

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 23, 2022
FORTY-THIRD DAY

Wednesday, February 23, 2022

FORTY-THIRD 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 22, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. C. R. 42 on Unfinished Business, Special Calendar, had been transferred to the House Calendar; Com. Sub. for H. B. 4691 and H. B. 4761 on Third Reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for H. B. 4731 on First Reading, Special Calendar, had been transferred to the House Calendar; and H. B. 4462 on Third Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on Government Organization has had under consideration:

H. B. 4408, Relating to contracts for construction of recreational facilities in state parks and forests,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4408 - "A Bill to amend and reenact §20-5-15 and §20-5-16 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Natural Resource to enter into certain contracts,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 4612, Decreasing the time period of eligibility for nonduty disability from ten to five or more years of service for Municipal Police Officers and Firefighters Retirement,

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

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

Your Committee on Finance has had under consideration:

H. B. 4473, To provide certain members of the State Police with locality pay to offset the high cost of living in certain counties,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4473 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to authorizing the superintendent of the State Police to offer locality pay to members stationed in certain counties,"

H. B. 4540, To update all retirement plans to comport with federal law,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4540 - "A Bill to amend and reenact §5-10-2, §5-10-27b and §5-10-44 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-2, §7-14D-7a and §7-14D-9b; to amend and reenact §8-22A-2, §8-22A-8a and §8-22A-11; to amend and reenact §15-2-25b, §15-2-45 and §15-2-54; to amend and reenact §15-2A-2, §15-2A-6b and §15-2A-23; to amend and reenact §16-5V-2, §16-5V-8a and §16-5V-13; to amend and reenact §18-7A-3, §18-7A-14c and §18-7A-28b; to amend and reenact §18-7B-2, §18-7B-12a and §18-7B-21; to amend and reenact §20-18-2, §20-18-9 and §20-18-14; and to amend and reenact §51-9-1a, §51-9-12b and §51-9-18, all relating to updating provisions of the retirement and pension benefits of the West Virginia Public Employees Retirement System, the Deputy Sheriffs' Retirement System, the Municipal Police and Firefighters Retirement System, the State Police Death, Disability and Retirement Fund, the West Virginia State Police Retirement Fund, the Emergency Medical Services Retirement System, the Teachers Retirement System, the Teachers' Defined Contribution Retirement System, the Natural Resources Police Officers Retirement System and the Judges' Retirement Fund in order to comply with federal law; changing age threshold for plan members born after June 30, 1949; clarifying provisions regarding correction of errors; and amending definitions for each retirement system named here,"

H. B. 4613, Relating to increasing the multiplier for use in determining accrued benefit in the West Virginia Municipal Police Officers and Firefighters Retirement System,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4613 - "A Bill to amend and reenact §8-22A-2 of the Code of West Virginia, 1931, as amended, relating to increasing the multiplier for use in determining accrued benefit in the West Virginia Municipal Police Officers and Firefighters Retirement System,"

H. B. 4614, Providing optional retirement service credit for unused accrued annual or sick leave days for municipal police and firefighters,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4614 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22A-13a, relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the West Virginia Municipal Police Officers and Firefighters Retirement System,"

And,

H. B. 4657, Creating the Critical Mineral Investment Tax Credit Act of 2022,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4657 - "A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, §11-13MM-11, §11-13MM-12, §11-13MM-13, §11-13MM-14, §11-13MM-15, §11-13MM-16, §11-13MM-17, §11-13MM-18, §11-13MM-19, §11-13MM-20, and §11-13MM-21; all relating to the creation of the Rare Earth Element and Critical Mineral Investment Tax Credit Act; providing for a short title; providing legislative findings and purpose; defining terms including rare earth elements and critical minerals; providing for administration and enforcement of act; specifying an amount of credit allowable based on amount of qualified investment and the number of new jobs created for mining and processing of rare earth elements and critical minerals and manufacturing of products requiring rare earth elements and critical minerals; providing limitations and conditions for the qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for a determination and certification of the number of new jobs; providing for carry over and forfeiture of unused tax credits and redetermination of tax credits under certain circumstances; providing certain limitations for credits being carried over; providing for full recapture and partial recapture of credit under certain circumstances and imposing a recapture tax; allowing transfer of qualified investment property without forfeiture or recapture under certain circumstances; requiring identification of qualified investment property and record keeping; providing civil penalties for failure to keep required records; providing for interpretation and construction of credit; requiring timely filing of application for credit; providing for criminal and civil penalties; specifying burden of proof; requiring periodic review and reporting; authorizing rule-making; making the credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing for severability; and specifying an effective date,"

With the recommendation that the committee substitutes each do pass.

Delegate 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 22nd 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. 4264, Change designation of Glenville State College to "Glenville State University".

Delegate 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 22nd 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. 3312, Establishing a memorial to child labor and child workers who died in the course of employment in this state.

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. 4516, To require medication-assisted treatment programs to have written policies concerning community relations,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4516 – “A Bill to amend and reenact §16-5Y-6 of the Code of West Virginia, 1931, as amended, relating to the regulation of medication-assisted treatment programs; requiring written policies; and requiring public notice,”

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. 4662, Relating to licensure of Head Start facilities in this state,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4662 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-115a, relating to licensure of Head Start facilities in this state,”

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. 4660, Establishing the status of beds when an intermediate care facility for individuals with intellectual disabilities closes,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4660 – “A Bill to amend and reenact §16-2D-9, of the Code of West Virginia, 1931, as amended, relating to establishing the status of beds when an intermediate care facility for individuals with intellectual disabilities permanently closes,”

With the recommendation that the committee substitute do pass.

Messages from the Senate

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. 4048, WV Keep, Bear and Drive with Arms Act.

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 2. WILDLIFE RESOURCES.**§20-2-5. Unlawful methods of hunting and fishing and other unlawful acts; Sunday hunting.**

(a) Except as authorized by the director or by law, it is unlawful at any time for any person to:

(1) Shoot at any wild bird or wild animal unless it is plainly visible;

(2) Dig out, cut out, smoke out, or in any manner take or attempt to take any live wild animal or wild bird out of its den or place of refuge;

(3) Use or attempt to use any artificial light or any night vision technology, including image intensification, thermal imaging, or active illumination while hunting, locating, attracting, taking, trapping, or killing any wild bird or wild animal: *Provided*, That it is lawful to hunt or take coyote, fox, raccoon, opossum, or skunk by the use of artificial light or night vision technology, including image intensification, thermal imaging, or active illumination. Any person violating this subdivision is guilty of a misdemeanor and, upon conviction thereof, shall for each offense be fined not less than \$100 nor more than \$500, and shall be confined in jail for not less than 10 days nor more than 100 days;

(4) Hunt, take, kill, wound, harass, or shoot at wild animals or wild birds from an airplane or other airborne conveyance, a drone or other unmanned aircraft, an automobile, or other land conveyance, or from a motor-driven water conveyance;

(5) Use a drone or other unmanned aircraft to hunt, take, wound, harass, transport, or kill a wild bird or wild animal, or to use a drone or other unmanned aircraft to drive or herd any wild bird or wild animal for the purposes of hunting, trapping, or killing;

(6) Take any beaver or muskrat by any means other than a trap;

(7) Catch, capture, take, hunt, or kill by seine, net, bait, trap, or snare or like device a wild turkey, ruffed grouse, pheasant, or quail;

(8) Intentionally destroy or attempt to destroy the nest or eggs of any wild bird or have in his or her possession the nest or eggs;

(9) Carry an uncased or loaded firearm in the woods of this state or in state parks, state forests, state wildlife management areas, or state rail trails with the following permissible exceptions:

(A) A person in possession of a valid license or permit during open firearms hunting season for wild animals and nonmigratory wild birds where hunting is lawful;

(B) A person hunting or taking unprotected species of wild animals, wild birds, and migratory wild birds during the open season, in the open fields, open water, and open marshes of the state where hunting is lawful;

(C) A person carrying a firearm pursuant to §20-2-6 of this code;

(D) A person carrying a firearm for self-defense who is not prohibited from possessing firearms under state or federal law; or

(E) A person carrying a rifle or shotgun for self-defense who is not prohibited from possessing firearms under state or federal law: *Provided*, That this exception does not apply to an uncased rifle or shotgun carried specifically in state park or state forest recreational facilities and marked trails within state park or state forest borders;

~~(10) Possess a loaded rifle or shotgun, a bow with a nocked arrow, or crossbow with a nocked bolt, in or on any vehicle or conveyance, or its attachments. A rifle or shotgun with cartridges that have not been removed or a magazine that has not been detached is considered loaded. For the purposes of this section, a rifle or shotgun whose magazine readily detaches is considered unloaded if the magazine is detached and no cartridges remain in the rifle or shotgun itself;~~

~~(11) Carry any unloaded firearm, bow, or crossbow in or on any vehicle or conveyance, or its attachments, that is not in a case or taken apart and securely wrapped between 30 minutes after sunset until 30 minutes before sunrise: *Provided*, That the time periods for carrying unloaded and uncased firearms or crossbows are extended for one hour after sunset as established in this subdivision, if a person is transporting or transferring the firearms or crossbows to or from a hunting site, campsite, home, or other abode;~~

~~(12) (10) Hunt, catch, take, kill, injure, or pursue a wild animal or wild bird with the use of a ferret;~~

~~(13) (11) Buy raw furs, pelts, or skins of fur-bearing animals unless licensed to do so;~~

~~(14) (12) Catch, take, kill, or attempt to catch, take, or kill any fish by any means other than by rod, line, and hooks with natural or artificial lures, unless otherwise authorized by the director: *Provided*, That snaring of any species of sucker, carp, fallfish, and creek chub and catching catfish by hand are lawful if done by a holder of a valid license issued pursuant to §20-2-1 *et seq.* of this code or is exempted from licensure pursuant to §20-2-27 or §20-2-28 of this code;~~

~~(15) (13) Employ, hire, induce, or persuade, with money, things of value, or by any means, any person to hunt, take, catch, or kill any wild animal or wild bird except those species in which there is no closed season; or to fish for, catch, take, or kill any fish, amphibian, or aquatic life that is protected by rule, or the sale of which is otherwise prohibited;~~

~~(16) (14) Hunt, catch, take, kill, capture, pursue, transport, possess, or use any migratory game or nongame birds except as permitted by the Migratory Bird Treaty Act, 16 U.S.C. §703 *et seq.*, and its regulations;~~

~~(17) (15) Kill, take, catch, sell, transport, or have in his or her possession, living or dead, any wild bird other than a game bird, including the plumage, skin, or body of any protected bird, irrespective of whether the bird was captured in or out of this state, except the English or European sparrow (*Passer domesticus*), starling (*Sturnus vulgaris*), and cowbird (*Molothrus ater*), which may be killed at any time;~~

~~(18) (16) Use dynamite, explosives, or any poison in any waters of the state for the purpose of killing or taking fish. Any person violating this subdivision is guilty of a felony, and upon conviction thereof, shall be fined not more than \$500 or confined for not less than six months nor more than three years, or both fined and confined;~~

~~(19)~~ (17) Have a bow and gun, or have a gun and any arrow, in the fields or woods at the same time;

~~(20)~~ (18) Have a crossbow in the woods or fields, or use a crossbow to hunt for, take, or attempt to take any wildlife except as otherwise provided in §20-2-5g and §20-2-42w of this code;

~~(21)~~ (19) Take or attempt to take turkey, bear, elk, or deer with any arrow unless the arrow is equipped with a point having at least two sharp cutting edges measuring in excess of three-fourths of an inch wide;

~~(22)~~ (20) Take or attempt to take any wildlife with an arrow having an explosive head or shaft, a poisoned arrow, or an arrow which would affect wildlife by any chemical action;

~~(23)~~ (21) Shoot an arrow across any public highway;

~~(24)~~ (22) Permit any dog owned or under his or her control to chase, pursue, or follow the tracks of any wild animal or wild bird, day or night, between May 1 and August 15: *Provided*, That dogs may be trained on wild animals and wild birds, except deer and wild turkeys, and field trials may be held or conducted on the grounds or lands of the owner, or by his or her bona fide tenant, or upon the grounds or lands of another person with his or her written permission, or on public lands at any time. Nonresidents may not train dogs in this state at any time except during the legal small game hunting season. A person training dogs may not have firearms or other implements for taking wildlife in his or her possession during the closed season on wild animals and wild birds, except a person carrying a firearm for self-defense who is not prohibited from possessing firearms under state or federal law;

~~(25)~~ (23) Conduct or participate in a trial, including a field trial, shoot-to-retrieve field trial, water race, or wild hunt: *Provided*, That any person, group of persons, club, or organization may hold a trial upon obtaining a permit pursuant to §20-2-56 of this code. The person responsible for obtaining the permit shall prepare and keep an accurate record of the names and addresses of all persons participating in the trial and make the records readily available for inspection by any natural resources police officer upon request;

~~(26)~~ (24) Hunt, catch, take, kill, or attempt to hunt, catch, take, or kill any wild animal, wild bird, or wild fowl except during open seasons;

~~(27)~~ (25) Hunt or conduct hunts for a fee when the person is not physically present in the same location as the wildlife being hunted within West Virginia; and

~~(28)~~ (26) Catch, take, kill, or attempt to catch, take, or kill any fish by any means within 200 feet of division personnel engaged in stocking fish in public waters.

(b) Notwithstanding any ballot measure relating to Sunday hunting, it is lawful to hunt throughout the State of West Virginia on private lands on Sundays with the written consent of the private landowner pursuant to §20-2-7 of this code, and it is lawful to hunt throughout the State of West Virginia on federal land where hunting is permitted, in state forests, on land owned or leased by the state for wildlife purposes, and on land managed by the state for wildlife purposes pursuant to a cooperative agreement.”

And,

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

H. B. 4048 – “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to removing the criminal prohibitions against carrying loaded long guns, nocked cross bows with a nocked bolt, or bows with a nocked arrow in a motor vehicle; and removing prohibitions against carrying long guns, cross bows, or bows, that are not in a case or taken apart, in motor vehicles during evening hours.”

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. 214**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Doyle and Rowe.

Absent and Not Voting: Fleischauer and Garcia.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4048) 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 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. 4369, Update the telepsychology compact.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

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

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. 137 - “A Bill to amend and reenact §15-2B-6 of the Code of West Virginia, 1931, as amended, relating to requiring persons convicted of certain felonies since March 9, 1995, provide a DNA sample”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 216 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4, all relating to the creation of the Student Journalist Press Freedom Protection Act; making legislative findings; defining terms; requiring that public colleges and universities allow for the free expression of student journalists in school sponsored media; providing a framework and parameters for free expression; allowing for civil actions in the event that a student journalist’s rights are violated;

specifying the judicial relief available in an appeal; and clarifying that provisions of the article do not apply to students and private colleges or universities”; which was referred to the Committee on Education 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. 486 - “A Bill to amend and reenact §5-10-2 and §5-10-24 of the Code of West Virginia, 1931, as amended, all relating to irrevocable special needs trusts; allowing retirees in the Public Employees Retirement System to designate an irrevocable special needs trust as beneficiary; defining terms; and providing for substitution of irrevocable special needs trust as beneficiary post retirement in certain circumstances”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 523 - “A Bill to repeal §12-7-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §12-7-2, §12-7-3, §12-7-4, §12-7-5, §12-7-6, §12-7-7, §12-7-9, and §12-7-12 of said code; to amend and reenact §31-15-6 of said code; and to amend and reenact §31-18-20c of said code, all relating to management and control of Jobs Investment Trust to be vested in the West Virginia Economic Development Authority; and terminating the Jobs Investment Trust Board”; which was referred to the Committee on 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. 535 - “A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating to revocation of school personnel certification; authorizing the state superintendent to automatically suspend certificates held by a teacher or other certificate holder upon charge or indictment for certain offenses or filing of a petition alleging child abuse; providing for reinstatement of automatically suspended certificate in certain circumstances; extending automatic revocation provisions to certain certificate holders; clarifying that certain revocation provisions are triggered by guilty plea or conviction; providing for automatic revocation of a certificate upon adjudication by a court of competent jurisdiction that a teacher or certificate holder has committed abuse of a child; and providing for reinstatement of automatically revoked certificate when adjudication of abuse of a child is overturned by the Supreme Court of Appeals of West Virginia”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 548 - “A Bill to amend and reenact §21A-10-11 of the Code of West Virginia, 1931, as amended, relating to authorizing WorkForce West Virginia to obtain information regarding employment classifications and work locations from employers”; which was referred to the Committee on 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. 585 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-11c, relating to administrative licenses; and granting rule-making authority related thereto”; which was referred to the Committee on Health and Human Resources.

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. 597 - “A Bill to amend and reenact §24C-1-2 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission underground facilities damage prevention and one-call system; and clarifying the definition of ‘excavate’ or ‘excavation’”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 624 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 625 - “A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 626 - “A Bill supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles, fund 9007, fiscal year 2022, organization 0802, for the fiscal year ending June 30, 2022”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 627 - “A Bill supplementing, amending, and increasing an existing item of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803, for the fiscal year ending June 30, 2022”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 634 - “A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 641 - “A Bill to amend and reenact §7-14D-7 of the Code of West Virginia, 1931, as amended, relating to deputy sheriff retirement; allowing the Consolidated Public Retirement Board to set county commission contribution levels; requiring the level to be set actuarially; and providing an effective date”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

S. B. 669 - “A Bill to amend and reenact §5-10-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-9-5 of said code, all relating to a change in the contribution levels of every person who is serving or shall hereafter serve as a judge of any court of record of this state and who elects to participate in this retirement system, on or after July 1, 2023, to no less than three percent and no more than 10 percent of the participant’s annual compensation”; which was referred to the Committee on Pensions and Retirement 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

S. B. 670 - “A Bill to amend and reenact §16-5V-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5V-6 of said code; and to amend and reenact §16-5V-31 of said code, all relating to the inclusion of newly hired 911 personnel as members of the Emergency Medical Services Retirement System”; which was referred to the Committee on Pensions and Retirement then Finance.

Resolutions Introduced

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

H. C. R. 89 - "Requesting the Division of Highways name Bridge Numbers 41-077/00-040.83 (NB & SB) (41A221, 41A228), (37.74329, -81.20788) locally known as I-77 OVER PINEY CR (NB & SB), carrying IS 77 over PINEY CREEK and CSX RR in Raleigh County, the 'Hajash Brothers Memorial Bridge'."

Whereas, The Hajash Brothers were born to Istvoiny (Steve Sr.) and Rosalia Tajti Hajash, Hungarian Immigrants who migrated to the United States in 1914 after Steve Sr. had come to the United States in 1908 and again in 1912 to work in the coal mines for U.S. Steel. They began their new life around the Gary area of McDowell County, W.Va., with the first born son, Joachim, who was born in Matra-Mindazent Hungary in 1912. One by one they began having children Steve Jr. 1914, John 1917, Nick 1919, George 1920, Andy 1921, Martin 1924. All of the children were born at Elbert, McDowell County except for Joachim, born in Hungary and Andy, who was born at Whipple, Fayette County, W.Va. They lived there until they moved to Glen Morgan in Raleigh County in 1933. Then they moved to Larew Ave. In East Beckley in 1937; and

Whereas, When WWII began, the seven brothers began enlisting into various branches of the United States Military; and

Whereas, Joachim Hajash was a Private, US Army; and

Whereas, Steve Hajash Jr. was a Seaman First Class, US Coast Guard; and

Whereas, John Hajash was a Corporal, US Army Air Corps; and

Whereas, Nick Hajash was a Sergeant, US Army, and

Whereas, George Hajash was a Private, US Army, and

Whereas, Andy Hajash was a Sergeant, US Army; and

Whereas, Martin Hajash was a Petty Officer 3rd Class US Navy; and

Whereas, All of the brothers returned home to West Virginia when the war was over. Most of them started families and branched off into the everyday workforce. Andy, Martin, and Nick worked for Biggs-Johnston-Withrow Commercial Printers and Publishers. Andy eventually moved to Waycross, Georgia, and then to Clearwater, Florida, where he worked in the printing industry, then for the U.S. Postal Service, where he later retired. He passed away in 2017. Nick went to work for Beckley Newspapers, where he later retired. He passed away in 2007. Martin remained at BJW for 41 years and retired as a composing room foreman. He passed away in 1992. George worked various jobs and eventually went to work for the U.S. Postal Service, where he later retired. He passed away in 2012. Joachim worked for Columbia Gas, WOAY TV and was a photographer. He passed away in 1991. Steve Jr. Moved to Camden, New Jersey, and started a family there. He and his wife returned home to West Virginia after retirement from the shipyards. He passed away in 2008. John went back into the coal mines for the New River Co. at Stanford #2 where he was killed in a roof fall in 1963; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Hajash Brothers and their 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 Numbers 41-077/00-040.83 (NB & SB) (41A221, 41A228), (37.74329, -81.20788) locally known as I-77 OVER PINEY CR (NB & SB),

carrying IS 77 over PINEY CREEK and CSX RR in Raleigh County the “Hajash Brothers 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 “Hajash Brothers 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.

Special Calendar

Unfinished Business

H. R. 12, Supporting the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan); coming up in regular order, as unfinished business, was reported by the Clerk.

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

Nays: McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. R. 12) adopted.

H. R. 15, Amend House Rules 94 and 94b to allow unlimited joint sponsors and requests to be made through the delegate console; coming up in regular order, as unfinished business, was reported by the Clerk.

On motion of Delegate Summers, the resolution was postponed one day.

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

H. C. R. 81, U.S. Army Chief Warrant Officer Milford Arnold Cunningham Memorial Bridge,

H. C. R. 83, U.S. Army SGT Charles L. Toppings Memorial Road,

H. C. R. 84, U. S. Navy, Water Tender 3rd Class, V-6, Lewis Glenn Mills Memorial Boulevard,

And,

H. C. R. 87, Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection.

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

Third Reading

H. B. 3082, Stabilizing funding sources for the DEP Division of Air Quality; 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. 216**), and there were—yeas 76, nays 24, absent and not voting none, with the nays being as follows:

Nays: Bridges, Foster, Graves, Haynes, Holstein, Horst, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, Kessinger, Kimble, Kimes, Longanacre, Martin, Mazzocchi, McGeehan, Paynter, Pinson, Pritt, Steele, Summers and B. Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3082) passed.

An amendment to the title of the bill, recommended by the Committee on Finance and sponsored by Delegate Householder, was adopted, amending the title to read as follows:

H. B. 3082 – “A Bill to amend and reenact §22-5-2 and §22-5-4 of the Code of West Virginia, 1931, as amended, relating to air pollution control; providing the West Virginia Department of Environmental Protection, Division of Air Quality, the authority to invest and reinvest funds held in the Air Pollution Control Fund and the Air Pollution Education and Environment Fund and to receive interest thereon from lawful investments of public funds to offset decreasing permit fee collections; providing that at the end of each fiscal year, unexpended balances, including accrued interest, shall not be transferred or redesignated to other accounts or the General Revenue Fund, but shall remain in the two funds for expenditure by the West Virginia Department of Environmental Protection, Division of Air Quality, in furtherance of its mission; and updating code language with technical corrections.”

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. 4344, Relating to foster care; 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. 217**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Gearheart.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4344) 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. 4345, Relating to motor vehicle registration cards by establishing electronic or mobile registration cards; 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. 218**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: J. Kelly, Walker, Zatezalo and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4345) 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. 4391, Relating generally to school nurses; 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. 219**), and there were—yeas 73, nays 27, absent and not voting none, with the nays being as follows:

Nays: Bates, Boggs, Brown, Doyle, Evans, Ferrell, Fleischauer, Garcia, Hansen, Howell, Lovejoy, Miller, Nestor, Pethel, Pinson, Pushkin, Queen, Reynolds, Riley, Rowe, Summers, Walker, Wamsley, Westfall, Williams, Worrell and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4391) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 4391 - “A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to school nurses; requiring counties to employ nurses in proportion to student population; requiring each county to have at least one school nurse; allowing licensed practical nurses supervised by a registered professional nurse to be counted as nurse; requiring that registered professional nurse of a county complete needs assessment; requiring that registered nurses of each county meet as determined by the state board of education; and revising and removing obsolete language.”

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

H. B. 4462, Relating to Deferred Retirement Option Plan evaluations; 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. 220**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4462) 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. 4479, Establishing the Coalfield Communities Grant Facilitation Commission; 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. 221**), 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: Barrett.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4479) 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. 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 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. 222**), 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: Garcia, Graves, Honaker and Pack.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4496) 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. 4607, To remove opioid treatment programs from requiring a certificate of need; 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. 223**), and there were—yeas 61, nays 38, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Bates, Booth, Bridges, Brown, Burkhammer, Capito, Conley, Cooper, Foster, Hanna, Haynes, Horst, Hott, Howell, J. Jeffries, J. Kelly, Kessinger, Kimble, Kimes, Lovejoy, Mandt, Martin, Mazzocchi, McGeehan, Miller, Nestor, Paynter, Phillips, Pinson, Queen, Reynolds, Smith, Steele, Storch, Toney, B. Ward, G. Ward and Westfall.

Absent and Not Voting: Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4607) passed.

Delegate Steele obtained unanimous consent to withdraw a pending title amendment which he cosponsored with Delegates Bates and Pack.

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. 4636, Clarifying when business and occupation taxes owed to a city or municipality are considered to be remitted on time; 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. 224**), 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: Riley and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4636) 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. 4643, Exempting certain health services from certificate of need; 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. 225**), and there were, including pairs—yeas 86, nays 11, absent and not voting 3, with the paired, the nays and the absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Worrell Nay: Lovejoy

Nays: Bates, Booth, Brown, Hott, Martin, Nestor, Phillips, Reynolds, Steele and Toney.

Absent and Not Voting: Bridges, Conley and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4643) 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. 4667, Prohibition on county, city, or municipality restrictions on advanced air mobility aircraft; 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. 226**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Young.

Absent and Not Voting: Bridges, Cooper, Riley and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4667) 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. 4668, Relating to air bag fraud; 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. 227**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Cooper, Riley, Wamsley and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4668) 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. 4758, Relating to developing and maintaining a database to track reclamation liabilities in the West Virginia Department of Environmental Protection Special Reclamation 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. 228**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dean, Foster, J. Jeffries, Jennings, Martin, Paynter, Steele and B. Ward.

Absent and Not Voting: Boggs, Linville, Riley and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4758) 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. 4768, Relating to change hearing location and customer notice provisions; 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. 229**), and there were—yeas 86, nays 11, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Barach, Fleischauer, Fluharty, Hornbuckle, Pushkin, Rowe, Skaff, Thompson, Walker, Young and Zukoff.

Absent and Not Voting: Boggs, Riley and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4768) 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. 4769, Eliminate the requirement to send recommended decisions by certified mail; 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. 230**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Fluharty, J. Kelly, McGeehan, Paynter and Thompson.

Absent and Not Voting: Boggs, Riley and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4769) 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. 4785, Relating to judicial vacancies; 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. 231**), and there were—yeas 73, nays 23, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Barach, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Gearheart, Griffith, Hansen, Hornbuckle, J. Jeffries, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Boggs, Longanacre, Miller and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4785) passed.

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

On this question, the yeas and nays were taken (**Roll No. 232**), and there were—yeas 78, nays 19, absent and not voting 3, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Boggs, Miller and Riley.

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. 4785) 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. 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 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. 233**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Gearheart and McGeehan.

Absent and Not Voting: Boggs and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4797) passed.

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

Com. Sub. for H. B. 4797 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-30-1, relating to the Electric Vehicle Infrastructure Development Plan for National Electric Vehicle Infrastructure Formula Program funds.”

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. 4491, To establish requirements for carbon dioxide sequestration; on second reading, coming up in regular order, was read a second time.

Delegate Young moved to amend the bill on page 11, section 8, lines 1 through 4, by striking out subsection (a) in its entirety and inserting in lieu thereof, the following:

“(a) For the purposes of this article, carbon dioxide is a greenhouse gas, but when injected and sequestered in accordance with an underground injection control permit issued by the secretary is not to be considered a pollutant and the operation and existence of a carbon dioxide sequestration facility shall not be considered a public nuisance.”

On the question of adoption of the amendment, the same was put and was rejected.

Delegate Hansen moved to amend the bill on page 13, section 12, line 24, following the words “Dioxide Storage Facility Trust Fund”, by inserting the words “and, if available, other appropriate sources of funds”;

And,

On page 13, Section 12, Line 32, following the words “Storage Facility Trust Fund” by inserting the words “and, if available, other appropriate sources of funds”.

On the question of adoption of the amendment, the same was put and was rejected.

The bill was then ordered to engrossment and third reading.

H. B. 4627, To provide for no more than two licensed laboratories for medical cannabis testing in this state; 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, section 4, line 11, by adding after the word “section” the following:

“and any limitation relating to the number of certified laboratories shall terminate on January 1, 2025.”

Delegate Pushkin moved to amend the bill on page 1, following the enacting clause, by inserting the following:

“ARTICLE 2. DEFINITIONS.

§16A-2-1. Definitions.

(a) The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) 'Act' means the West Virginia Medical Cannabis Act and the provisions contained in §60A-1-101 *et seq.* of this code.

(2) 'Advisory board' means the advisory board established under §16A-11-1 *et seq.* of this code.

(3) 'Bureau' means the Bureau for Public Health within the West Virginia Department of Health and Human Resources.

(4) 'Caregiver' means the individual designated by a patient or, if the patient is under 18 years of age, an individual authorized under §16A-5-1 *et seq.* of this code, to deliver medical cannabis.

(5) 'Certified medical use' means the acquisition, possession, use, or transportation of medical cannabis by a patient, or the acquisition, possession, delivery, transportation, or administration of medical cannabis by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized in a certification under this act, including enabling the patient to tolerate treatment for the serious medical condition.

(6) 'Change in control' means the acquisition by a person or group of persons acting in concert of a controlling interest in an applicant or permittee either all at one time or over the span of a 12-consecutive-month period.

(7) 'Commissioner' means the Commissioner of the Bureau for Public Health.

(8) 'Continuing care' means treating a patient, in the course of which the practitioner has completed a full assessment of the patient's medical history and current medical condition, including an in-person consultation with the patient, and is able to document and make a medical diagnosis based upon the substantive treatment of the patient.

(9) 'Controlling interest' means:

(A) For a publicly traded entity, voting rights that entitle a person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial holding of five percent or more of the securities of the publicly traded entity.

(B) For a privately held entity, the ownership of any security in the entity.

(10) 'Dispensary' means a person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit issued by the bureau to dispense medical cannabis. The term does not include a health care medical cannabis organization as defined in §16A-13-1 *et seq.* of this code.

(11) 'Family or household member' means the same as defined in §48-27-204 of this code.

(12) 'Financial backer' means an investor, mortgagee, bondholder, note holder, or other source of equity, capital, or other assets, other than a financial institution.

(13) 'Financial institution' means a bank, a national banking association, a bank and trust company, a trust company, a savings and loan association, a building and loan association, a mutual savings bank, a credit union, or a savings bank.

(14) 'Form of medical cannabis' means the characteristics of the medical cannabis recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity, or percentage of medical cannabis or particular active ingredient.

(15) 'Fund' means the Medical Cannabis Program Fund established in §16A-9-2 of this code.

(16) 'Grower' means a person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit from the bureau under this act to grow medical cannabis. The term does not include a health care medical cannabis organization as defined in §16-13-1 *et seq.* of this code.

(17) 'Grower/processor' means either a grower or a processor.

(18) 'Identification card' means a document issued under §16A-5-1 *et seq.* of this code that authorizes access to medical cannabis under this act.

(19) 'Individual dose' means a single measure of medical cannabis.

(20) 'Medical cannabis' means cannabis for certified medical use as set forth in this act.

(21) 'Medical cannabis organization' means a dispensary, grower, or processor. The term does not include a health care medical cannabis organization as defined in §16A-13-1 *et seq.* of this code.

(22) 'Patient' means an individual who:

(A) Has a serious medical condition;

(B) Has met the requirements for certification under this act; and

(C) Is a resident of this state.

(23) 'Permit' means an authorization issued by the bureau to a medical cannabis organization to conduct activities under this act.

(24) 'Physician' or 'practitioner' means a doctor of allopathic or osteopathic medicine who is fully licensed pursuant to the provisions of either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code to practice medicine and surgery in this state.

(25) 'Post-traumatic stress disorder' means a diagnosis made as part of continuing care of a patient by a medical doctor, licensed counselor, or psychologist.

(26) 'Prescription drug monitoring program' means the West Virginia Controlled Substances Monitoring Program under §60A-9-101 *et seq.* of this code.

(27) 'Principal' means an officer, director, or person who directly owns a beneficial interest in or ownership of the securities of an applicant or permittee, a person who has a controlling interest in an applicant or permittee, or who has the ability to elect the majority of the board of directors of an applicant or permittee, or otherwise control an applicant or permittee, other than a financial institution.

(28) 'Processor' means a person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit from the bureau under this act to process medical cannabis. The term does not include a health care medical cannabis organization as defined in §16A-13-1 *et seq.* of this code.

(29) 'Registry' means the registry established by the bureau for practitioners.

(30) 'Serious medical condition' means a medical condition that a medical doctor, in his or her professional judgement, would benefit from the use of cannabis. any of the following, as has been diagnosed as part of a patient's continuing care:

~~(A) Cancer.~~

~~(B) Positive status for human immunodeficiency virus or acquired immune deficiency syndrome.~~

~~(C) Amyotrophic lateral sclerosis.~~

~~(D) Parkinson's disease.~~

~~(E) Multiple sclerosis.~~

~~(F) Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity.~~

~~(G) Epilepsy.~~

~~(H) Neuropathies.~~

~~(I) Huntington's disease.~~

~~(J) Crohn's disease.~~

~~(K) Post-traumatic stress disorder.~~

~~(L) Intractable seizures.~~

~~(M) Sickle cell anemia.~~

~~(N) Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain.~~

~~(O) Terminally ill.~~

~~(31) 'Terminally ill' means a medical prognosis of life expectancy of approximately one year or less if the illness runs its normal course."~~

And,

On page 1, line 11, following the period at the end of section 4, by inserting the following:

"ARTICLE 11. MEDICAL CANNABIS ADVISORY BOARD.

§16A-11-1. Advisory board.

(a) The Medical Cannabis Advisory Board is established within the bureau. The advisory board shall consist of the following members:

(1) The commissioner or a designee.

(2) The Superintendent of the West Virginia State Police or a designee.

(3) Four physicians licensed to practice in the state to be appointed by the State Medical Association with one from each of the following specialized medicine:

(A) Family Practice/Neurologist/General Practitioner.

(B) Pain Management.

(C) Oncologist/Palliative Care.

(D) Psychiatrist.

(4) Two physicians who are licensed pursuant to §30-14-1 *et seq.* of this code appointed by the West Virginia Osteopathic Association.

(5) One pharmacist licensed to practice in the state, to be designated by the Board of Pharmacy.

(6) One pharmacologist who has experience in the science of cannabis and a knowledge of the uses, effects, and modes of actions of drugs, to be appointed by the Governor.

(7) One member who is a horticulturalist, to be designated by the West Virginia Commissioner of Agriculture.

(8) One member designated by the West Virginia Association of Alcoholism and Drug Counselors.

(9) An attorney licensed in the state who is knowledgeable about medical cannabis laws.

(10) One member appointed by the West Virginia Prosecuting Attorneys Institute.

(11) One member appointed by the Governor, who shall be a patient, a family or household member of a patient, or a patient advocate.

(b) *Terms.* — Except as provided under subsection (g) of this section, the members shall serve a term of four years or until a successor has been appointed and qualified, but no longer than six months beyond the four-year period.

(c) *Chair.* — The commissioner, or a designee, shall serve as chair of the advisory board.

(d) *Voting; quorum.* — A majority of the members shall constitute a quorum for the purpose of organizing the advisory board, conducting its business, and fulfilling its duties. A vote of the majority of the members present shall be sufficient for all actions of the advisory board unless the bylaws require a greater number.

(e) *Attendance.* — A member of the advisory board who fails to attend three consecutive meetings shall be deemed vacant, unless the commissioner, upon written request from the member, finds that the member should be excused from a meeting for good cause. A member who cannot be physically present may attend meetings via electronic means, including video conference.

(f) *Governance.* — The advisory board shall have the power to prescribe, amend, and repeal bylaws governing the manner in which the business of the advisory board is conducted and the manner in which the duties granted to it are fulfilled. The advisory board may delegate supervision of the administration of advisory board activities to an administrative commissioner and other employees of the bureau as the commissioner shall appoint.

(g) *Initial terms.* — The initial terms of members appointed under subsection (a) of this section shall be for terms of one, two, three, or four years, the particular term of each member to be designated by the commissioner at the time of appointment. All other members shall serve for a term of four years.

(h) *Vacancy.* — In the event that any member appointed under subsection (a) of this section shall die or resign, or otherwise become disqualified during the member's term of office, a successor shall be appointed in the same way and with the same qualifications as set forth in this section and shall hold office for the unexpired term. An appointed member of the advisory board shall be eligible for reappointment.

(i) *Expenses.* — A member shall receive the amount of reasonable travel, hotel, and other necessary expenses incurred in the performance of the duties of the member in accordance with state rules but shall receive no other compensation for the member's service on the board.

(j) *Duties.* — The advisory board shall have the following duties:

(1) To examine and analyze the statutory and regulatory law relating to medical cannabis within this state.

(2) To examine and analyze the law and events in other states and the nation with respect to medical cannabis.

(3) To accept and review written comments from individuals and organizations about medical cannabis.

(4) To issue, two years after the effective date of this section, a written report to the Governor, the Senate, and the House of Delegates.

(5) The written report under subdivision (4) of this subsection shall include recommendations and findings as to the following:

(A) Whether to change the types of medical professionals who can issue certifications to patients.

~~(B) Whether to change, add, or reduce the types of medical conditions which qualify as serious medical conditions under this act~~

~~(C) (B) Whether to change the form of medical cannabis permitted under this act.~~

~~(D) (C) Whether to change, add, or reduce the number of growers, processors, or dispensaries.~~

~~(E) (D) How to ensure affordable patient access to medical cannabis.~~

~~(F) (E) Whether to permit medical cannabis to be dispensed in dry leaf or plant form, for administration by vaporization.~~

(6) The final written report under this section shall be adopted at a public meeting.”

Delegate Capito arose to inquire of the Chair as to the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the bill.

The bill was then ordered to engrossment third reading.

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; 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. 25, Updating provisions of Medical Professional Liability Act,

Com. Sub. for S. B. 221, Establishing occupational therapy compact,

Com. Sub. for S. B. 452, Permitting civil remedies for unauthorized disclosure of intimate images,

Com. Sub. for H. B. 2092, Requiring each high school student to complete a full credit course of study in personal finance,

Com. Sub. for H. B. 4492, Creating the Division of Multimodal Transportation,

Com. Sub. for H. B. 4510, To provide that third grade students be competent in reading and math before moving on to fourth grade,

Com. Sub. for H. B. 4634, Relating to occupational licensing or other authorization to practice,

Com. Sub. for H. B. 4675, Relating to autonomous delivery vehicles,

H. B. 4743, Relating to security and surveillance requirements of medical cannabis organization facilities,

And,

H. B. 4773, Adoption of the FCC customer service and technical standards and requiring certain cable operators to operate an in-state customer call center,

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

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. 4419, Allowing candidate committees and campaign committees to make contributions to affiliated state party executive committees,

And,

H. B. 4827, Relating to the promotion and development of public-use vertiports,

And reports the same back with the recommendation that they 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. 82, Alleen Ledson Memorial Bridge,

H. C. R. 85, McClintic Family Bridge,

And,

H. C. R. 88, Lewis D'Antoni Memorial Road,

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

Miscellaneous Business

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

- Delegates Pinson and Zukoff regarding Com. Sub. for H. B. 4344
- Delegate Nestor regarding Com. Sub. for H. B. 4607

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

H. B. 2095: Delegate Hamrick;

H. B. 4064: Delegate Hamrick;

H. B. 4511: Delegate Hamrick;

H. B. 4744: Delegate Reynolds;

H. B. 4792: Delegate Fleischauer;

H. B. 4794: Delegates Hamrick and J. Jeffries;

And,

H. B. 4807: Delegate Hamrick.

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. 4744: Delegate Riley.

Delegate Miller noted to the Clerk that he was absent when the vote was taken on Com. Sub. for H. B. 4785, and had he been present, he would have voted "Yea" thereon.

At 2:41 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 24, 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 24, 2022

44th Day

11:00 A. M.

UNFINISHED BUSINESS

- H. R. 15 - Amend House Rules 94 and 94b to allow unlimited joint sponsors and requests to be made through the delegate console [SHALL THE RESOLUTION BE REJECTED?]
- H. C. R. 82 - Alleen Ledson Memorial Bridge
- H. C. R. 85 - McClintic Family Bridge
- H. C. R. 88 - Lewis Joseph D'Antoni Memorial Road

THIRD READING

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

SECOND READING

- Com. Sub. for S. B. 25 - Updating provisions of Medical Professional Liability Act (CAPITO) (REGULAR)
- Com. Sub. for S. B. 221 - Establishing occupational therapy compact
- Com. Sub. for S. B. 452 - Permitting civil remedies for unauthorized disclosure of intimate images (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2092 - Requiring each high school student to complete a full credit course of study in personal finance (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4492 - Creating the Division of Multimodal Transportation (STEELE) (REGULAR)
- Com. Sub. for H. B. 4510 - To provide that third-grade students be competent in reading and math before moving on to fourth grade (ELLINGTON) (JULY 1, 2022)
- Com. Sub. for H. B. 4634 - Relating to occupational licensing or other authorization to practice (STEELE) (REGULAR)

- Com. Sub. for H. B. 4675 - Relating to autonomous delivery vehicles (CAPITO) (REGULAR)
- H. B. 4743 - Relating to security and surveillance requirements of medical cannabis organization facilities (CAPITO) (REGULAR)
- H. B. 4773 - Adoption of the FCC customer service and technical standards and requiring certain cable operators to operate an in-state customer call center (CAPITO) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 4408 - Relating to contracts for construction of recreational facilities in state parks and forests (STEELE) (REGULAR)
- H. B. 4419 - Allowing candidate committees and campaign committees to make contributions to affiliated state party executive committees (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4473 - To provide certain members of the State Police with locality pay to offset the high cost of living in certain counties (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4516 - To require medication-assisted treatment programs to have written policies concerning community relations (ROHRBACH) (REGULAR)
- Com. Sub. for H. B. 4540 - To update all retirement plans to comport with federal law (HOUSEHOLDER) (REGULAR)
- H. B. 4612 - Decreasing the time period of eligibility for nonduty disability from ten to five or more years of service for Municipal Police Officers and Firefighters Retirement (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4613 - Relating to increasing the multiplier for use in determining accrued benefit in the West Virginia Municipal Police Officers and Firefighters Retirement System (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4614 - Providing optional retirement service credit for unused accrued annual or sick leave days for municipal police and firefighters (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4657 - Creating the Critical Mineral Investment Tax Credit Act of 2022 (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4660 - Establishing the status of beds when an intermediate care facility for individuals with intellectual disabilities closes (ROHRBACH) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4662 - Relating to licensure of Head Start facilities in this state (ROHRBACH) (EFFECTIVE FROM PASSAGE)
- H. B. 4827 - Relating to the promotion and development of public-use vertiports (CAPITO) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Thursday, February 24, 2022

44th Day

11:00 A. M.

UNFINISHED BUSINESS

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. 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)

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. 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)

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)

Com. Sub. for H. B. 4625 - To remove Medicare or Medicaid-certified facilities from COVID-19 immunization exemption requirements (ROHRBACH) (EFFECTIVE FROM PASSAGE)

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)

Com. Sub. for H. B. 4731 - To establish the Occupational Therapy Licensure Compact
(STEELE) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, FEBRUARY 24, 2022

HOUSE CONVENES AT 11:00 A.M.

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

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

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

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

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