

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

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

H. B. 4386, Expand the scope of hunting, fishing, and trapping benefits provided to former members of the United States Armed forces,

And,

H. B. 4439, Creating a special revenue account known as the Military Authority Federal Matching Grant Fund,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4386 and H. B. 4439) were each referred to the Committee on Finance.

Delegate Rohrbach, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 4377, To update the involuntary commitment process,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4377) was referred to the Committee on the Judiciary.

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 Finance), which was read by its title, as follows:

By Delegates Rohrbach, Summers, Zukoff, Honaker, Walker, Griffith, Miller and Forsht:

H. B. 4020 – “A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended, relating to reorganizing the Department of Health and Human Resources.”

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

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 15th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

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

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 15th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

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

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 15th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 4074, Require schools provide eating disorder and self-harm training for teacher and students.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 15th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 4062, Removing the residency requirement for the Commissioner of the Division of Highways.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 14th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 436, Correcting code citation for authority of State Fire Marshal.

Reports of Select Committees

On motions for leave, the following bills were introduced (Originating in the Select Committee on Coalfield Communities and reported with the recommendation that they each do pass), which were read by their titles, as follows:

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

H. B. 4823 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42; to amend said code by adding thereto a new article designated §18-21A-1, §18-21A-2, §18-21A-3, §18-21A-4, §18-21A-5, §18-21A-6 and §18-21A-7; and to amend said code by adding thereto a new article, designated §18-34-1 and §18-34-2, all relating to vocational and technical education programs; requiring the State Board and Commerce Department to create lists of apprenticeships and certifications and credentials to provide to students; creating a career and technical education pilot program to introduce middle

school students career and technical education opportunities in the state; allowing for non-certified persons provide student instruction; providing state board authorize and establish conditions thereto and promote the pilot program; directing local public education institutions participation; requiring county school districts to provide certain information to students; and establishing the Governor's Workforce Credential,"

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

H. B. 4824 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1 and §7-28-2, and to amend said code by adding thereto a new article, designated §8-20B-1, all relating to unsafe real property; providing a process by which county commissions and municipalities may compel the cleanup of hazardous real property conditions; directing each assessor to identify obviously dilapidated, unsafe, or defective condition that renders it unfit for the intended use of the property or the structures upon it; providing that assessors staff receive training; directing the Division of Emergency Management establish a training course; providing a power to assert a lien if a real property owner fails to comply with a county commission's or municipality's hazardous condition resolution; providing notice and a hearing an appeals process regarding unsafe condition determinations made; providing a process by which local governing bodies may compel the cleanup of hazardous real property conditions; providing a power to assert a lien if a real property owner fails to comply with a local governing body's hazardous condition resolution; and providing a hearing an appeals process on unsafe condition determinations made by local governing bodies,"

And,

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

H. B. 4825 – "A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board."

Pursuant to House Rule 80, the Speaker referred H. B. 4823 to the Committee on Education then Finance; and H. B. 4824 and H. B. 4825 to the Committee on the Judiciary.

Resolutions Introduced

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

H. C. R. 76 - "Requesting the Division of Highways name bridge number: 22-037/00-003.29 (22A163), at mile post 3.29, locally known as Fourteen Mile Tub Girder Bridge, carrying WV 37 over Fourteen Mile Creek in Lincoln County, the 'U. S. Navy BM1 Farris Burton Memorial Bridge'."

Whereas, Farris Burton was born April 26, 1925, in Logan County, WV, to Carr and Bessie Burton. He grew up in Amherstdale near Man, WV, along with his siblings. This is also where he met his first love and future wife of 54 years, Bessie (Hager); and

Whereas, Farris Burton enlisted in the United States Navy on April 26, 1942, his 17th birthday, during World War II. During the next four years of service, he travelled to six continents and served on the ships Firethorn and Zaandam, attaining the rank of Boatswain's Mate First

Class (BM1). He bravely served his country during wartime aboard ship across the seas earning medals for service, bravery, and heroism; and

Whereas, As an old man, decades after the war, a fellow sailor contacted BM1 Farris Burton to thank him for saving his life by pulling him, nearly unconscious, aboard a lifeboat. In a separate incident, without regard for his personal safety, BM1 Farris Burton took off his own life jacket and gave it to another man who was struggling in turbulent waters overboard their capsized ship. During his tenure, he survived not one, but two sinking ships, once sailing in a damaged lifeboat for 8 days before the survivors made landfall off the coast of Brazil. It was during his days aboard ship that he said a still small voice began speaking to his conscience. BM1 Farris Burton would later not only give his life to the Lord, but become an ordained minister leading hundreds of souls to Christ; and

Whereas, BM1 Farris Burton received an honorable discharge from duty on April 26, 1946. For his service, BM1 Farris Burton received numerous awards, including the Navy and Marine Corp Medal for outstanding duty, World War II Victory Medal, American Campaign Medal, Asiatic Pacific Campaign Medal, European-African-Middle Eastern Campaign Medal, Combat Action Ribbon, Discharge Button, and the Honorable Discharge Button; and

Whereas, After his service in the US Navy, BM1 Farris Burton became a family man and he and his wife Bessie made their home in Ranger, WV, raising nine children. Farris worked as a coal miner and for the WV Department of Highways to provide for his family while also spending countless hours traveling the roads of Lincoln, Logan, and surrounding counties to preach the gospel of Christ and minister to those in need; and

Whereas, BM1 Farris Burton became an ordained minister in the Bethlehem Association of United Baptist Churches in 1956 and, at the time of his passing, was the longest tenured minister in the association. During his time in the ministry, he performed approximately 400 marriages. He served as pastor at Center Point United Baptist Church in West Hamlin, WV, for 18 years until 1977, when he retired. He continued to preach the Lord's message in regular appointments until recent years when his health declined, and he was no longer able; and

Whereas, BM1 Farris Burton was preceded in death by his first wife and mother of his children, Bessie (Hager) as well as three children: Ivan (Shirley) Burton, Gloria Donahue, David (Kathy) Burton, a son-in-law, Donald Salmons, and infant granddaughter, Michelle; and

Whereas, BM1 Farris Burton was survived by his wife of 22 years, Mildred (Thompson). He is also survived by six children: Farris Jr. (Sandra) of West Hamlin, WV; Carolyn Salmons of Canton, OH; Darrell (Coni) Burton of Williamstown, WV; Janice "Darlene" Colegrove (George) of Salt Rock, WV; Beth "Amy" Jackson (Ray) of Surfside Beach, SC; Rebecca Clay (Cameron) of Hamlin, WV; and a son-in-law, Keith Donahue I (Betsy) of Culloden, WV. Papaw Burton is lovingly remembered by his 26 grandchildren, 55 great-grandchildren and a great, great-grandchild, all of whom he taught to pray, wink, snap, and joke, and he was always there to give chewing gum or other goodies. Farris is also survived by a large, loving extended family and church family; and

Whereas, It is fitting that an enduring memorial be established to commemorate BM1 Farris Burton 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: 22-037/00-003.29 (22A163), at milepost 3.29, locally known as Fourteen Mile Tub Girder Bridge, carrying WV 37 over Fourteen Mile Creek in Lincoln county., the “U. S. Navy BM1 Farris Burton 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. Navy BM1 Farris Burton 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 Walker offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 77 - “Requesting the Joint Committee on Government and Finance study the feasibility of a commuter rail line to run between Huntington, West Virginia and Charleston, West Virginia.”

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the feasibility of a commuter rail line to run between Huntington, West Virginia and Charleston, West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the possibility of stops on the commuter rail line in Hurricane, West Virginia and in South Charleston, West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the possibility of including extensions to Montgomery, West Virginia and Ashland, Kentucky; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Regular Session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegate Walker offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. C. R. 78 - “Requesting the Joint Committee on Government and Finance study equal access to HIV prevention and treatment.”

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study equal access to HIV prevention and treatment in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance study whether Medicaid insureds need a prior authorization for medication or for doctor visits; and, be it

Further Resolved, That the Joint Committee on Government and Finance study whether or not such HIV treatment includes patient choice; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the number of those West Virginia residents who seek HIV treatment in surrounding states of West Virginia, such as Pennsylvania, Virginia, Ohio, Kentucky and Maryland; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Regular Session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk:

H. C. R. 1, Alex Perdue Memorial Bridge,

H. C. R. 4, John B. Short Memorial Bridge,

H. C. R. 7, Daniel Edward Kolhton "Red" Haney Memorial Bridge,

H. C. R. 9, U.S. Army SSG James C. Vickers Silver Star Highway,

H. C. R. 13, The Doctor Enrique Aguilar Memorial Bridge,

H. C. R. 14, Colonel Ronald John "Ron" Chiccehitto Memorial Road,

H. C. R. 25, SP5 Terry Lee McClanahan Memorial Bridge,

H. C. R. 26, Charleston Police Officer Cassie Johnson - Fallen Heroes Memorial Bridge,

H. C. R. 36, John Calvin "J.C." Baker Memorial Bridge,

H. C. R. 46, U.S. Navy Seaman Donald Homer Wheeler Memorial Bridge,

H. C. R. 47, U.S. Army CPL Billy Earl Duty Memorial Bridge,

H. C. R. 48, WVSP Sergeant John S. Syner Memorial Road,

H. C. R. 49, Charles M. "Charlie" Biggs Memorial Highway,

H. C. R. 50, John Ellison Road,

H. C. R. 52, U.S. Army SGT Roy E. Givens Memorial Road,

And,

H. C. R. 61, Timothy Wayne Farley Memorial Bridge.

In the absence of objection, the following resolutions (H. C. R. 1, H. C. R. 4, H. C. R. 7, H. C. R. 9, H. C. R. 13, H. C. R. 25, H. C. R. 36, H. C. R. 46, H. C. R. 47, H. C. R. 48, H. C. R. 49, H. C. R. 50, H. C. R. 52 and H. C. R. 61) were then voted on in masse, and adopted.

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

The House of Delegates then proceeded to consideration of **H. C. R. 14**, Colonel Ronald John “Ron” Chiccehitto Memorial Road.

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

The yeas and nays having been ordered, they were taken (**Roll No. 144**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Hornbuckle and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 14) adopted.

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

The House of Delegates then proceeded to consideration of **H. C. R. 26**, Charleston Police Officer Cassie Johnson - Fallen Heroes Memorial Bridge.

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

The yeas and nays having been ordered, they were taken (**Roll No. 145**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 26) adopted.

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

Third Reading

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 146**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4002) passed.

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

Com. Sub. for H. B. 4008, Relating to Higher Education Policy Commission funding formula; 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. 147**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4008) passed.

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

Com. Sub. for H. B. 4259, Creating the West Virginia Small Business Jumpstart 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. 148**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Kimble and McGeehan.

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4259) passed.

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

On this question, the yeas and nays were taken (**Roll No. 149**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Kimble and McGeehan.

Absent and Not Voting: Boggs, J. Kelly and Pinson.

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. 4259) takes effect from its passage.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 150**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4351) 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. 4352, Decreasing federal taxable income; 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. 151**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4352) passed.

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

Com. Sub. for H. B. 4426, Repeal article 33-25G-1 *et seq.* creating provider sponsored networks; 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. 152**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Dean, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4426) passed.

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

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

Delegate Espinosa requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 153**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4451) 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. 4460, Relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; 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. 154**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4460) passed.

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

Com. Sub. for H. B. 4465, Relating to the tax credit for apprenticeship training; 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. 155**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Honaker, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4465) passed.

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

Com. Sub. for H. B. 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 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. 156**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4470) passed.

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

Com. Sub. for H. B. 4489, Require counties to post open positions on statewide job bank; 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. 157**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Boggs, J. Kelly and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4489) 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

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; 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. 4025, Providing exemption to severance tax for severing rare earth elements and other critical minerals; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Howell, the bill was amended on page two, section three-c, line twenty-one, after the word “zinc” and the comma, by striking the word “and”.

And,

On page two, section three-c, line twenty-one, after the word “zirconium” and before the period, by inserting a comma and the words “uranium, osmium, strontium, rhenium, potash, and bauxite”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4329, To clarify the definition of an “interested person” for purposes of the West Virginia Small Estate Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4331, West Virginia’s Urban Mass Transportation Authority Act; 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. 4562, Relating generally to the suspension and dismissal of school personnel by board and the appeals process; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4578, Relating to authorizing the Superintendent of the State Police to administer the Handle with Care program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for S. B. 445, Modifying police and firemen’s pension plans for trustees,

Com. Sub. for H. B. 2910, To modify the allowable number of magistrate judges per county,

Com. Sub. for H. B. 4077, Provide certain classes of property protections from creditor collections,

Com. Sub. for H. B. 4141, Authorizing the Governor’s Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards,

Com. Sub. for H. B. 4242, Authorizing the Division of Labor to promulgate a legislative rule relating to Child Labor,

H. B. 4314, Exclude Solicitor from the definition of Investment Advisor,

H. B. 4338, Reducing annual permit fee for each video lottery terminal owned or leased by a limited video lottery licensee,

Com. Sub. for H. B. 4340, Relating to maximizing the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education,

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

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

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

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

And,

Com. Sub. for H. B. 4583, Clarifying the definition of incapacity so that incarceration in the penal system or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney.

There being no objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

Com. Sub. for S. B. 262, Relating generally to financial institutions engaged in boycotts of energy companies,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 262) was referred to the Committee on Finance.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

Com. Sub. for S. B. 505, Updating laws on licensure and regulation of money transmitters,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 505) was referred to the Committee on the Judiciary.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 4394, To reaffirm and enhance the workers compensation exclusive remedy rule or doctrine,

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. 4394) was referred to the Committee on the Judiciary.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs and J. Kelly.

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. 2096: Delegate Wamsley;

H. B. 2292: Delegate Lovejoy;

H. B. 4455: Delegate Fast;

H. B. 4558: Delegate Riley;

H. B. 4595: Delegate Zatezalo;

And,

H. B. 4689: Delegates Clark, Hanshaw (Mr. Speaker), Howell, Keaton, Martin, Skaff and Williams.

At 1:47 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 17, 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 17, 2022

37th Day

11:00 A. M.

THIRD 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)
- 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)

SECOND READING

- Com. Sub. for S. B. 445 - Modifying police and firemen's pension plans for trustees (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2910 - To modify the allowable number of magistrate judges per county (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4077 - Provide certain classes of property protections from creditor collections (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4141 - Authorizing the Governor's Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards (STEELE) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4242 - Authorizing the Division of Labor to promulgate a legislative rule relating to Child Labor (STEELE) (EFFECTIVE FROM PASSAGE)
- H. B. 4314 - Exclude Solicitor from the definition of Investment Advisor (CAPITO) (REGULAR)
- H. B. 4331 - West Virginia's Urban Mass Transportation Authority Act (CAPITO) (REGULAR)

- H. B. 4338 - Reducing annual permit fee for each video lottery terminal owned or leased by a limited video lottery licensee (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4340 - Relating to maximizing the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4406 - To establish the West Virginia Military Hall of Fame (STEELE) (REGULAR)
- Com. Sub. for H. B. 4430 - Relating to definitions of base salary and overtime for police and firemen pensions (HOUSEHOLDER) (REGULAR)
- H. B. 4433 - Providing that retirement benefits are not subject to execution [FINANCE COMMITTEE AMENDMENT PENDING] (HOUSEHOLDER) (REGULAR)
- H. B. 4462 - Relating to Deferred Retirement Option Plan evaluations (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4583 - Clarifying the definition of incapacity so that incarceration in the penal system or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney (CAPITO) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2798 - Relating to requiring the Health Department to mandate mucopolysaccharidosis type 1 (MPS1) test for newborn babies, to be known as Embie's Law (ROHRBACH) (REGULAR)
- Com. Sub. for H. B. 4348 - Relating to Pharmacy Technicians (ROHRBACH) (REGULAR)
- Com. Sub. for H. B. 4488 - Relating to coal mining and changing fees for permitting actions (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 4559 - Providing for legislative rulemaking relating to the disposition of unidentified and unclaimed remains in the possession of the Chief Medical Examiner (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4585 - Relating to controlled substance monitoring; and removing a dispensing prohibition (ROHRBACH) (REGULAR)
- Com. Sub. for H. B. 4596 - Relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act (CAPITO) (REGULAR)
- H. B. 4627 - To provide for no more than two licensed laboratories for medical cannabis testing in this state (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4631 - Establishing a bone marrow and peripheral blood stem donation awareness program (ROHRBACH) (REGULAR)

H. B. 4649 -

Transferring the operations of the West Virginia Children's Health Insurance Program to the Bureau for Medical Services
(ROHRBACH) (REGULAR)

HOUSE CALENDAR

Thursday, February 17, 2022

37th Day

11:00 A. M.

THIRD READING

- 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. 4087 - Allowing variance in state fire code for certain buildings used solely for emergency equipment storage (STEELE) (REGULAR)
- Com. Sub. for H. B. 4105 - Relating to service employees with National Association for Pupil Transportation Certifications (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4282 - Relating to establishing next generation 911 services in this state (STEELE) (REGULAR)
- Com. Sub. for H. B. 4418 - Relating to the Small Business Supplier Certification Assistance Program (STEELE) (REGULAR)

SECOND READING

- H. B. 2882 - Relating to repealing a ban on construction of nuclear power plants (STEELE) (REGULAR)
- Com. Sub. for H. B. 4262 - Relating to licensure for polygraph examiners (STEELE) (REGULAR)
- H. B. 4568 - To allow phased rehabilitations of certified historic structures [FINANCE COMMITTEE TITLE AMENDMENT PENDING] (HOUSEHOLDER) (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)
- Com. Sub. for H. B. 4553 - To clarify the application of zoning requirements to exempt wholesale generators (CAPITO) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, FEBRUARY 17, 2022

HOUSE CONVENES AT 11:00 A.M.

PUBLIC HEARING

COMMITTEE ON THE JUDICIARY

9:00 A.M. – HOUSE CHAMBER

**H. B. 4394, TO REAFFIRM AND ENHANCE THE WORKERS COMPENSATION EXCLUSIVE
REMEDY RULE OR DOCTRINE.**

POLITICAL SUBDIVISIONS

9:00 A.M. – ROOM 410 M

COMMITTEE ON EDUCATION

9:30 A.M. – ROOM 434 M

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBER

COMMITTEE ON ENERGY AND MANUFACTURING

2:00 P.M. – ROOM 410 M

COMMITTEE ON GOVERNMENT ORGANIZATION

3:00 P.M. – ROOM 215 E

COMMITTEE ON THE JUDICIARY

3:00 P.M. – ROOM 410 M

SELECT COMMITTEE ON TOURISM AND ECONOMIC DIVERSIFICATION

5:00 P.M. – ROOM 462 M

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