

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 21, 2022  
FORTY-FIRST DAY



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Monday, February 21, 2022

**FORTY-FIRST 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 Friday, February 18, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, it was announced that H. B. 4314 and H. B. 4462 on Third Reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for H. B. 3122, Com. Sub. for H. B. 4087, Com. Sub. for H. B. 4282 and Com. Sub. for H. B. 4418 on Third Reading, House Calendar, had been moved to the Special Calendar; and Com. Sub. for H. B. 4262 on Second Reading, House Calendar, had been transferred to the Special Calendar.

**Committee Reports**

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

Your Committee on Education has had under consideration:

**S. B. 228**, Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV,

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

In accordance with the former direction of the Speaker, the bill (S. B. 228) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**Com. Sub. for S. B. 229**, Requiring impact statement in certain instances of school closing or consolidation,

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. 229) 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. 4372**, Creating the Public/Private Small Business Enhancement Program,

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. 4372) 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. 4491**, To establish requirements for carbon dioxide sequestration,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4491** - "A Bill to amend and reenact §22-11A-3 and §22C-9-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §22-11B-1, §22-11B-2, §22-11B-3, §22-11B-4, §22-11B-5, §22-11B-6, §22-11B-7, §22-11B-8, §22-11B-9, §22-11B-10, §22-11B-11, §22-11B-12, §22-11B-13, §22-11B-14, §22-11B-15, §22-11B-16, §22-11B-17, §22-11B-18, §22-11B-19, §22-11B-20, and §22-11B-21, all relating to regulating the permitting, drilling, operation, and closure of injection wells for the sequestration of carbon dioxide in underground storage reservoirs; declaring legislative purpose; defining terms; amending and specifying the scope of the prior program; providing an option for holders of pre-existing permits to pursue permit modifications under the prior or new law; establishing requirements for permitting; specifying application requirements and fees; clarifying that the provisions apply only to underground carbon dioxide sequestration operations and facilities; directing and authorizing the promulgation of rules by the Department of Environmental Protection and the Oil and Gas Conservation Commission; providing for public notice, participation, and hearings; authorizing certain conditions in permits and orders; preserving other existing powers of the secretary and the commission; preserving rights of existing mineral owners and authorizing cooperative agreements; declaring that carbon dioxide injected into an underground storage facility is not a pollutant and not a public nuisance; requiring permit holders to provide and update identification of a local agent; excluding enhanced oil, natural gas, or coalbed methane recovery projects using carbon dioxide injection from requirements of underground carbon dioxide storage permits; specifying requirements for completion of an underground carbon dioxide storage project; directing transfer of carbon dioxide ownership to surface owners upon completion of project; providing for all liability and regulatory responsibilities to transfer to the state upon completion; establishing state responsibility for maintenance and monitoring after completion; establishing the Carbon Dioxide Storage Facility Administrative Fund and the Carbon Dioxide Storage Facility Trust Fund as special revenue accounts and describing the source of revenue, authorized purposes and uses of the funds; providing a process for

completion of underground carbon dioxide storage projects; requiring fees for underground storage of carbon dioxide; limiting state and permittee liability; authorizing the secretary to make determinations of the amount of carbon dioxide able to be sequestered at a location; specifying local filing requirements; defining ownership of pore space formations; authorizing entry onto lands to conduct seismic surveys and establishing requirements and conditions therefore; requiring permit applicants and storage facility operators to identify and obtain consent from pore space owners; providing for acquisition and pooling of interests of nonconsenting pore space owners for the construction and operation of a storage facility; providing for acquisition and pooling of interests of unknown and unlocatable pore space owners for the construction and operation of a storage facility; providing for just and reasonable compensation for unknown, unlocatable, and nonconsenting pore space owners; providing for hearings to establish interests of pore space owners in reservoirs; providing for management of funds of unknown and unlocatable owners; limiting and establishing requirements for surface use; expanding the jurisdiction of the Oil and Gas Conservation Commission; providing for reporting; and providing for judicial review,”

And,

**H. B. 4712**, Require the prompt enrollment in payment plans for costs, fines, forfeitures, restitution, or penalties in circuit court and magistrate court,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4712** - “A Bill to amend and reenact §50-3-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-4-17 of said code, all relating to reducing the time period allowed for enrollment in magistrate court and circuit court payment plans and limiting the maximum length of payment plans,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Rules has had under consideration:

**H. C. R. 42**, A resolution to support the relocation of university-level Chinese language immersion programs from the People’s Republic of China (PRC) to Taiwan,

**H. C. R. 79**, A resolution to designate February 21st as the official start day to National FFA Week in West Virginia,

And,

**H. R. 12**, Supporting the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan),

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

At the request of Delegate Summers, and by unanimous consent H. C. R. 79 was taken up for immediate consideration.

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. 177**), 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: Graves, Lovejoy and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 79) adopted.

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

### **Messages from the Executive**

A communication from His Excellency, the Governor, advised that on February 18, 2022, he approved **S. B. 436**.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect July 1, 2022, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 3220**, Restrictions on Taxpayer funded lobbying.

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

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

**“ARTICLE 3. LOBBYISTS.**

**§6B-3-10. Provisions may be adopted by local governments; disclosures by state agencies, municipalities, counties, and school districts relating to lobbying activities.**

(a) An incorporated municipality may enact lobbyist regulation provisions substantially similar to the provisions of this article which may be modified to the extent necessary to make the provisions relevant to that jurisdiction and which may be further modified to the extent deemed necessary and appropriate by and for that jurisdiction.

(b) Beginning on July 1, 2022, every state agency, municipality, county, and school district in the state that contracts for lobbying services shall disclose, and when applicable provide copies of, the following information to the West Virginia Ethics Commission:

(1) Contract details, including, but not limited to, the identities of the parties to the contract, the date on which the contract becomes or became effective, any applicable extension dates, payment and reimbursement terms, and duration;

(2) A copy of the contract for lobbying services;

(3) All costs to be paid or reimbursed, or already paid or reimbursed, for lobbying services associated with or related to the contract for lobbying services, including itemized expenses such as dinners, meals, or events; and

(4) The identities of any individuals or entities engaging in activities pursuant to the contract for lobbying services that may require the individual or entity to register as a lobbyist.

(c) On July 1, 2023, and on July 1 of each year thereafter, every state agency, municipality, county, and school district in the state that has contracted for lobbying services in the preceding year shall report to the Ethics Commission all information required by the provisions of subsection (b) of this section.”

And,

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

**Com. Sub. for H. B. 3220** - “A Bill to amend and reenact §6B-3-10 of the Code of West Virginia, 1931, as amended, relating to required disclosure of information from state agencies, municipalities, counties, or school districts that have contracted for lobbying services; requiring certain information relating to, and copy of, lobbying contract be furnished to Ethics Commission; mandating annual reporting of information to Ethics Commission relating to lobbying activity pursuant to contract; and establishing effective date.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 178**), 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: Lovejoy, Maynard and Thompson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3220) passed.

Delegate Summers moved that the bill take effect July 1, 2022.

On this question, the yeas and nays were taken (**Roll No. 179**), 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: Lovejoy, Maynard and Thompson.

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. 3220) takes effect July 1, 2022.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**H. B. 4308**, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits.

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

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

**“CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.**

**ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.**

**§14-2A-11a. Application when the victim is the subject of a civil abuse or neglect petition; confidentiality of records.**

(a) An application for benefits on behalf of a minor child who is the subject of a civil abuse and neglect petition may be filed by a foster parent, legal guardian of the minor child, court appointed guardian ad litem, or any person or entity having legal custody of the minor child, including the agency which filed the civil abuse and neglect petition.

(b) All crime victims' compensation fund records and proceedings related to a claim filed on behalf of a minor child who is the subject of a civil abuse and neglect petition are confidential and may not be disclosed to any person who is not a necessary participant in the proceedings. Information, details, and identities of parties in the claim shall not be published, except in the form of statistical reporting, identified only by claim number, as necessary to satisfy the requirements of federal and state law.

**§14-2A-14. Grounds for denial of claim or reduction of awards; maximum award.**

(a) Except as provided in §14-2A-10(b) of this code, the commissioner may not approve an award of compensation to a claimant who did not file his or her application for an award of compensation within two years after the date of the occurrence of the criminally injurious conduct that caused the injury or death for which he or she is seeking an award of compensation.

(b) The commissioner may not approve an award of compensation if the criminally injurious conduct upon which the claim is based was not reported to a law-enforcement officer or agency or, in the case of sexual offense, the victim did not undergo a forensic medical examination, within 96 hours after the occurrence of the conduct, unless it is determined that good cause existed for the failure to report the conduct or undergo a forensic medical examination within the 96-hour period: *Provided*, That ~~no~~ reporting to a law-enforcement officer or agency or a forensic medical examination is not required if the victim is a juvenile in order for a commissioner to approve an award of compensation: *Provided, however*, That the filing of a civil abuse and neglect petition in a circuit court satisfies the reporting requirement, thereby allowing the minor child who is the



subject of the petition to file an application for benefits, with the claims process to proceed in accordance with this code. ~~The agency filing the civil abuse and neglect petition shall file an application for benefits on behalf of the minor child~~

(c) The commissioner may not approve an award of compensation to a claimant who is the offender or an accomplice of the offender who committed the criminally injurious conduct, nor to any claimant if the award would unjustly benefit the offender or his or her accomplice.

(d) A commissioner, upon a finding that the claimant or victim has not fully cooperated with appropriate law-enforcement agencies or the claim investigator, may deny a claim, reduce an award of compensation, or reconsider a claim already approved.

(e) A commissioner may not approve an award of compensation if the injury occurred while the victim was confined in any state, county, or regional jail, prison, private prison, or correctional facility.

(f) After reaching a decision to approve an award of compensation, but prior to announcing the approval, the commissioner shall require the claimant to submit current information as to collateral sources on forms prescribed by the Clerk of the West Virginia Legislative Claims Commission. The commissioner shall reduce an award of compensation or deny a claim for an award of compensation that is otherwise payable to a claimant to the extent that the economic loss upon which the claim is based is or will be recouped from other persons, including collateral sources, or if the reduction or denial is determined to be reasonable because of the contributory misconduct of the claimant or of a victim through whom he or she claims. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source: *Provided*, That if it is thereafter determined that the claimant will not receive all or part of the expected recoupment, the claim shall be reopened and an award shall be approved in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source, subject to the limitation set forth in subsection (g) of this section.

(g)(1) Except in the case of death, or as provided in subdivision (2) of this subsection, compensation payable to a victim and to all other claimants sustaining economic loss because of injury to that victim may not exceed \$35,000 in the aggregate. Compensation payable to all claimants because of the death of the victim may not exceed \$50,000 in the aggregate.

(2) In the event the victim's personal injuries are so severe as to leave the victim with a disability, as defined in Section 223 of the Social Security Act, as amended, as codified in 42 U. S. C. §423, the commission may award an additional amount, not to exceed \$100,000, for special needs attributable to the injury.

(h) If an award of compensation of \$5,000 or more is made to a minor, a guardian shall be appointed pursuant to the provisions of §44-10-1 *et seq.* of this code to manage the minor's estate.

## **ARTICLE 5. RECORD KEEPING AND DATABASE.**

### **§49-5-101. Confidentiality of records; non-release of records; exceptions; penalties.**

(a) Except as otherwise provided in this chapter or by order of the court, all records and information concerning a child or juvenile which are maintained by the Division of ~~Juvenile~~

~~Services~~ Corrections and Rehabilitation, the Department of Health and Human Resources, a child agency or facility, or court or law-enforcement agency, are confidential and shall may not be released or disclosed to anyone, including any federal or state agency.

(b) Notwithstanding the provisions of subsection (a) of this section or any other provision of this code to the contrary, records concerning a child or juvenile, except adoption records and records disclosing the identity of a person making a complaint of child abuse or neglect, may be made available:

(1) Where otherwise authorized by this chapter;

(2) To:

(A) The child;

(B) A parent whose parental rights have not been terminated; ~~or~~

(C) The attorney of the child or parent; and

(D) The Juvenile Justice Commission and its' designees acting in the course of their official duties;

(3) With the written consent of the child or of someone authorized to act on the child's behalf; ~~or~~ and

(4) Pursuant to an order of a court of record. ~~However,~~ :Provided, That the court shall review the record or records for relevancy and materiality to the issues in the proceeding and safety, and may issue an order to limit the examination and use of the records or any part thereof.

(c) In addition to those persons or entities to whom information may be disclosed under subsection (b) of this section, information related to child abuse or neglect proceedings, except information relating to the identity of the person reporting or making a complaint of child abuse or neglect, shall be made available, upon request, to:

(1) Federal, state, or local government entities, or any agent of those entities, including law-enforcement agencies and prosecuting attorneys, having a need for that information in order to carry out its responsibilities under law to protect children from abuse and neglect;

(2) The child fatality review team;

(3) Child abuse citizen review panels;

(4) Multidisciplinary investigative and treatment teams; or

(5) A grand jury, circuit court, or family court, upon a finding that information in the records is necessary for the determination of an issue before the grand jury, circuit court, or family court; and

(6) The West Virginia Crime Victims Compensation Fund and its designees acting in the course of their official duties.

(d) ~~In the event of~~ If there is a child fatality or near fatality due to child abuse and neglect, information relating to a fatality or near fatality shall be made public by the Department of Health and Human Resources and provided to the entities described in subsection (c) of this section, all under the circumstances described in that subsection. ~~However,~~ : Provided, That information released by the Department of Health and Human Resources pursuant to this subsection may not include the identity of a person reporting or making a complaint of child abuse or neglect. For purposes of this subsection, "near fatality" means any medical condition of the child which is certified by the attending physician to be life threatening.

(e) Except in juvenile proceedings which are transferred to criminal proceedings, law-enforcement records and files concerning a child or juvenile shall be kept separate from the records and files of adults and not included within the court files. Law-enforcement records and files concerning a child or juvenile shall only be open to inspection pursuant to ~~section one hundred three of this article.~~ §49-5-103 of this code.

(f) Any person who willfully violates ~~this~~ the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than six months, or both fined and confined. A person convicted of violating this section is also liable for damages in the amount of \$300, or actual damages, whichever is greater.

(g) Notwithstanding the provisions of this section, or any other provision of this code to the contrary, the name and identity of any juvenile adjudicated or convicted of a violent or felonious crime shall be made available to the public;

(h)(1) Notwithstanding the provisions of this section or any other provision of this code to the contrary, the Division of ~~Juvenile Services~~ Corrections and Rehabilitation may provide access to, and the confidential use of, a treatment plan, court records, or other records of a juvenile to an agency in another state which:

(A) Performs the same functions in that state that are performed by the Division of ~~Juvenile Services~~ Corrections and Rehabilitation in this state;

(B) Has a reciprocal agreement with this state; and

(C) Has legal custody of the juvenile.

(2) A record which is shared under this subsection may only provide information which is relevant to the supervision, care, custody, and treatment of the juvenile.

(3) The Division of ~~Juvenile Services~~ Corrections and Rehabilitation ~~is authorized to~~ may enter into reciprocal agreements with other states and ~~to~~ propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement this subsection; and

(4) Other than the authorization explicitly given in this subsection, this subsection may not be construed to enlarge or restrict access to juvenile records as provided elsewhere in this code.

(i) The records subject to disclosure pursuant to subsection (b) of this section ~~shall~~ may not include a recorded/videotaped interview, as defined in §62-6B-2(6) of this code, the disclosure of which is exclusively subject to ~~the provisions of~~ §62-6B-6 of this code.

(j) Notwithstanding the provisions of subsection (a) of this section, records in the possession of the Division of Corrections and Rehabilitation declared to be confidential by the provisions of subsection (a) of this section may be published and disclosed for use in an employee grievance if the disclosure is done in compliance with subsections (k), (l), and (m) of this section.

(k) Records or information declared confidential by the provisions of this section may not be released for use in a grievance proceeding except:

(1) Upon written motion of a party; and

(2) Upon an order of the Public Employee's Grievance Board entered after an in-camera hearing as to the relevance of the record or information.

(l) If production of confidential records or information is disclosed to a grievant, his or her counsel or representative, pursuant to subsection (k) of this section:

1) The division shall ensure that written records or information is redacted of all identifying information of any juvenile which is not relevant to the resolution of the grievance;

2) Relevant video and audio records may be disclosed without redaction; and

3) Records or other information released to a grievant or his or her counsel or representative pursuant to subsection (k) of this section may only be used for purposes of his or her grievance proceeding and may not be disclosed, published, copied, or distributed for any other purpose, and upon the conclusion of the grievance procedure, returned to the Division of Corrections and Rehabilitation.

(m) If a grievant or the Division of Corrections and Rehabilitation seek judicial review of a decision of the Public Employee's Grievance Board, the relevant confidential records disclosed and used in the grievance proceeding may be used in the appeal proceeding upon entry of an order by the circuit court, the order shall contain a provision limiting disclosure or publication of the records or information to purposes necessary to the proceeding and prohibiting unauthorized use and reproduction.

(n) Nothing in this section may be construed to abrogate the provisions of §29B-1-1 et seq. of this code."

And,

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

**H. B. 4308** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §14-2A-11a; to amend and reenact §14-2A-14 of said code; and to amend and reenact §49-5-101 of said code, all relating generally to confidentiality of juvenile records and exceptions thereto; declaring that records in the possession of the Crime Victim Compensation Fund regarding juveniles who are the subject of an abuse or neglect petition are confidential; expanding the class of persons who may apply to the Crime Victim's Fund on behalf of a child who is the subject of a civil abuse and neglect petition; specifying that official records relating to a child or juvenile may be disclosed for evaluation of a Crime Victims' Compensation Fund application; including the Juvenile Justice Commission and its designees acting in the courses of their official duties to the list of persons and entities granted access to confidential

juvenile records; granting the West Virginia Crime Victims Compensation Fund and its designees access to certain information related to child abuse or neglect proceedings; granting a current or former employee of the Division of Corrections and Rehabilitation access to relevant juvenile records for purposes of pursuing a grievance; permitting the release of such records only after a hearing to determine relevance, held before the Public Employees Grievance Board; providing for the sealing of such relevant records from public view and the redaction of any identifying information related to the juvenile; placing certain limitations on the grieving party's use of such records; permitting a grieving party's attorney or representative access to such records; requiring records be returned following conclusion of grievance procedure; requiring a court order for any further use of such records outside of the grievance proceeding; requiring that such court orders limit disclosure to the purposes of the proceeding; and clarifying that nothing in the section may be construed to abrogate the Freedom of Information Act."

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 180**), 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: Lovejoy, Maynard and Thompson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4308) passed.

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

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

**S. B. 213** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-31A-1, §30-31A-2, §30-31A-3, §30-31A-4, §30-31A-5, §30-31A-6, §30-31A-7, §30-31A-8, §30-31A-9, §30-31A-10, §30-31A-11, §30-31A-12, §30-31A-13, §30-31A-14, and §30-31A-15, all relating to establishing a licensed professional counseling compact"; which was referred to the Committee on Health and Human Resources then Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 247** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to certified community behavioral health clinics; providing that the state Medicaid agency shall develop, seek approval of, and implement a Medicaid state plan amendment as necessary and appropriate to effectuate a system of Certified Community Behavioral Health Clinics; providing that a state certification system for Certified Community Behavioral Health Clinics shall be developed; setting forth state certification requirements; providing parties eligible to apply for certification as a Certified Community Behavioral Health Clinic; and providing that participation in the Certified Community Behavioral

Health Clinic program is voluntary”; which was referred to the Committee on Health and Human Resources then 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. 268** - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to creating a new exemption from compulsory school attendance for a child who participates in a learning pod or microschool; defining learning pod and microschool; requiring parent or custodian to present to the county superintendent or county board a notice of intent to participate in the learning pod or microschool; establishing qualifications for person or persons providing instruction; requiring annual academic assessment of the child in one of four specified ways; requiring the county board upon request to notify the parents or legal guardian of the services available to assist in the assessment of the child’s eligibility for special education services; requiring the county superintendent to offer such assistance as may assist the person or persons providing instruction; allowing any child participating in a learning pod or microschool to attend any class offered by the county board under certain conditions; providing that no learning pod or microschool is subject to any other provision of law relating to education; and clarifying that learning pods and microschools are not the same as homeschooling”; which was referred to the Committee on Education.

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. 438** - “A Bill to amend and reenact §12-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §12-1B-1, §12-1B-2, §12-1B-3, §12-1B-4, §12-1B-5, §12-1B-6, §12-1B-7, §12-1B-8, §12-1B-9, §12-1B-10, §12-1B-11, §12-1B-12, §12-1B-13, and §12-1B-14; all relating generally to the West Virginia Security for Public Deposits Act; requiring rule-making by the State Treasurer and authorizing emergency rules related to securing public deposits; providing a short title; providing legislative findings; specifying the act’s applicability; defining terms; establishing the West Virginia Security for Public Deposits Program and requiring the program be operable by a certain date; establishing the Treasurer’s Collateral Administration Fund as a special revenue account in the State Treasury and requirements for said fund; establishing powers and duties of the State Treasurer with regard to the West Virginia Security for Public Deposits Program; requiring rule-making by the State Treasurer and authorizing emergency rules related to the program; authorizing administrative fees, fines, penalties, and service charges; authorizing designated state depositories to secure public deposits pursuant to the act; clarifying that designated state depositories securing public deposits under the act are not required to secure deposits by other methods; establishing the duties of designated state depositories securing deposits pursuant to the act; allowing designated state depositories to secure public deposits through a pooled method; subrogating the State Treasurer to certain claims of a depositor and requiring distribution of assets; requiring that deposits of public funds pursuant to the act be made in designated state depositories; authorizing public depositories to make public deposits; limiting liability of public depositories in certain circumstances; setting forth reporting requirements for designated state depositories; and clarifying that the act controls over inconsistent provisions of state or local law”; 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. 543** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21A-10-23, relating to authorizing the Commissioner of Workforce West Virginia to create an Unemployment Compensation Insurance Fraud Unit; establishing training and experience requirements; specifying duties; granting certain authorities necessary to conduct investigations into alleged unemployment insurance fraud; authorizing certain personnel to operate a state vehicle and carry a firearm; establishing training requirements for carrying a firearm; and exempting the Unemployment Compensation Fraud Unit from the requirements of the Freedom of Information Act and the Open Government Proceedings Act"; which was referred to the Committee on the Judiciary then 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. 584** - "A Bill to amend and reenact §31-15A-10 and §31-15A-17c of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia Infrastructure and Jobs Development Council; modifying when funds may be converted to grants; removing congressional district limitations; increasing the cap on annual spending that may be made on the pre-application process to project sponsors; critical needs and failing systems sub account; increasing the cap relating to providing extensions to a water facility or wastewater facility from \$1 million to \$2 million; and permitting a person or governmental agency to pay any overages of an approved project not to exceed 10 percent of the total project cost"; which was referred to the Committee on Finance.

### Resolutions Introduced

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

**H. C. R. 85** - "Requesting the Division of Highways name bridge number 13-017/02-000.34 (13A250), (37.94358, -80.47152), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the 'McClintic Family Bridge'."

Whereas, Alexander McClintock was born in Ireland in 1717 and came to America in 1725. He settled in the Bath County, Virginia area and revised the spelling of "McClintock" to "McClintic," most likely because Alexander McClintic could not read or write. He served in the army of General Andrew Lewis and took part in the Battle of Point Pleasant. Alexander McClintic's name is on the monument commemorating that battle; and

Whereas, Robert McClintic, Alexander McClintic's youngest son, married Jane Mann, came to Greenbrier County and settled on the land that borders Culverson Creek, in Williamsburg, West Virginia in 1802. The historic home that is still standing today was built in 1829 for Robert McClintic's youngest son, Robert Mann McClintic II, who was a Methodist minister, and his wife, Mary Griffin (Leonard) McClintic; and

Whereas, Michael Leonard McClintic was the 10th child of Robert Mann McClintic II and Mary McClintic. He and his wife, Laura Jane Lynch, later took over the house after the passing of

Michael Leonard McClintic's parents. They raised nine children in the home and the eldest was Clifton Forest McClintic; and

Whereas, Dr. Clifton Forest McClintic was born on August 9, 1884, in the home at Williamsburg along Culverson Creek. Dr. Clifton Forest McClintic graduated from Randolph-Macon College and received his medical degree from Cincinnati. He served as the West Virginia Director of Conservation Commission, in the West Virginia House of Delegates, as warden of Moundsville Penitentiary, and was appointed state Health Commissioner. The Dr. Clinton Forest McClintic Wildlife Station State Park and Management Area in Mason County, West Virginia bears his name; and

Whereas, Dr. Clifton Forest McClintic never married or had children, and after his father passed away, he returned home and took over the farm on Culverson Creek. He expanded the farm and remodeled the house. He added cabins along the creek, which he later donated to the Boy Scout Association, and it served for many years as the state camp for Boy Scouts in West Virginia during the 1940's and 1950's; and

Whereas, Dr. Clifton Forest McClintic died in 1952 and deeded the farm to his nephew, Bunyan Leonard McClintic. Bunyan "Bun" Leonard McClintic and his wife, Aena Alice Neely, had nine children: Levi, Patrick, James "Alan", Doris "Gay", Alice "Joan", Wayne, Bedford, Robert, and Jerry. Many of their children were born at the home and all of the children grew up working the farm, hunting in the fields, playing in Culverson Creek near the bridge, and attended the Frankford School; and

Whereas, Five of the McClintic boys served in the United States Army overseas from 1957-1979. All seven boys attended college in West Virginia and earned their college degrees. Five returned to Williamsburg area and continued to contribute to the local Frankford/Williamsburg, West Virginia community, with four serving as educators in the public school system; and

Whereas, Levi McDonald McClintic was born in 1934 and attended Potomac State and West Virginia University, earning a Bachelors of Science degree in Agriculture. He joined the United States Army in 1957 and was stationed in Fort Benning, Georgia and Bamberg, Germany. He returned to Greenbrier County and was employed as a meat inspector from 1966-1992. He and his wife Ramona Hanna have five children, eight grandchildren, and six great grandchildren. His grandson, Christopher Wiseman, served 12 years in the United States Navy. Levi and Ramona McClintic operate the McClintic farm today; and

Whereas, Patrick Wallace McClintic was born in 1935 and attended Potomac State and West Virginia University, earning a degree in Agriculture. He joined the United States Army in 1958 and retired in 1985. Patrick "Pat" Wallace McClintic rose to the rank of Colonel and completed assignments in Fort Dix, New Jersey, Korea, Germany, Fort Leavenworth, Kansas, Virginia, Florida, Pennsylvania, and the Pentagon in Washington, D.C. Colonel Patrick "Pat" Wallace McClintic also served two tours in Vietnam. He later served as a professor of Military Science at West Virginia University. Colonel McClintic, who died in 1995, was a recipient of the Bronze Star, and is buried at the Arlington National Cemetery in Washington, D.C. He and his wife Bobbie Ann Cole have two children and three grandchildren; and

Whereas, James Alan McClintic was born in 1937 and joined the United States Army in 1961 after graduating from Potomac State and West Virginia University, earning a degree in Physical Education. He was stationed in Fort Benning, Georgia and Fort Sill, Oklahoma for two years. He returned to Greenbrier County and taught until his retirement from Renick Junior High



School/Greenbrier County public schools in 1989. James “Alan” McClintic and Frances Spencer divorced, but have four children and 11 grandchildren. Son, Kevin McClintic, retired from the United States Army, and grandson Trevor Weikle has 12 years’ service in the United States Army and continues today to serve in the United States Army Reserves. James “Alan” McClintic and his wife, Dora Whitt, have two children and four grandchildren, and continue to live on and operate part of the McClintic farm; and

Whereas, Wayne Leonard McClintic was born in 1943 and was a ROTC Army cadet at West Virginia University. Upon completing a master’s degree in Agricultural Engineering in 1967, Wayne joined the United States Army and was stationed at Fort Belvoir, Virginia, Saudi Arabia, and Fort Leonard Wood, Missouri as Second Lieutenant of the Corps of Engineers. Wayne and his wife, Thomasine Michael, have four children and eight grandchildren; and

Whereas, Bedford Rader McClintic was born in 1946 and was a ROTC Army cadet at West Virginia University. He graduated with degrees in Physical Education in 1968, and from the University of Kentucky in 1969. He entered the United States Army and served assignments in Indiana, Georgia, and overseas in Germany and Vietnam. He continued to serve in the United States Army Reserves until 1979. He served as principal of Frankford School, his alma mater, from 1978-2017, when he retired from the Greenbrier County public school system. He and his wife, Patricia Dodson, have two children and three grandchildren. His daughter, Debbie, and her husband Jason were married on the bridge in 2009. Bedford Rader McClintic and Patricia Dodson have a “camp” along the creek that borders the old Boy Scout camp, part of the original McClintic homestead; and

Whereas, Robert Ray McClintic was born in 1950 and earned degrees from Concord College and West Virginia University. Robert “Bob” Ray McClintic returned to Greenbrier County where he served as a coach and taught in the public school system from 1972-2006, when he retired after 33 years of service. He and his wife, Elizabeth “Jane” Renick, have four children and six grandchildren. Robert “Bob” Ray McClintic and his wife continue to live on the family homestead; and

Whereas, Jerry Moore McClintic was born in 1954 and graduated from Concord College and West Virginia University with degrees in Physical Education, Library Science, and Communications. He coached and taught in the public school systems of Monroe and Greenbrier counties, until he retired from Frankford School in 2009. Jerry Moore McClintic and his wife, Sara Hill, have three children and four grandchildren. Jerry Moore McClintic and his wife continue to live on the family farm; and

Whereas, Bunyan “Bun” Leonard McClintic died in 1978 and his wife Aena Alice Neely continued to live in the McClintic home until her passing in 2000. Four of the McClintic sons and their families continue to live on the homestead today. The historic Dr. Clifton Forest McClintic home is a gathering place for the extended McClintic family, and the bridge and Culverson Creek remain a respite for the grandchildren and for future generations to come; and

Whereas, It is fitting that an enduring memorial be established to commemorate the McClintic family’s decades of public service and 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 13-017/02-000.34 (13A250), (37.94358, -80.47152), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the "McClintic Family 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 "McClintic Family 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 Skaff, Hornbuckle, Walker, Barach, Griffith, Pushkin, Evans, Zukoff, Garcia, Diserio and Thompson offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

**H. C. R. 86** - "Proclaiming and declaring support for admitting Washington, D.C. into the Union as a state of the United States of America and to urge the United States Congress to enact legislation granting statehood to the people of Washington, D.C."

Whereas, The people living on the land that would eventually be designated as the District of Columbia were provided the right to vote for representation in Congress when the U.S. Constitution was ratified in 1788; and

Whereas, The passage of the Organic Act of 1801 placed the District of Columbia under the exclusive authority of Congress and abolished residents' right to vote for members of Congress and the President and Vice President of the United States; and

Whereas, Residents of the District of Columbia were granted the right to vote for electors of the President and Vice President through passage of the Twenty-third Amendment to the U.S. Constitution in 1961, but they still lack full representation in Congress; and

Whereas, As of 2020, the U.S. Census Bureau estimates that the District of Columbia's resident population is almost 690,000, comparable to the populations of Wyoming (576,851), Vermont (643,077), Alaska (733,391), and North Dakota (779,094); and

Whereas, Residents of the District of Columbia share all of the responsibilities of citizenship, including paying federal taxes, serving on federal juries, and defending the country as members of the U.S. Armed Forces, yet they are denied full representation in Congress; and

Whereas, Congress has repeatedly interfered with the District of Columbia's limited self-government by enacting laws that affect its expenditure of locally-raised tax revenue. This interference has included barring the use of local revenue, violating a fundamental principle of democracy that states and local governments are best suited to enact legislation that represents the will of their citizens; and

Whereas, Although the District of Columbia has passed consecutive balanced budgets since 1997, it still faces the possibility of being shut down yearly because of congressional deliberations over the federal budget; and

Whereas, The residents of the District of Columbia lack full democracy, equality, and citizenship enjoyed by the residents of the 50 states; and

Whereas, No other democratic nation denies the right of self-government, including participation in its national legislature, to the residents of its capital. The United Nations Human Rights Committee has called on Congress to address the District of Columbia's lack of political equality, and the Organization of American States has declared the disenfranchisement of District of Columbia residents a violation of its charter agreement to which the United States is a signatory; and

Whereas, The residents of the District of Columbia have endorsed statehood and passed a referendum on November 8, 2016, which favored statehood with nearly 86 percent of voters approving; and

Whereas, It is time for Congress to act on this matter and grant residents of Washington, D.C., the same rights enjoyed by residents of the 50 states. District of Columbia U.S. Delegate Eleanor Holmes Norton and Delaware U.S. Senator Tom Carper have introduced H.R. 51 and S. 51, respectively, the Washington, D.C. Admission Act, to admit the State of Washington, Douglass Commonwealth into the Union; therefore, be it

*Resolved by the Legislature of West Virginia:*

That we support admitting Washington, D.C. into the Union as a state of the United States of America and urge the United States Congress to enact legislation granting statehood to the people of Washington, D.C.; and, be it

*Further Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the West Virginia congressional delegation.

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

**H. C. R. 87** - "Requesting the Division of Highways name the intersection of WV 82 and WV 20 in Cowan, Webster County, the 'Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection'."

Whereas, Fire Chief Joseph Allen Wyatt graduated from Cowen High School in 1966. He attended Potomac State College and graduated from West Virginia University. He was in the United States Army Reserves for nearly 15 years, having achieved the rank of First Lieutenant; and

Whereas, Fire Chief Wyatt was a substitute teacher, worked for the West Virginia Alcohol Beverage Commission before becoming Sanitarian for the Webster County Health Department. Fire Chief Wyatt later worked for the West Virginia Department of Health and Human Resources as Assistant Director of Environmental Health, Infectious Medical Waste Division; and

Whereas, Fire Chief Wyatt had been a president of the West Virginia Public Health Association, a member of Trinity United Methodist Church in Cowen, West Virginia, and had a first degree black belt of Budo Ki Karate; and

Whereas, Fire Chief Wyatt was active in the local volunteer Emergency Medical Services, and joined Cowen Volunteer Fire Department in the early 1960s and spent more than 30 years as a member until he retired in the early 2000s. He also taught Firemanship 1, 2, and 3 as well as

Hazardous Material Classes for RESA Certified EMT, and was a certified instructor for First Aid; and

Whereas, Fire Chief Wyatt was Fire Chief of the Cowen Volunteer Fire Department until he passed away in May of 2009; and

Whereas, Fire Chief Joseph Allen Wyatt's life was an outstanding example of dedicated public service and it is fitting to name the intersection in Webster County, West Virginia, "Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection"; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the intersection of WV 82 and WV 20 in Cowan, Webster County, the "Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the intersection as the "Joseph Allen Wyatt, Fire Chief of Cowen Volunteer Fire Department Memorial Intersection"; 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.

At the respective requests of Delegate Summers, and by unanimous consent, reference of H. C. R. 16 to a committee was dispensed with, and it was taken up for immediate consideration.

The resolution, offered by Delegates Westfall, D. Jeffries, Kimes, J. Kelly, Anderson, and Criss, was read by the Clerk:

**H. R. 16** – "Expressing the collective sadness of the members of the House of Delegates concerning the death of the Honorable Gene A. Haynes, former member of the House from the County of Wood."

Whereas, The many friends and colleagues of the Honorable Gene A. Haynes were saddened to learn of his passing on December 19, 2021, at age 93, and pause to remember his life. Born in Parkersburg on November 15, 1927, to Delana A. and Gladys (Bane) Haynes. Both of his parents' families trace their West Virginia lineage back multiple generations, to years well before statehood. Gene was predeceased by his wife Joyce (Cassis) Haynes, and brothers Roy L. and Glenn L. Haynes. He is survived by his sister Rosalie Owens; daughters Leslie Haynes-DuBeau (Matthew), and Stacey Haynes Archer; by grandsons Henry Austin and August Michael DuBeau; by nieces and nephews of several generations, his office colleagues, and his cherished pug Reagan. Gene served the citizens of West Virginia as a member of the Parkersburg City Council starting in 1956, and for three terms in the West Virginia House of Delegates—1970, 1972 and 1984—representing the 8th District. He was an elected delegate to the Republican National Committee for multiple presidential nominating conventions. By proclamation of the Governor, flags were flown at half-staff over the West Virginia Capitol complex in Charleston and at State offices in his native Wood County; therefore, be it

*Resolved by the House of Delegates:*

That the members of the House of Delegates of the second session of the 85th Legislature hereby publicly note the life, accomplishments, service and friendship of a devoted and esteemed colleague; that sadness is hereby expressed upon his passing and that we hereby acknowledge that Delegate Gene A. Haynes remains with those of us who knew him; and, be it

*Further Resolved*, That the life and service of former House of Delegates member Gene A. Haynes be memorialized and remembered; and, be it

*Further Resolved*, That the Clerk forward a copy of this resolution to the family of the late Honorable Gene A. Haynes.

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. 181**), 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: Kessinger, Lovejoy and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. R. 16) adopted.

### **Special Calendar**

#### **Third 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; 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. 182**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2798) 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. 3122**, Relating to the establishment and operation of regional water, wastewater and stormwater authorities; 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. 183**), and there were—yeas 85, nays 14, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Dean, Fast, Foster, Horst, Howell, D. Jeffries, J. Jeffries, Jennings, Kimes, Longanacre, McGeehan, Paynter and Phillips.

Absent and Not Voting: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3122) 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. 4087**, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage; 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. 184**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4087) 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. 4282**, Relating to establishing next generation 911 services in this state; 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. 185**), 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: Hamrick and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4282) 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. 4348**, Relating to Pharmacy Technicians; 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. 186**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4348) 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. 4418**, Relating to the Small Business Supplier Certification Assistance 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. 187**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4418) 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. 4488**, Relating to coal mining and changing fees for permitting actions; 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. 188**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Foster, Hanna, Horst, J. Jeffries, Kimes, Martin, Mazzocchi, McGeehan and Paynter.

Absent and Not Voting: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4488) 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. 4559**, Providing for legislative rulemaking relating to the disposition of unidentified and unclaimed remains in the possession of the Chief Medical Examiner; 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. 189**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Howell.

Absent and Not Voting: Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4559) passed.

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

**Com. Sub. for H. B. 4559** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-12-16; and 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 said Code, all relating to the 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 Examiner or a designee to return a decedent’s remains to next of kin and remove a decedent from the cemetery; prohibiting any cause of action against the Office of the Chief Medical Examiner for disposal of remains consistent with these provisions; providing for the final disposition of unidentified and unclaimed remains in the possession of the Office of the Chief Medical Examiner pursuant to legislative rule; and providing for emergency legislative rulemaking allowing for the final disposition of unidentified and unclaimed remains.”

*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. 4585**, Relating to controlled substance monitoring; and removing a dispensing prohibition; 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. 190**), 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: Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4585) 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. 4596**, Relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety 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. 191**), 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: Graves, Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4596) 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. 4631**, Establishing a bone marrow and peripheral blood stem donation awareness 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. 192**), 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: J. Jeffries, Longanacre, Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4631) 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. 4649**, Transferring the operations of the West Virginia Children’s Health Insurance Program to the Bureau for Medical Services; 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. 193**), 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: Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4649) 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. 2096**, Reinstating the film investment tax credit; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Householder and Graves, the bill was amended on page 3, section 3, line 48, following the words “motion picture” and the comma, by striking out “a commercial or other promotional video,”; and

On page 3, section 3, line 51, following the words “post-production expenditures”, by striking out the comma and “as defined by this subsection,”;

On page 3, section 3, line 54, following the word “year” and the period, by adding the following:

“A commercial may be a qualified project so long as it incurs a minimum of \$50,000 in a calendar year in direct production expenditures and post-production expenditures in West Virginia on its own and not in combination with other projects.”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 3223**, Prohibit state, county, and municipal governments from dedicating or naming any public structure for a public official who is holding office at the time; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4019**, Relating to deadlines for public charter schools; 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 read a second time.

On motion of Delegate Steele, the bill was amended on page 1, by striking out everything after the enacting clause and inserting in lieu thereof, the following:

**“ARTICLE 5. WAGE PAYMENT AND COLLECTION.**

**§21-5-5c. License required for psychophysiological detection of deception examiners; qualifications; promulgation of rules governing administration of psychophysiological detection of deception examinations Requirements for persons performing psychophysiological detection of deception examinations.**

Any person who is a member in good standing of the American Polygraph Association or a member of the American Association of Police Polygraphists may be hired or contracted to perform psychophysiological detection of deception examinations in this state. The person must be able to show that he or she is in good standing and has completed or is on track to complete all continuing education units for the reporting period.

~~(a) No person, firm, or corporation shall administer a psychophysiological detection of deception examination, lie detector, or other similar examination utilizing mechanical or electronic measures of physiological reactions to evaluate truthfulness without holding a current valid license to do so as issued by the Commissioner of Labor. No examination shall be administered by a licensed corporation except by an officer or employee thereof who is also licensed.~~

~~(b) A person is qualified to receive a license as an examiner if he or she:~~

~~(1) Is at least 21 years of age;~~

~~(2) Is a citizen of the United States;~~

~~(3) Has not been convicted of a felony: *Provided*, That the commissioner shall apply §21-1-6 of this code to determine if the prior criminal conviction bears a rational nexus to the license being sought;~~

~~(4) Has not been released or discharged with other than honorable conditions from any of the armed services of the United States or that of any other nation;~~

~~(5) Has passed an examination conducted by the Commissioner of Labor or under his or her supervision to determine his or her competency to obtain a license to practice as an examiner;~~

~~(6) Has satisfactorily completed not less than six months of internship training; and~~

~~(7) Has met any other qualifications of education or training established by the Commissioner of Labor in his or her sole discretion which qualifications are to be at least as stringent as those recommended by the American Polygraph Association.~~

~~(c) The Commissioner of Labor may designate and administer any test he or she considers appropriate to those persons applying for a license to administer psychophysiological detection of deception, lie detector, or similar examination. The test shall be designed to ensure that the applicant is thoroughly familiar with the code of ethics of the American Polygraph Association and has been trained in accordance with association rules. The test must also include a rigorous examination of the applicant's knowledge of and familiarity with all aspects of operating psychophysiological detection of deception equipment and administering psychophysiological detection of deception examinations.~~

~~(d) The license to administer psychophysiological detection of deception, lie detector, or similar examinations to any person shall be issued for a period of one year. It may be reissued from year to year. The licenses to be issued are:~~

~~(1) 'Class I license' which authorizes an individual to administer psychophysiological detection of deception examinations for all purposes which are permissible under the provisions of this article and other applicable laws and rules.~~

~~(2) 'Class II license' which authorizes an individual who is a full time employee of a law enforcement agency to administer psychophysiological detection of deception examinations to its employees or prospective employees only.~~

~~(e) The Commissioner of Labor shall charge an annual fee to be established by legislative rule. All fees paid pursuant to this section shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account hereby created in the State Treasury to be known as the Psychophysiological Examiners Fund and expended for the implementation and enforcement of this section. Through June 30, 2019, amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this section may be utilized by the commissioner as needed to meet the division's funding obligations: *Provided*, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations. In addition to any other information required, an application for a license shall include the applicant's Social Security number.~~

~~(f) The Commissioner of Labor shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code governing the administration of psychophysiological detection of deception, lie detector, or similar examination to any person: *Provided*, That all applicable rules in effect on the effective date of §21-5-5a, §21-5-5b, §21-5-5c, and §21-5-5d of this code will remain in effect until amended, withdrawn, revoked, repealed, or replaced. The legislative rules shall include:~~

~~(1) The type and amount of training or schooling necessary for a person before which he or she may be licensed to administer or interpret a psychophysiological detection of deception, lie detector, or similar examination;~~

~~(2) Testing requirements, including the designation of the test to be administered to persons applying for licensure;~~

~~(3) Standards of accuracy which shall be met by machines or other devices to be used in psychophysiological detection of deception, lie detector, or similar examination;~~

~~(4) The conditions under which a psychophysiological detection of deception, lie detector, or similar examination may be administered;~~

~~(5) Fees for licenses, renewals of licenses, and other services provided by the commissioner;~~

~~(6) Any other qualifications or requirements, including continuing education, established by the commissioner for the issuance or renewal of licenses; and~~

~~(7) Any other purpose to carry out the requirements of §21-5-5a, §21-5-5b, §21-5-5c, and §21-5-5d of this code.~~

**§21-5-5d. Penalties; cause of action.**

(a) It shall be a misdemeanor to administer or interpret a psychophysiological detection of deception, lie detector or similar examination utilizing mechanical or electronic measures of physiological reactions to evaluate truthfulness without ~~having received a valid and current license to do so as issued by the commissioner of labor or in violation of any rule or regulation promulgated by the commissioner under section five-c of this article~~ being a member in good standing of the American Polygraph Association or the American Association of Police Polygraphists. Any person convicted of violating section five-c shall be fined not more than \$500.

(b) Any person who violates §21-5-5b of this ~~article~~ code is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.

(c) Any employee or prospective employee has a right to sue an employer or prospective employer for a violation of the provisions of §21-5-5b of this ~~article~~ code. If successful, the employee or prospective employee shall recover threefold the damages sustained by him or her, together with reasonable attorneys' fees, filing fees, and reasonable costs of the action. Reasonable costs of the action may include, but shall not be limited to, the expenses of discovery and document reproduction. Damages may include, but shall not be limited to, back pay for the period during which the employee did not work or was denied a job."

The bill was then ordered to engrossment and third reading.

**H. B. 4264**, Change designation of Glenville State College to "Glenville State University"; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4566**, Creating the Economic Enhancement Grant Fund; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Bates and Hanshaw, the bill was amended on page three, section six-a, line forty-one, following the words "expanding water", by inserting a comma and the word "stormwater";

On page three, section six-a, line forty-seven, following the words "cost of water", by inserting a comma and the word "stormwater";

And,

On page three, section six-a, line forty-eight, following the words "rates for water", by inserting a comma and the word "stormwater".

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4567**, Relating to business and occupation or privilege tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4591**, Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4604**, Relating to abolishing the Workforce Development Initiative Program Advisory Council; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4606**, Authorizing programs to assist at-risk veterans and their families with existing resources to combat suicide; 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. 4644**, Prohibiting the restriction, regulation, use or administration of lawn care and pest care products; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### First Reading

**H. B. 3082**, Stabilizing funding sources for the DEP Division of Air Quality; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4344**, Relating to foster care; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4345**, Relating to motor vehicle registration cards by establishing electronic or mobile registration cards; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4391**, Relating generally to school nurses; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4479**, Establishing the Coalfield Communities Grant Facilitation Commission; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4496**, Allowing interest and earnings on federal COVID-19 relief moneys to be retained in the funds or accounts where those moneys are invested; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4607**, To remove opioid treatment programs from requiring a certificate of need; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4625**, To remove Medicare or Medicaid-certified facilities from COVID-19 immunization exemption requirements; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4636**, Clarifying when business and occupation taxes owed to a city or municipality are considered to be remitted on time; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4643**, Exempting certain health services from certificate of need; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4667**, Prohibition on county, city, or municipality restrictions on advanced air mobility aircraft; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4668**, Relating to air bag fraud; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4691**, Provide a 45 day waiting period before a water and sewer rate increase may go into effect for any locally rate regulated municipality; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4742**, To provide for the full restoration of the Holly Grove Mansion; on first reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was committed to the Committee on Finance.

**H. B. 4758**, Relating to developing and maintaining a database to track reclamation liabilities in the West Virginia Department of Environmental Protection Special Reclamation Program; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4761**, Authorizing the Secretary of the Department of Health and Human Resources to develop a submission procedures manual and adopt the same as a procedural rule; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4768**, Relating to change hearing location and customer notice provisions; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4769**, Eliminate the requirement to send recommended decisions by certified mail; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4785**, Relating to judicial vacancies; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4797**, To create an EV Infrastructure Deployment Plan for West Virginia that describes how our state intends to use its share of NEVI Formula Program funds; on first reading, coming up in regular order, was read a first time and ordered to second reading.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Thompson.

### **Miscellaneous Business**

During the XI Order of Business, Delegate Crouse asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 3223.

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

- Delegate Pinson regarding H. C. R. 79
- Delegate Boggs regarding Com. Sub. for H. B. 2798
- Delegate Walker regarding Com. Sub. for H. B. 4631

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

- H. B. 2292:** Delegate Mandt;
- H. B. 3082:** Delegate Riley;
- H. B. 4408:** Delegate Ferrell;
- H. B. 4675:** Delegate Pack;
- H. B. 4712:** Delegate Fast;
- H. B. 4773:** Delegates Pack and Pushkin;
- H. B. 4787:** Delegate Fast;
- H. B. 4797:** Delegates Booth and Hansen;
- H. B. 4826:** Delegates Miller and Nestor;

And,

- H. R. 12:** Delegate Linville.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

- H. B. 2806:** Delegate Ferrell.

At 1:01 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 22, 2022.

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





## **SPECIAL CALENDAR**

**Tuesday, February 22, 2022**

**42<sup>nd</sup> Day**

**11:00 A. M.**

### **UNFINISHED BUSINESS**

- H. R. 12 - Supporting the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan)
- H. C. R. 42 - Urging U.S. universities to relocate Chinese language programs from mainland China to Taiwan

### **THIRD READING**

- Com. Sub. for H. B. 2096 - Reinstating the film investment tax credit (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 3223 - Prohibit state, county, and municipal governments from dedicating or naming any public structure for a public official who is holding office at the time (STEELE) (REGULAR)
- H. B. 4019 - Relating to deadlines for public charter schools (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4262 - Relating to licensure for polygraph examiners (STEELE) (REGULAR)
- H. B. 4264 - Change designation of Glenville State College to "Glenville State University" (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- H. B. 4566 - Creating the Economic Enhancement Grant Fund [FINANCE COMMITTEE TITLE AMENDMENT PENDING] (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4567 - Relating to business and occupation or privilege tax (HOUSEHOLDER) (REGULAR)
- H. B. 4591 - Relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax (HOUSEHOLDER) (REGULAR)
- H. B. 4604 - Relating to abolishing the Workforce Development Initiative Program Advisory Council (HOUSEHOLDER) (REGULAR)
- H. B. 4606 - Authorizing programs to assist at-risk veterans and their families with existing resources to combat suicide (STEELE) (REGULAR)
- Com. Sub. for H. B. 4644 - Prohibiting the restriction, regulation, use or administration of lawn care and pest care products (STEELE) (REGULAR)

## SECOND READING

- H. B. 3082 - Stabilizing funding sources for the DEP Division of Air Quality [FINANCE COMMITTEE TITLE AMENDMENT PENDING] (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4344 - Relating to foster care (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4345 - Relating to motor vehicle registration cards by establishing electronic or mobile registration cards (STEELE) (REGULAR)
- H. B. 4391 - Relating generally to school nurses [FINANCE COMMITTEE TITLE AMENDMENT PENDING] (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4479 - Establishing the Coalfield Communities Grant Facilitation Commission (HOUSEHOLDER) (REGULAR)
- H. B. 4496 - Allowing interest and earnings on federal COVID-19 relief moneys to be retained in the funds or accounts where those moneys are invested (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4607 - To remove opioid treatment programs from requiring a certificate of need (ROHRBACH) (REGULAR)
- Com. Sub. for H. B. 4625 - To remove Medicare or Medicaid-certified facilities from COVID-19 immunization exemption requirements (ROHRBACH) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4636 - Clarifying when business and occupation taxes owed to a city or municipality are considered to be remitted on time (CAPITO) (REGULAR)
- H. B. 4643 - Exempting certain health services from certificate of need (ROHRBACH) (REGULAR)
- Com. Sub. for H. B. 4667 - Prohibition on county, city, or municipality restrictions on advanced air mobility aircraft (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4668 - Relating to air bag fraud (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4691 - Provide a 45 day waiting period before a water and sewer rate increase may go into effect for any locally rate regulated municipality (STEELE) (REGULAR)
- H. B. 4758 - Relating to developing and maintaining a database to track reclamation liabilities in the West Virginia Department of Environmental Protection Special Reclamation Program (ANDERSON) (REGULAR)
- H. B. 4761 - Authorizing the Secretary of the Department of Health and Human Resources to develop a submission procedures manual and adopt the same as a procedural rule (ROHRBACH) (EFFECTIVE FROM PASSAGE)

- Com. Sub. for H. B. 4768 - Relating to change hearing location and customer notice provisions (STEELE) (REGULAR)
- H. B. 4769 - Eliminate the requirement to send recommended decisions by certified mail (STEELE) (REGULAR)
- Com. Sub. for H. B. 4785 - Relating to judicial vacancies (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4797 - To create an EV Infrastructure Deployment Plan for West Virginia that describes how our state intends to use its share of NEVI Formula Program funds (STEELE) (REGULAR)

#### **FIRST READING**

- Com. Sub. for H. B. 4491 - To establish requirements for carbon dioxide sequestration (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4712 - Require the prompt enrollment in payment plans for costs, fines, forfeitures, restitution, or penalties in circuit court and magistrate court (CAPITO) (REGULAR)



## HOUSE CALENDAR

Tuesday, February 22, 2022

42<sup>nd</sup> 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. 4105 - Relating to service employees with National Association for Pupil Transportation Certifications (ELLINGTON) (REGULAR)
- H. B. 4314 - Exclude Solicitor from the definition of Investment Advisor (CAPITO) (REGULAR)
- H. B. 4462 - Relating to Deferred Retirement Option Plan evaluations (HOUSEHOLDER) (REGULAR)

### SECOND READING

- H. B. 2882 - Relating to repealing a ban on construction of nuclear power plants (STEELE) (REGULAR)
- Com. Sub. for H. B. 2910 - To modify the allowable number of magistrate judges per county (CAPITO) (REGULAR)
- H. B. 4331 - West Virginia's Urban Mass Transportation Authority Act (CAPITO) (REGULAR)

### FIRST READING

- 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)
- H. B. 4627 - To provide for no more than two licensed laboratories for medical cannabis testing in this state (CAPITO) (REGULAR)



**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**TUESDAY, FEBRUARY 22, 2022**

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

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**COMMITTEE ON THE JUDICIARY  
9:30 A.M. – ROOM 410 M**

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

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