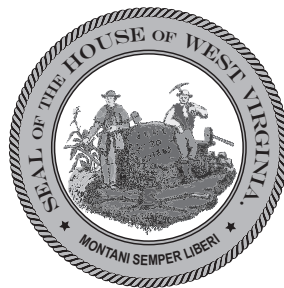


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fifth Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



February 24, 2022
FORTY-FOURTH DAY

Thursday, February 24, 2022

FORTY-FOURTH 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 Wednesday, February 23, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for S. B. 25 on Second Reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for H. B. 4105 on Third Reading, House Calendar, had been transferred to the Special Calendar; and H. B. 4331 on Second Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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. 4616, Remove sales tax on gun safes and certain firearm safety devices,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4616 - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting firearm safe storage products from the consumer sales tax,"

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. 2838, Authorize the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds, and to create the State Auditor's Public Integrity and Fraud Fund for use of said funds,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2838 - "A Bill to amend and reenact §6-9-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-6-26, and §11-6-27 of said code; and to amend and reenact §11A-3-36 of said code, all relating to state auditor's special revenue funds; authorizing the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds; creating the state auditor's public integrity and fraud fund for use of said funds; providing for operating funds in the public utilities and land sections to expire funds at the end of the fiscal year in a method consistent with other divisions of the state auditor's office; and providing for the investment of balances in the public utilities tax loss restoration fund,"

H. B. 4466, Relating to School Building Authority's review of school bond applications,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4466 - "A Bill to amend and reenact §18-9D-15 of the Code of West Virginia, 1931, as amended, relating to seeking contribution of School Building Authority funds to support a local capital improvement bond finance plan; providing for application to the School Building Authority; requiring initial approval prior to conducting bond levy election; requiring conditional language in materials referencing School Building Authority participation; establishing time limit for project completion; requiring project funded by the authority be in accordance with a comprehensive educational facility plan which must be approved by the state board and the authority; and deleting obsolete provisions,"

And,

H. B. 4692, To revise the West Virginia Tax Increment Financing Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4692 - "A Bill to amend and reenact §7-11B-3, §7-11B-7, §7-11B-8, §7-11B-9, and §7-11B-10 of the Code of West Virginia, 1931, as amended, all relating generally to property tax increment financing; amending definition of tax increment financing; modifying the existing authorization for a county commission or municipality to extend the termination time of certain districts; providing for certain notice to other levying bodies prior to a new project plan or project plan amendment for certain property tax districts being considered for approval; and eliminating certain approval of other levying bodies prior to amendment of an existing district by the county commission or governing body of the municipality making the amendment,"

With the recommendation that the committee substitutes each do pass.

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. 4285, Relating to real estate appraiser licensing board requirements,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4285 - "A Bill to amend and reenact §30-38-10, §30-38-11, and §30-38-17 of the Code of West Virginia, 1931, as amended, all relating to real estate appraiser licensing board requirements; prohibiting persons serving as expert witnesses from participating in any

decision regarding disciplinary action; requiring the board provide applicants a written statement when the applicant's request for a license is denied; requiring the board send a written statement in 15 calendar days of its decision to deny an applicant's license or renewal request; setting forth content and mailing requirements for the board's written statement; requiring the board offer guidance on certain issues relating to nonconformity of Uniform Standards of Professional Appraisal Practice when submitted to the board; providing for 60 days for an applicant to cure any nonconformity to the standards; and other technical modifications,"

With the recommendation that the committee substitutes each do pass, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 4285) to the Committee on the Judiciary was abrogated.

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. 4064, Allowing antique car license plates for cars over 10,000lbs,

H. B. 4642, Relating to pecuniary interests of county and district officers, teachers and school officials in contracts,

And,

H. B. 4647, Relating to the Board of Funeral Service Examiners,

And reports the same back with the recommendation that they each do pass.

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. 4608, To require the State Fire Commission to propose minimum standards for persons to be certified as probationary status volunteer firefighters,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4608 - "A Bill to amend and reenact §15A-11-8 of the Code of West Virginia, 1931, as amended, relating to the probationary status of volunteer firefighters; defining terms; and providing for an effective date,"

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Toney, Doyle, Horst, Clark, Hornbuckle, Walker, Bridges, Evans, Griffith and Thompson:

H. B. 4829 - "A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to modifying the definitions of certain school cafeteria personnel."

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. 2733, Relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2733 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates,"

H. B. 4441, Creating a Class M air rifle stamp,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4441 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5k; and to amend said code by adding thereto a new section designated §20-2-42aa, relating to air rifles and classifications; setting forth criteria for when an air rifle may be used to hunt game in this state; setting caliber limits for air rifles when hunting certain types of game; creating a Class M air rifle stamp; creating a Class MM air rifle stamp; providing for when the stamp is applicable; and providing for when the stamp is required,"

H. B. 4570, To allow veterinary telehealth in West Virginia with out of state providers,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4570 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-10-24 of this code, all relating to telehealth services; defining terms; establishing requirements for the practice of telehealth; establishing requirements to form a veterinarian-client-patient relationship; providing for renewal of registration; establishing standard of care; and requiring telehealth providers provide certain information for patients,"

And,

H. B. 4794, Requiring counties provide fiscal information for State Auditor's WV Checkbook website,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4794 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-9B-5, relating to requiring counties to provide certain information to the State Auditor for inclusion in the financial transparency website,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

H. C. R. 68, Requesting that a formal feasibility study be conducted on the viability of establishing an accredited school of veterinary medicine in West Virginia,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. C. R. 68) was referred to the Committee on Rules.

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. 4071, Mask and Quarantine Option For Parents and Faculty,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4071 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-8B-1, §18-8B-2, §18-8B-3, §18-8B-4, all relating to creating the Public School Health Rights Act; providing definitions; providing that a public school may not mandate masks for students or employees or mandate COVID-19 tests and quarantine under certain circumstances; providing that parents have the right to determine whether their children wear masks at school and school activities; providing that elected/public official cannot override the provisions of the Act; providing that nothing in the article may prevent any individual from wearing a face covering; and providing injunctive relief,"

And,

H. B. 4560, Relating generally to motor vehicle dealers, distributors, wholesalers and manufacturers,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4560 - "A Bill to amend and reenact §17A-6A-2, §17A-6A-3, §17A-6A-5, §17A-6A-8a, §17A-6A-10, §17A-6A-11, §17A-6A-12, §17A-6A-13, §17A-6A-15, §17A-6A-15a, §17A-6A-15c, and §17A-6A-18 of the Code of West Virginia, 1931, as amended, all relating generally to motor vehicle dealers, distributors, wholesalers and manufacturers; clarifying governing law; amending terms related to cancellations of dealer agreements; modifying circumstances not constituting good cause to cancel an agreement; clarifying the standard of proof in termination, cancellation and nonrenewal disputes; modifying compensation terms when contract is discontinued; setting interest rate where payments to dealers from manufacturers or distributors are untimely; increasing the notice period for dealers where a manufacturer or distributor does not approve a successor dealer or executive manager; clarifying provision related

to determination of distance between dealerships; restricting manufacturer and distributor use of dealership property; modifying obligations under warranties; clarifying indemnity practices; identifying unlawful practices; and clarifying manufacturer performance standards,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 4778, Permit banks to transact business with any one or more fiduciaries on multiple fiduciary accounts,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 4012, Prohibiting the showing of proof of a COVID-19 vaccination,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4012 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4b, relating to prohibiting the showing of proof of a COVID-19 vaccination as a condition for entering upon the premises of any state or local governmental office, entity, department or agency, or as a condition for entering upon the premises of a hospital or state institution of higher education, unless such proof is required by federal law or regulation; and providing for a person harmed to seek injunctive relief, and, upon prevailing, may be awarded reasonable attorney’s fees and court costs,”

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4377 - “A Bill to amend and reenact §27-5-1, §27-5-2, §27-5-3, §27-5-4, and §27-5-10 of the Code of West Virginia, 1931, as amended, all relating to involuntary hospitalization; modifying the time for the completion of proceedings; requiring applicants to disclose contact information of persons to receive notice of involuntary commitment proceedings; transportation of individuals who are ordered for involuntary hospitalization to a diversion facility; updating outdated language in the code; authorizing the West Virginia Department of Health and Human Resources to propose legislative rules to implement the provisions of these articles; authorizing the Supreme Court of Appeals and the West Virginia Department of Health and Human Resources to conduct retrospective reviews of involuntary commitment applications and orders; and making technical amendments,”

H. B. 4499, Relating to making the procurement process more efficient by modifying and updating outdated processes and requirements,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4499 - “A Bill to amend and reenact §5A-3-1, §5A-3-3, §5A-3-4, §5A-3-10, §5A-3-10a, §5A-3-11, §5A-3-12, §5A-3-17, §5A-3-18, §5A-3-29, §5A-3-35, and §5A-3-45 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6D-1-2 of said code, all relating generally to making the procurement process more efficient by modifying and updating outdated processes and requirements and encouraging earlier communication with and assistance from experts within the purchasing division regarding manner and process of procurement of commodities and services by the various spending units of the state; to eliminate outdated audit references of exempted agencies; to allow the director to exempt certain transactions from the requirements of chapter 5A, article 3; to clarify that grant recipients need not pay registration fees as a vendor; to authorize other procurement methods in lieu of formal competitive bidding when determined to be in the best interest of the state; to increase delegated procurement limits in the director’s discretion; to make procurement from nonprofit workshops optional; to clarify timing required on rebidding; to change the requirement for an affidavit verifying that no debt is owed to an affirmation; to provide the Purchasing Division Director with discretion in increasing the \$2,500 no bid limit; to eliminate outdated information reporting requirements for vendor registration; to clarify procurement penalties and inventory submission language; to remove surplus fees for inter-agency asset transfers; to require inter-agency asset transfers be recorded in accordance with governmental accounting standards; to shift the collection of the interested party disclosure information from contract award to before work begins in an effort to make the procurement process,”

H. B. 4511, To make numerous amendments to modernize and increase efficiencies in the administration of the West Virginia Unclaimed Property Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4511 - “A Bill to amend and reenact §16-5C-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §36-8-1, §36-8-2, §36-8-8, §36-8-10, §36-8-13, §36-8-15, §36-8-25, and §36-8-33 of said code, all relating generally to unclaimed property and escheatment of said property to the state; providing that personal funds of nursing home residents may be used for the benefit of such residents during their lifetimes with consent of certain authorized persons; requiring nursing homes to keep an accounting of certain receipts and disbursements of resident’s personal funds and to provide said accounting to authorized persons in certain circumstances; extending the presumption of abandonment period for personal funds of nursing home residents; specifying that a willful or intentional violation of requirements related to nursing home management of resident’s personal funds is a misdemeanor and providing criminal penalties; defining terms; setting forth presumption of abandonment period for virtual currency; setting forth the presumption of abandonment period for demand, savings, or time deposits; requiring the holder of virtual currency to liquidate said currency prior to remittance to the state; providing that the owner of abandoned virtual currency has no recourse against the holder or state for gain in value after liquidation; providing that the administrator shall reimburse the holder of a safety deposit box for the cost of opening said box upon remittance to the administrator using administrative funds in the Unclaimed Property Fund; authorizing the administrator to invest the moneys in the Unclaimed Property Fund and allowing earnings to accrue to said fund; eliminating obsolete language related to previous transfers of moneys from the Unclaimed Property Fund; discontinuing an annual transfer from the Unclaimed Property Trust Fund to the Prepaid Trust Escrow Fund and instead providing for an annual transfer from the Unclaimed Property Trust Fund to the Jumpstart Savings Trust Fund; authorizing the administrator to waive the requirement that an apparent owner file a claim with the administrator

in certain circumstances; permitting the administrator to disclose the monetary value and nature or type of a property to a person who is reasonably believed to be the property's apparent owner or a person authorized to receive the property on the owner's behalf; and requiring the administrator to publish a report including certain unclaimed property data for the most recently concluded fiscal year,"

And,

H. B. 4600, Making it a felony for a "Person in a Position of Trust" to assault, batter, or verbally abuse a child, or neglect to report abuse they witness,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4600 - "A Bill to amend and reenact §61-8D-5a of the Code of West Virginia, 1931, as amended; and to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8D-11 of said code, all relating to abuse of disabled children; creating penalties for a person who abuses a disabled child; creating penalties for a person who abuses a disabled child causing bodily injury; creating penalties for a person who abuses a disabled child causing serious bodily injury; creating penalties for a person who abuses a disabled child causing death; defining terms used in the section; and creating a penalty for a person in a position of trust in relation to a disabled child who fails to report abuse as a mandatory reporter,"

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 23rd 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 S. B. 445, Modifying police and firemen's pension plans for trustees.

Messages from the Executive

Communications from His Excellency, the Governor, advised that on February 23, 2022, he approved **H. B. 4024**, **Com. Sub. H. B. 4067**, **H. B. 4264** and **Com. Sub. H. B. 4276**.

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 from passage, a bill of the House of Delegates, as follows:

H. B. 3303, Relating to clarifying the process of filling vacancies on ballots.

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

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

“ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-11. Withdrawals; filling vacancies in candidacy; publication.

(a) A candidate who has filed a certificate of announcement and wishes to withdraw and decline to stand as a candidate for the office shall file a signed and notarized statement of withdrawal on a form provided by the Secretary of State with the same officer with whom the certificate of announcement was filed. If the notarized statement of withdrawal is received by the proper officer by the deadlines set forth in subsection (b) of this section, ~~then~~ the candidate's withdrawal is final and his or her name shall not be certified as a candidate nor printed on any ballot. If a candidate files a notarized statement of withdrawal after the deadlines set forth in subsection (b) of this section, the candidate shall not be withdrawn and the candidate's name shall remain on the ballot.

(b) Deadlines for withdrawing as a candidate:

(1) *For primary or special primary elections or nonpartisan elections held in conjunction with a primary election:* The notarized statement of withdrawal must be received by the same officer with whom the certificate of announcement was filed by the close of business of that officer not later than the third Tuesday following the close of the candidate filing period.

(2) *For general or special general elections or nonpartisan elections held in conjunction with a general election:* The notarized statement of withdrawal must be received by the same officer with whom the certificate of announcement was filed by the close of business of that officer not later than eighty-four days before the general election.

(c) Upon request of the candidate's family, the board of ballot commissioners may remove the name of a candidate who dies before the ballots are printed. If a candidate dies after the ballots are printed but before the election, the clerk of the county commission shall give a written notice which shall be posted with the sample ballot at each precinct with the county to the following effect: "To the voter: (name) of (residence), a candidate for (office) is deceased."

(d) If after the time is closed for announcing as a candidate there is a vacancy on the ballot caused by failure of any person of a party to file for each available seat of each available office, the executive committee of the party for the political division within which such candidate was to be voted for, or its chair if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer: Provided, That for a delegate district or senatorial district situated entirely within a single county, the county executive committee, or its chairperson if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer. Certification of the appointment by the executive committee or its chair, the candidate's certificate of announcement, and the filing fee must be received by the appropriate filing officer as follows: For an appointment by an executive committee, no later than the second Friday following the close of filing, for an appointment by its chair, no later than the third Tuesday following the close of filing: Provided, however, That any candidate appointed to an intra-county delegate or senatorial district by a county executive committee for that district pursuant to the process and by the deadline provided in this subsection shall not be refused certification for placement on the 2022 primary election ballot for that reason. A candidate appointed to fill a

vacancy on the ballot under this subsection shall have his or her name printed on the primary ballot for that party.

(e) The amendments to this section enacted by the Legislature during the 2022 Regular Session shall be retrospective to January 30, 2022.

§3-5-19. Vacancies in nominations; how filled; fees.

(a) If any vacancy occurs in the party nomination of candidates for office nominated at the primary election or by appointment under the provisions of section eleven of this article, the vacancies may be filled, subject to the following requirements and limitations:

(1) Each appointment made under this section shall be made by the executive committee of the political party for the political division in which the vacancy occurs: *Provided*, That if the executive committee holds a duly called meeting in accordance with §3-1-9 of this code but fails to make an appointment or fails to certify the appointment of the candidate to the proper filing officer within the time required, the chairperson of the executive committee may make the appointment not later than two days following the deadline for the executive committee. *Provided however*, That for a delegate district or senatorial district situated entirely within a single county, the county executive committee, or its chairperson if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer.

(2) Each appointment made under this section is complete only upon the receipt by the proper filing officer of the certificate of appointment by the executive committee, or its chairperson, as the case may be, the certificate of announcement of the candidate as prescribed in section seven of this article and, except for appointments made under subdivision (4), (5), (6) or (7) of this subsection, the filing fee or waiver of fee as prescribed in section eight or eight-a of this article. The proper filing officer is the officer with whom the original certificate of announcement is regularly filed for that office.

(3) If a vacancy in nomination will be caused by the failure of a candidate to file for an office, or by withdrawal of a candidate no later than the third Tuesday following the close of candidate filing pursuant to the provisions of section eleven of this article, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 30 days after the last day to file a certificate of announcement pursuant to section seven of this article.

(4) If a vacancy in nomination is caused by the disqualification of a candidate and the vacancy occurs not later than 84 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer not later than 78 days before the general election. A candidate may be determined disqualified if a written request is made by an individual with information to show a candidate's ineligibility to the State Election Commission no later than 84 days before the general election explaining grounds why a candidate is not eligible to be placed on the general election ballot or not eligible to hold the office, if elected. The State Election Commission shall review the reasons for the request. If the commission finds the circumstances warrant the disqualification of the candidate, the commission shall authorize appointment by the executive committee to fill the vacancy. Upon receipt of the authorization, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.

(5) If a vacancy in nomination is caused by the incapacity of the candidate and if the vacancy occurs not later than 84 days before the general election, a nominee may be appointed by the

executive committee and certified to the proper filing officer no later than 78 days before the general election.

(6) If a vacancy in nomination is caused by the timely filing of a notarized statement of withdrawal, according to section eleven of this article, of a candidate whose name would otherwise appear on the general election ballot, a replacement on the general election ballot may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.

(7) If a vacancy in nomination is caused by the death of the candidate occurring no later than 25 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 21 days following the date of death or no later than 22 days before the general election, whichever date occurs first.

(b) Except as otherwise provided in §3-10-1 *et seq.* of this code, if any vacancy occurs in a partisan office or position other than political party executive committee, which creates an unexpired term for a position which would not otherwise appear on the ballot in the general election, and the vacancy occurs after the close of candidate filing for the primary election but not later than 84 days before the general election, a nominee of each political party may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election. Appointments shall be filed in the same manner as provided in subsection (a) of this section, except that the filing fee shall be paid before the appointment is complete.

(c) When a vacancy occurs in the board of education after the close of candidate filing for the primary election but not later than 84 days before the general election, a special candidate filing period shall be established. Candidates seeking election to any unexpired term for board of education shall file a certificate of announcement and pay the filing fee to the clerk of the county commission no earlier than the first Monday in August and no later than 77 days before the general election.

(d) The amendments to this section enacted by the Legislature during the 2022 Regular Session shall be retrospective to January 30, 2022.

And,

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

H. B. 3303 – “A Bill to amend and reenact §3-5-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-5-19 of said code, all relating to clarifying the process of filling vacancies on ballots; authorizing the county executive committee or chair of an intra-county delegate or senatorial district to fill vacancy on primary election ballot; prohibiting Secretary of State from refusing certification of candidates appointed to an intra-county delegate or senatorial district by the county executive committee for that district by certain deadline for placement on 2022 primary election ballot; authorizing the county executive committee or chair of an intra-county delegate senatorial district to fill vacancy on general election ballot; and making amendments retrospective to January 30, 2022.”

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

On page 2, section 11, line 40, immediately following the word “party”, by inserting the following:

“No vacancy shall be filled after the date of the primary election, except as provided in §3-5-19 of this Code.”

And,

On page 3, section 19, line 25, immediately following the word “article”, by striking the period, and inserting in lieu thereof the following:

“: *Provided*, That in no case shall any such vacancy be filled after the date of the primary election.”

And,

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

H. B. 3303 – “A Bill to amend and reenact §3-5-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-5-19 of said code, all relating to clarifying the process of filling vacancies on ballots; authorizing the county executive committee or chair of an intra-county delegate or senatorial district to fill vacancy on primary election ballot; prohibiting Secretary of State from refusing certification of candidates appointed to an intra-county delegate or senatorial district by the county executive committee for that district by certain deadline for placement on 2022 primary election ballot; authorizing the county executive committee or chair of an intra-county delegate senatorial district to fill vacancy on general election ballot; providing that no appointment to an unfilled vacancy may be made after a primary election, save in the case of the subsequent death, withdrawal, incapacity, or disqualification of a candidate; and making amendments retrospective to January 30, 2022.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 234**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3303) passed.

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

On this question, the yeas and nays were taken (**Roll No. 235**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3303) takes effect from its passage.

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

A message from the Senate, by

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

H. B. 4299, To prohibit the intentional interference with election processes and creating associated criminal penalties.

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 9. OFFENSES AND PENALTIES.

§3-9-21. Improper interference with voters’ travel to and from the polls; penalties.

Any person, during hours a polling place is open for any election, who intentionally physically interferes with a voter’s travel on the walkways, driveways, and parking areas adjacent to a building in which a polling place is located with the intention to delay, hinder, interrupt, harass, or intimidate a voter shall be guilty of a misdemeanor and fined not more than \$1,000 or confined in jail for not more than one year or both fined and confined.”

And,

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

H. B. 4299 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-9-21, relating to creating the misdemeanor criminal offense of intentionally physically interfering with a voter’s travel on walkways, driveways, and parking areas of a polling place with the intent to delay, hinder, harass, interrupt, or intimidate a voter; and establishing penalties.”

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. 236**), 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: Graves.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4299) 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, with amendment, a bill of the House of Delegates, as follows:

H. B. 4312, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances.

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

On page four, section five, line five, after the word “disability”, by inserting the words, “or if the voter is a qualified first responder as defined in §3-3-1(c)(3) of this code”.

And,

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

H. B. 4312 – “A Bill to amend and reenact §3-3-1 and §3-3-5 of the Code of West Virginia, 1931, as amended, all relating to permitting first responders to vote by electronic absentee ballot in certain emergency circumstances; defining “qualified first responder” and providing examples; providing for submittal and acceptance of qualified first responder absentee voting applications; providing for transmittal of ballots to qualified first responders; and providing for processing of received electronic absentee ballots cast by qualified first responders.”

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. 237**), 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: Graves.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4312) 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

Com. Sub. for S. B. 470 - “A Bill to amend and reenact §16-30-3, §16-30-4, §16-30-5, §16-30-10, §16-30-13, §16-30-19, §16-30-21, and §16-30-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-30C-5 of said code, all relating to health care decisions; defining terms; renaming the physician orders for scope of treatment as portable orders for scope of treatment and indicating that advanced practice registered nurses and physician assistants may complete them within their scope of practice; revising forms of a living will, medical power of attorney, and combined medical power of attorney and living will; providing clarifying language regarding the effect of signing a living will on the availability of medically-administered food and fluids; requiring oral food and fluids be provided as desired and tolerated; providing reciprocity for portable orders for scope of treatment or similar medical orders validly executed in another state; providing that forms executed prior to effective date of this bill remain in full force and effect; and providing for effective date”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 553 - “A Bill to amend and reenact §16-29B-8, §16-29B-24, and §16-29B-25 of the Code of West Virginia, 1931, as amended, all relating to the powers of the West

Virginia Health Care Authority; removing authority to adopt, amend, and repeal policy guidelines; making technical changes; requiring legislative rulemaking regarding the uniform bill; permitting fees for custom data request; and requiring the Secretary of the Department of Health and Human Resources to give notice and file legislative rules when assuming the West Virginia Health Care Authority's data repository powers and duties"; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 556 - "A Bill to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to the Federal officers' peace-keeping authority; and removing the incorporation by reference of an obsolete federal statute within the definition of FBI police officer"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 586 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25e, relating to allowing students to transfer schools and retain their athletic eligibility one time during a student's four years of secondary school; requiring West Virginia Secondary School Activities Commission to modify its rule; authorizing emergency rule; requiring State Board of Education to ensure rule does not require student to undergo one year of athletic ineligibility upon transfer after ninth grade; and clarifying effect on multiple transfers for certain reasons"; 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

S. B. 619 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-12-16, relating to the Office of the Chief Medical Examiner; 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"; 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. 628 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2022, organization 0310, 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. 629 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Education, State Board of Education – Vocational Division, fund 0390, fiscal year 2022, organization 0402, 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. 630 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2022, organization 0441, 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. 633 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, 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. 636 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, West Virginia Office of Tax Appeals, fund 0593, fiscal year 2022, organization 0709, 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. 637 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor's Office – Civil Contingent Fund, fund

0105, fiscal year 2022, organization 0100, 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, and requested the concurrence of the House of Delegates in the passage, of

S. B. 639 - “A Bill to amend and reenact §8-11-4 of the Code of West Virginia, 1931, as amended, relating to municipal corporations; providing for powers and duties with respect to ordinances and ordinance procedures; and providing a 45-day waiting period before a water and/or sewer rate increase may go into effect for any local rate-regulated municipality.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 639) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 643 - “A Bill to amend and reenact §8-29A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement of some members appointed to a county airport authority”; 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. 650 - “A Bill to amend and reenact §37B-1-4 of the Code of West Virginia, 1931, as amended, relating to amending the number of royalty owners required for utilization by an operator for the lawful use and development by cotenants; and correcting the format of some phrases”; which was referred to the Committee on Energy and Manufacturing.

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. 651 - “A Bill to amend and reenact §18-2B-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9D-19 of said code, all relating to allowing a county board of education participating in the operation of a multicounty vocational center to withdraw; allowing any county board participating in a multicounty vocational center to determine that a career technical education program be part of the local high school; and modifying provisions pertaining to construction of a comprehensive vocational facility by a county board served by a multicounty vocational technical facility”; 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

S. B. 685 - “A Bill to repeal §30-40-27 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-40-3, §30-40-4, §30-40-5, §30-40-9, §30-40-11, §30-40-12, §30-40-

13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-25, and §30-40-26, all relating generally to West Virginia Real Estate License Act; amending definitions; permitting a salesperson to designate an entity to receive compensation; modifying the applicability of the article; requiring certain fees to be deposited into the treasury of the state daily; eliminating requirements for certain information to be included on applications for licensure; modifying requirements for an application for a broker's license; providing restrictions on the entities that may be issued a salesperson's license; clarifying and amending requirements for prelicense education; modifying requirements for licensing based on licensure in another jurisdiction; modifying continuing education requirements; eliminating certain requirements for persons holding a broker's license; modifying requirements for license certificates issued by Real Estate Commission; requiring a licensed broker to reconcile trust accounts; eliminating a prohibition on financial institutions that maintain trust accounts from requiring a certain minimum balance; clarifying language related to when commission may refuse a license or revoke, suspend, or impose any other sanction against a licensee; modifying the procedure for commission to administer complaints; eliminating right of judicial review for a person adversely affected by a decision or final order of the commission; clarifying language; clarifying language regarding criminal penalties; clarifying language related to suits for collection of compensation; requiring licensees to disclose in writing whether the licensee represents the seller, the buyer, the seller and the buyer, the landlord, the tenant, or the landlord and the tenant; and repealing an outdated section of code governing the duration of existing licenses"; which was referred to the Committee on Government Organization.

Resolutions Introduced

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

H. C. R. 90 - "Requesting the Division of Highways name Bridge Number: 20-060/00-027.85 (20A154), (38.24286, -81.55058) locally known as DUPONT OVERPASS, carrying US 60 over CR 60/15 in Kanawha County, the 'U.S. Army PVT Robert (Bob) Mullins Sr. Memorial Bridge'."

Whereas, Robert E. Mullins Sr. was born in Belle on June 2, 1925, the son of George Robert Mullins and Orpha Mae Quinn Mullins; and

Whereas, U.S. Army PVT Robert E. Mullins Sr. served in the U.S. Army during World War II and received the Purple Heart as a result of wounds received on October 13, 1944, in the European Theatre; and

Whereas, U.S. Army PVT Robert E. Mullins Sr. was a lifelong resident of the Belle area, was a member of the United Christian Church, Belle, WV and was a member of the United Mine Workers; and

Whereas, U.S. Army PVT Robert E. Mullins Sr. was a retired truck driver for the Perry & Hylton Trucking Company; and

Whereas, U.S. Army PVT Robert E. Mullins Sr. died on May 26, 1998, and was survived by his daughters, Nancy Hunt and Phyllis Harrison, both of Belle, son, Robert E. Mullins Jr. of Belle, sisters Lucille Robinette and Patty Kay, both of Belle, Phyllis Hunt of Rand, Mary Parsons and Dolly Pittman, both of Charleston, brother, Billy D. Mullins Sr., of Malden, and five grandchildren; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PVT Robert E. Mullins Sr. and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number: 20-060/00-027.85 (20A154), (38.24286, -81.55058) locally known as DUPONT OVERPASS, carrying US 60 over CR 60/15 in Kanawha County, the "U.S. Army PVT Robert (Bob) Mullins Sr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army PVT Robert (Bob) Mullins Sr. 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. 15, Amend House Rules 94 and 94b to allow unlimited joint sponsors of bills as well as unrestricted adding and deleting of joint sponsors of bills and resolutions; coming up in regular order, as unfinished business, was reported by the Clerk.

Delegate Forsht moved to amend the resolution on page 1, line 1, by striking out the word "unrestricted" and inserting in lieu thereof the word "electronic".

On page 1, lines 11 and 15, by striking out the words "via the delegate console".

On page 1, line 16 at end add the phrase "if the lead sponsor of the bill agrees electronically."

And,

On page 1, line 20, by striking out the words "delegate console" and inserting the words "house automated systems".

The question before the House being the adoption of the amendment, the same was put and did not prevail.

Delegate Fluharty moved to amend the resolution on line 5, following the resolved clause by striking out the remainder of the resolution and inserting in lieu thereof, the following:

That House Rule 92a and 93 be amended to read as follows:

"92a. Any bill or joint resolution pending in the House at the time of *sine die* adjournment of the First Regular Session of a Legislature, or extended First Regular Session thereof, which has not been rejected, laid on the table or postponed indefinitely by the House, shall carry over in its original form to the Second Regular Session only at the request of the sponsor of the bill or resolution, such request to be made to the Clerk of the House not later than thirty days prior to the commencement of the session.

After receiving notice from the ~~first named~~ sponsor of his or her intent to carry over the bill, the Clerk of the House shall cause such bill to be introduced. ~~notify all cosponsors that the bill will be carried over. All cosponsors shall have ten days after the date of notice to notify the Clerk of the House that their names should be removed from the bill to be carried over.~~

Any such bill or joint resolution shall retain its original number and shall be deemed to be reintroduced on the first day of the Second Regular Session and shall, except as otherwise directed by the Speaker, be treated as referred to the committee or committees to which it was originally referred.

In the case of any House bill or joint resolution which has been passed or adopted by the House, such bill or resolution shall likewise be deemed to be reintroduced and referred, except as otherwise directed by the Speaker, to the committee or committees to which it was originally referred.

This rule shall not apply to any bill or joint resolution ~~solely~~ sponsored by a former member, to supplemental appropriation or budget bills, to bills which promulgate legislative rules, to bills which expire or continue state agencies pursuant to the West Virginia Sunset Law, to bills of a local nature, or to any bill or joint resolution introduced during any extraordinary session.

And,

To amend Rule 93 as follows:

“Sponsorship of bills.

93. All bills for introduction shall be presented in duplicate. ~~bearing the name of the first named sponsor and the name or names of all sponsors by whom they are to be introduced.~~ All House Bills shall be introduced at the request of a member or members of the House. The name of the member or members directing introduction of the bill shall not appear on the bill. The original copy shall constitute the official bill for use of committees and for the permanent files of the House.”

And,

~~94. A bill may be introduced bearing the names of not more than eleven members as joint sponsors of the bill.— Any bill sponsored at the request of the Governor shall be indicated as introduced “At the request of the executive.” Any bill introduced at the request of a constituent shall be indicated as “By a request of a constituent.” Any bill introduced at the request of a state agency shall be indicated as “By request of (the state agency).”~~

And,

That House Rules 94A and 94b be repealed;

And,

That the title to the Resolution be amended to read as follows:

“Amending House Rules 92a, 93 and 94 and repealing House Rules, 94a and 94b to provide that member names do not appear as sponsors on bills.”

During debate on the amendment, Delegate Linville arose to a point of order regarding the amendment being in conflict with House Rule 105.

The Speaker indicated that it appeared adoption of the amendment would require a conforming amendment before the next session and the gentleman's point would be well taken at that time.

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

The yeas and nays having been ordered, they were taken (**Roll No. 238**), and there were—yeas 25, nays 75, absent and not voting none, with the yeas being as follows:

Yeas: Barach, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, McGeehan, Paynter, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, G. Ward, Williams, Young and Zukoff.

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

There being no further amendments, the question before the House was the recommendation from the Committee on Rules that the resolution be rejected.

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

The yeas and nays having been ordered, they were taken (**Roll No. 239**), and there were—yeas 72, nays 28, absent and not voting none, with the nays being as follows:

Nays: Barach, Boggs, Conley, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Forsht, Garcia, Hansen, Hornbuckle, J. Jeffries, Keaton, Kimble, Mazzocchi, McGeehan, Paynter, Phillips, Pushkin, Rowe, Skaff, Thompson, Walker, G. Ward, Young and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. R. 15) rejected.

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. 82, Alleen Ledson Memorial Bridge,

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

And,

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

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

Third Reading

Com. Sub. for H. B. 4105, Relating to service employees with National Association for Pupil Transportation Certifications; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Toney asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegates Hanshaw, Toney and Summers, the bill was amended on page 7, section 8, line 163. by striking out subdivision (A) in its entirety and inserting in lieu thereof a new subdivision to read as follows:

“(A) Nothing in this subdivision prohibits a professional person or a professional educator from holding this class title: *Provided*, That after July 1, 2022, all persons employed for the first time in a (1) a position with this classification title or in a multiclassification position that includes this title as a director, assistant director or coordinator of transportation, and (2) which conducts performance-based evaluations in which the person assesses the fitness or suitability for duty of a school bus driver, shall have at least five years of experience working in the transportation department of a county board or meet or obtain qualifications as a school bus operator within one year of employment; *Provided further*, That after July 1, 2022, any person employed or retained by a county school board to conduct performance-based evaluations in which the person assesses the fitness or suitability for duty of a school bus operator shall have at least five years of experience working in the transportation department of a county board or meet the qualifications as a school bus operator.”

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 240**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Foster, Hanna, Kimes, Longanacre and Martin.

Absent and Not Voting: Graves.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4105) passed.

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

Com. Sub. for H. B. 4491, To establish requirements for carbon dioxide sequestration; 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. 241**), 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: Fast, Fleischauer, Gearheart, J. Jeffries, Longanacre, Martin, McGeehan, Paynter and Smith.

Absent and Not Voting: Ferrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4491) 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. 4627, To provide for no more than two licensed laboratories for medical cannabis testing 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. 242**), and there were—yeas 67, nays 33, absent and not voting none, with the nays being as follows:

Nays: Barnhart, Burkhammer, Conley, Crouse, Dean, Espinosa, Fast, Ferrell, Foster, Gearheart, Hamrick, Honaker, Horst, D. Jeffries, J. Jeffries, Jennings, Kessinger, Kimble, Kimes, Linville, Longanacre, Mandt, Martin, Maynard, Mazzocchi, McGeehan, Paynter, Phillips, Pritt, Summers, Tully, B. Ward and G. Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4627) passed.

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

H. B. 4627 – “A Bill to amend and reenact §16A-7-4 of the Code of West Virginia, 1931, as amended, relating to providing for no more than two licensed laboratories for medical cannabis testing in this state until January 1, 2025.”

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. 4712, Require the prompt enrollment in payment plans for costs, fines, forfeitures, restitution, or penalties in circuit court and magistrate court; 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. 243**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Fleischauer, Garcia, Hamrick, Howell and Pushkin.

Absent and Not Voting: Graves and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4712) 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 S. B. 221, Establishing occupational therapy compact; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 452, Permitting civil remedies for unauthorized disclosure of intimate images; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2092, Requiring each high school student to complete a full credit course of study in personal finance; on second reading, coming up in regular order, was reported by the Clerk.

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

H. B. 4331, West Virginia's Urban Mass Transportation Authority Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page 1, section 4(a), line 6, after the word "authorities," by inserting the words "only for urban mass transportation authority employees whose public authority employer is a recipient of federal funds,".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4492, Creating the Division of Multimodal Transportation; 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. 4510, To provide that third grade students be competent in reading and math before moving on to fourth grade; 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. 4634, Relating to occupational licensing or other authorization to practice; 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. 4675, Relating to autonomous delivery vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4743, Relating to security and surveillance requirements of medical cannabis organization facilities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

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

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,

Com. Sub. for H. B. 4516, To require medication-assisted treatment programs to have written policies concerning community relations,

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

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,

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.,

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

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

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

Com. Sub. for H. B. 4662, Relating to licensure of Head Start facilities in this state,

And,

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

At 12:54 p.m., on motion of Delegate Summers, the House of Delegates recessed until 5:00 p.m.

* * * * *

Evening Session

* * * * *

[DELEGATE HOWELL, MR. SPEAKER PRO TEMPORE, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Gary Howell, Speaker Pro Tempore.

Messages from the Senate

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. 28, Cpt. Billy Jake Smith Memorial Bridge.

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. 463 - "A Bill to amend and reenact §48-9-102 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §48-1-102a; to amend and reenact §48-9-203, §48-9-204, §48-9-205, §48-9-206, §48-9-207, §48-9-208, §48-9-209, §48-9-401, §48-9-402, §48-9-602, and §48-9-603 of said code, all relating generally to allocation of legal custody and parenting time in domestic relations matters; establishing collaborative parenting as a goal in allocation of custodial responsibility and decision-making; creating a rebuttable presumption that equal (50-50) custodial allocation is in a child's best interest; requiring specific findings and legal conclusions by the court if equal (50-50) parenting is not granted; establishing criteria for diverging from equal (50-50) custodial allocation when it is sought; authorizing interlocutory appeals to the Intermediate Court of Appeals if the family court refuses all physical custody to a parent or denies equal (50-50) custody when sought; requiring consideration of certain factors in developing a temporary parenting plan; ensuring that permanent parenting plans include provisions for financial support of children; requiring court not to consider temporary allocation of physical custody in final order unless parties agreed on temporary terms; removing provisions requiring consideration of terms in temporary orders when drafting final orders; requiring consideration of parents' ability or inability to work together in allocating significant decision-making responsibilities; clarifying consideration for courts in developing or approving parenting plans; setting forth optional considerations for a court in allocating physical custody of a child; requiring court to designate which parent is entitled to tax deductions and exemptions when equal (50-50) custody is ordered; clarifying that amendments made during regular session of the Legislature, 2022, are prospective; and declaring custodial orders entered prior to the effective date of the amendments to chapter 48 during the regular session of the Legislature, 2022, remain in full force and effect until judicially modified"; 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. 640 - "A Bill to amend and reenact §24-1-9 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; and eliminating the requirement of sending certain recommended decisions by certified mail"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 34 - "Requesting the Division of Highways name bridge number 49-033/00-015.38 (EB-WB) (49A122-49A123), locally known as MIDDLE FK CON I BM, carrying APD 33 over Middle Fork River and CR 10/10 in Upshur County, the 'U.S.M.C. SgtMaj Herman H. Brawner Memorial Bridge'."

Whereas, Herman H. Brawner was enlisted in the U.S. Marine Corps at the age of 17 during WWII and fought in the Pacific Theater for the duration of the war; and

Whereas, He went on to have a 30-year military career. SgtMaj Herman H. Brawner fought in combat in three wars: WWII, Korea, and Vietnam, serving two tours in Vietnam; and

Whereas, During the Korean War, SgtMaj Herman H. Brawner and his fellow Marines dug in for an extremely bloody battle on the shore of the Chosin Reservoir with Red Chinese soldiers, in temperatures that dropped as low as 35 degrees below zero, using sandbags and frozen bodies for protection because it was too cold to dig foxholes, for which he and his fellow troops were dubbed the "Frozen Chosin"; and

Whereas, One of SgtMaj Herman H. Brawner's tours in Vietnam included an urban battle in the City of Hue, where he led out-numbered Marines into the besieged city, but still managed to kill nearly three times as many Communist North Vietnamese, and helped raise an American flag on Hue's provincial headquarters. Brawner's notebook showed that the Marine battalion, which he led, suffered some 250 casualties in battle with many more wounded in what is considered by many the bloodiest battle of the Vietnam War; and

Whereas, During his career, SgtMaj Herman H. Brawner was wounded multiple times, earning numerous service awards including a Purple Heart with two gold stars, an Asiatic-Pacific Campaign Medal with two stars, an American Campaign Medal, a Combat Action Ribbon with a Bronze Star and "V" for Valor, a Republic of Korea Presidential Unit Citation with two stars, a United Nations Service Medal, two Republic of Vietnam Gallantry Cross Medals, one with a Silver Star and one with a Palm Ribbon, a Vietnam Campaign Medal with 1960 Device, plus a good conduct medal with many other citations and awards; and

Whereas, SgtMaj Herman H. Brawner also received recognition with a special Navy Commendation Medal including a combat "V" for Valor during WWII; and

Whereas, SgtMaj Herman H. Brawner retired as the head Noncom Military Police Marine in South East Asia overseeing U.S. Embassy security in five countries and, upon his retirement, finished his work career with Louisiana Pacific Lumber; and

Whereas, SgtMaj Herman H. Brawner and his wife, Fayma, chose West Virginia following his retirement, where he spent the remainder of his life on his farm in Upshur County, providing counsel and help to all who knew him; and

Whereas, It is fitting that an enduring memorial be established to commemorate SgtMaj Herman H. Brawner for his contributions to our state and country; therefore, be it *Resolved by the Legislature of West Virginia:*

That the Division of Highways name bridge number 49-033/00-015.38 (EB-WB) (49A122-49A123), locally known as MIDDLE FK CON I BM, carrying APD 33 over Middle Fork River and CR 10/10 in Upshur County, the "U.S.M.C. SgtMaj Herman H. Brawner Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S.M.C. SgtMaj Herman H. Brawner Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways and to SgtMaj Herman H. Brawner's widow, Fayma Brawner."; which was referred to the Committee on Rules.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 37 - "Requesting that the Division of Highways name bridge number 17A332 (17-098/00-003.27), locally known as the Veterans' Park Bridge, carrying State Route 98 over the West Fork River in Harrison County, the 'Harrison County Veterans Memorial Bridge'."

Whereas, Harrison County citizens have long been known as the first to fight for their country, and Harrison County was the centerpiece of West Virginias' efforts to fight the Axis Powers during WWII, seeing thousands of recruits on their way to defend their country; and

Whereas, Naming this bridge in honor of all the men and women who have served in the United States Armed Forces from Harrison County; and

Whereas, It is a fitting that an enduring memorial be established to commemorate the Harrison County Veterans for 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 number 17A33 (17-098/00-003.27), locally known as the Veterans' Park Bridge, carrying State Route 98 over the West Fork River in Harrison County, the "Harrison County Veterans 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 "Harrison County Veterans Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways."; which was referred to the Committee on Rules.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

Com. Sub. for S. C. R. 45 - "Requesting the Division of Highways name bridge number 10-017/00-001.40 (10A062), (37.97567, -81.11939), locally known as the Arbuckle Creek Bridge in Fayette County, the 'U.S. Army CPL John D. Doyle, Sr. Memorial Bridge'."

Whereas, John D. Doyle, Sr. was born on August 20, 1913, in Minden and raised in that community where he and his mother Katherine Doyle were members of the Saints Peter and Paul Roman Catholic Church. He graduated from Collins High School in Oak Hill and went to work at the New River and Pocahontas Coal Company in Minden; and

Whereas, Answering his nation's call, CPL John D. Doyle, Sr. entered military service on October 15, 1942. He was assigned to the Armor Corps where he was trained as a tank crewman. He was ultimately deployed to the European Theater of Operations and fought in the North Africa, Sicily, and Italy campaigns; and

Whereas, During the invasion of Italy CPL John D. Doyle, Sr. was assigned to Company A, 751st Tank Battalion which landed at Anzio. On May 23, 1944, during the breakout operations, CPL John D. Doyle, Sr. was killed in action in Italy when his tank was severely damaged by enemy fire; and

Whereas, CPL John D. Doyle, Sr. was initially interred in an Allied Cemetery in Italy and later repatriated in 1949 to America and West Virginia where he lays to rest today at the High Lawn Memorial Park in Oak Hill; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL John D. Doyle Sr. and his ultimate sacrifice 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 10-017/00-001.40 (10A062), (37.97567, -81.11939), locally known as the Arbuckle Creek Bridge in Fayette County, the "U.S. Army CPL John D. Doyle, Sr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the "U.S. Army CPL John D. Doyle, Sr. Memorial Bridge"; and, be it

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

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. 4753, Prohibiting locating certain homeless facilities near schools and certain daycares,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4753 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-24, relating to prohibiting locating certain homeless facilities near schools and certain daycares; defining homeless encampment; defining authorize or permit; prohibiting municipalities, governing bodies of a municipality, or agencies of municipality from authorizing or permitting homeless encampments within 1,000 feet of a school or licensed child care center effective January 1, 2022; declaring it a public nuisance for the authorization or permitting of a homeless encampment; providing a private cause of action for enforcement; and providing for enforcement through §53-1-1 *et seq.* of this code and for attorney's fees,"

H. B. 4779, Permit banks the discretion to choose whether to receive deposits from other banks, savings banks, or savings and loan associations when arranging for the re-deposits of county, municipal, and state funds,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4779 - "A Bill to amend and reenact §7-6-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-13-22a of said code; to amend and reenact §12-1-4 of said code; and to amend and reenact §18-9-6 of said code, all relating to county, municipal, state, and county Board of Education depositories; relating to the bonds of county, municipal, state, and county Board of Education depositories; and relating to the redeposit of county, municipal, state, and county Board of Education funds by state depositories,"

And,

H. B. 4787, Creating the Highly Automated Motor Vehicle Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4787 - "A Bill to amend the Code of West Virginia Code, 1931, as amended, by adding thereto a new article designated §17H-1-1, §17H-1-2, §17H-1-3, §17H-1-4, §17H-1-5, §17H-1-6, §17H-1-7, §17H-1-8, §17H-1-9, §17H-1-10, §17H-1-11, §17H-1-12, §17H-1-13, §17H-1-14, §17H-1-15, and §17H-1-16, all relating to establishing the Fully Autonomous Vehicle Act; providing definitions concerning fully autonomous vehicles; providing rules and regulations for the operation of fully autonomous vehicles; providing for the operation of on-demand autonomous vehicle transportation networks; providing for the operation of fully autonomous motor vehicle carriers; providing for the platooning of fully autonomous vehicles; providing for the licensing and insurance requirements of fully autonomous vehicles; providing for control and regulation of fully autonomous vehicles; and providing for the equipment standards for fully autonomous vehicles,"

With the recommendation that the committee substitutes each 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. 4317, Tax credits for living and deceased organ donors,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4317 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated 33-57-2, relating to health insurance; prohibiting certain actions and defining terms,"

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

In the absence of objection, reference of the bill (Com. Sub. for H. B. 4317) to the Committee on Finance was abrogated.

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:

Com. Sub. for S. B. 419, Establishing pilot project to evaluate impact of certain post-substance use disorder residential treatments,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

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. 4792, Relating to childcare subsidies within DHHR, paid based on monthly enrollment,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4792) was referred to the Committee on Finance.

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

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

Com. Sub. for S. B. 247, Relating to certified community behavioral health clinics,

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 (Com. Sub. for S. B. 247) was referred to the Committee on Finance.

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

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

S. B. 213, Establishing licensed professional counseling compact,

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

In accordance with the former direction of the Speaker, the bill (S. B. 213) was referred to the Committee on Government Organization.

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. 2136, Granting counties and municipalities a portion of the net terminal income from racetrack video lottery,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2136 - "A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, all relating to granting counties and municipalities a portion of the net terminal income from racetrack video lottery,"

With the recommendation that the committee substitute do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (Com. Sub. for H. B. 2136) were each referred to the Committee on Finance.

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. 4563, Provide for a license plate for auto mechanics,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4563 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6-15a, relating to authorizing auto mechanics to make application for access to the Division of Motor Vehicles' electronic temporary plate issuance system in order to access temporary plates to be used to operate or move a vehicle upon the highways and streets of this state solely for the purposes of diagnosing mechanical or functional problems of a vehicle or testing a vehicle being repaired or serviced; setting forth the application fee for such services; requiring the Commissioner of the Division of Motor Vehicles to determine whether applicants are qualified; requiring the display of proof of insurance upon any vehicles bearing a temporary registration plate; setting forth definitions; authorizing the Commissioner of the Division of Motor Vehicles to terminate an auto mechanic's access to the electronic temporary plate issuance system upon a finding that an auto mechanic's use of that system is in violation of law,"

With the recommendation that the committee substitute do pass.

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. 4482, Relating to removing the statutory limit of \$300,000.00 for the Environmental Laboratory Certification Fund,

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

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

By Delegate Steele:

H. B. 4841 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-11D-5, relating to requiring exhibitors of motion pictures who operate two or more theatres in more than one location in this state to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning; and requiring, when requested, audio description be provided for any motion picture that is produced and offered with audio description."

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. 4450, Removing the \$0.50 fee charged and deposited in the Combined Voter Registration and Driver's Licensing Fund for each driver's license issued by the Department of Motor Vehicles,

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. 4089, Require certain coverage and reimbursement for a person diagnosed with hypertension,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4089 - "A Bill to amend and reenact §9-5-20 of the Code of West Virginia, 1931, as amended, relating to Medicaid coverage for hypertension; requiring benefits be provided; and requiring reimbursement for costs,"

H. B. 4393, To increase the managed care tax if the managed care organization receives a rate increase,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4393 - "A Bill to amend and reenact §11-27-10a of the Code of West Virginia, 1931, as amended, relating to a tax on managed care organizations,"

H. B. 4502, Establishing the BUILD WV Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4502 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2L-1, §5B-2L-2, §5B-2L-3, §5B-2L-4, §5B-2L-5, §5B-2L-6, §5B-2L-7, §5B-2L-8, §5B-2L-9, §5B-2L-10, §5B-2L-11, §5B-2L-12, §5B-2L-13, §5B-

2L-14, §5B-2L-15, §5B-2L-16, and §5B-2L-17, all relating to establishing the BUILD WV Act; providing legislative findings and purpose; authorizing rule-making authority; providing for the application of the West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing effective and expiration dates; exempting the construction contractors of certified BUILD WV projects from the consumers sales and service tax and use tax; authorizing municipalities to provide exemptions to business and occupation taxes; establishing a property value adjustment tax credit; providing for the determination of amount and application of the property value adjustment tax credit; providing that the property value adjustment tax credit entitlement is retained by eligible taxpayers that have developed project property; providing for credit recapture, interest, penalties, additions to tax, and statute of limitations; providing for certified BUILD WV districts and the procedure for designation; granting authority to the Department of Economic Development to administer BUILD WV; providing for the application and procedures for BUILD WV projects; and requiring agreements between the Department of Economic Development and BUILD WV project participants,”

H. B. 4688, Relating to Emergency Medical Services Retirement System Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4688 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-5V-6a and §16-5V-6b, relating to authorizing county firefighters to be members of the Emergency Medical Services Retirement System; providing for transfer of assets pertaining to county firefighters; requiring certain computations to be made by the Consolidated Public Retirement Board; and terminating liability of the Public Employees Retirement System,”

And,

H. B. 4756, Relating to authorizing municipalities to create pension funding programs to reduce the unfunded liability of certain pension and relief funds,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4756 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-24; to amend and reenact §8-22-19 and §8-22-20 of said code; to amend and reenact §8-33-4 of said code; to amend said code by adding thereto two new sections, designated §8-33-4a and §8-33-4b; and to amend and reenact §33-3-14d of said code, all relating to authorizing Class I, Class II and Class III municipalities to create pension funding programs to reduce the unfunded liability of policemen’s pension and relief funds and firemen’s pension and relief funds; authorizing a municipality’s allocable portion of funds from the Municipal Pensions Security Fund created in §8-22-18b to be paid to the trustee of an issue of pension funding revenue bonds to be used for the purpose of paying debt service on such bonds until such bonds are paid in full; authorizing municipal building commissions to use the proceeds from pension funding revenue bonds to fund the costs of a municipality’s pension funding program; authorizing a municipal building commission to use rentals from real property owned or leased by such commission to pay debt service and administrative expenses associated with outstanding pension funding revenue bonds; authorizing a municipal building commission to issue pension funding revenue bonds to fund a municipality’s pension funding program; requiring that each issuance of pension funding revenue bonds provide for a contingency reserve fund in an amount equal to at least 10 percent of the original principal amount of such bonds; requiring that an issue of pension funding revenue bonds be in a principal amount at least equal to the then

unfunded liability of such applicable policemen's or firemen's pension and relief fund; providing for the use of excess moneys held by a bond trustee upon the payment in full of pension funding revenue bonds; requiring the approval of the Municipal Pension Oversight Board of the issuance of certain pension funding revenue bonds and requiring the submission of information relating to such bonds to the Joint Committee on Government and Finance,"

With the recommendation that the committee substitutes each do pass.

Miscellaneous Business

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

H. B. 4089: Delegate Hamrick;

H. B. 4377: Delegate Pinson;

H. B. 4428: Delegate Linville;

H. B. 4450: Delegates Hamrick and Hott;

H. B. 4595: Delegates Fast and Garcia;

H. B. 4678: Delegate Bates;

H. B. 4688: Delegate Hott;

H. B. 4749: Delegate Bates;

H. B. 4787: Delegate Pack;

And,

H. B. 4792: Delegates Barach, Bates and G. Ward.

At 5:50 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 25, 2022.

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

SPECIAL CALENDAR

Friday, February 25, 2022

45th Day

11:00 A. M.

THIRD READING

- 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)
- H. B. 4331 - West Virginia's Urban Mass Transportation Authority Act (CAPITO) (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)

SECOND READING

- S. B. 639 - Providing 45-day waiting period on rate increases when water and sewer services are purchased from municipality
- 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. 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)

FIRST READING

- Com. Sub. for S. B. 419 - Establishing pilot project to evaluate impact of certain post-substance use disorder residential treatments [HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING] (ROHRBACH) (REGULAR)
- Com. Sub. for H. B. 2733 - Relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates (STEELE) (REGULAR)
- Com. Sub. for H. B. 2838 - Authorize the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds, and to create the State Auditor's Public Integrity and Fraud Fund for use of said funds (HOUSEHOLDER) (REGULAR)

- Com. Sub. for H. B. 4012 - Prohibiting the showing of proof of a COVID-19 vaccination (CAPITO) (REGULAR)
- H. B. 4064 - Allowing antique car license plates for cars over 10,000lbs (STEELE) (REGULAR)
- Com. Sub. for H. B. 4071 - Mask and Quarantine Option For Parents and Faculty (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4089 - Require certain coverage and reimbursement for a person diagnosed with hypertension (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4285 - Relating to real estate appraiser licensing board requirements (STEELE) (REGULAR)
- Com. Sub. for H. B. 4317 - Tax credits for living and deceased organ donors (ROHRBACH) (REGULAR)
- Com. Sub. for H. B. 4377 - To update the involuntary commitment process (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4393 - To increase the managed care tax if the managed care organization receives a rate increase (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4441 - Creating a Class M air rifle stamp (STEELE) (REGULAR)
- H. B. 4450 - Removing the \$0.50 fee charged and deposited in the Combined Voter Registration and Driver's Licensing Fund for each driver's license issued by the Department of Motor Vehicles (HOUSEHOLDER) (JULY 1, 2022)
- Com. Sub. for H. B. 4466 - Relating to School Building Authority's review of school bond applications (HOUSEHOLDER) (REGULAR)
- H. B. 4482 - Relating to removing the statutory limit of \$300,000.00 for the Environmental Laboratory Certification Fund (STEELE) (REGULAR)
- Com. Sub. for H. B. 4499 - Relating to making the procurement process more efficient by modifying and updating outdated processes and requirements (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4502 - Establishing the BUILD WV Act (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4511 - To make numerous amendments to modernize and increase efficiencies in the administration of the West Virginia Unclaimed Property Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4560 - Relating generally to motor vehicle dealers, distributors, wholesalers and manufacturers (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4563 - Provide for a license plate for auto mechanics (STEELE) (REGULAR)
- Com. Sub. for H. B. 4570 - To allow veterinary telehealth in West Virginia with out of state providers (STEELE) (REGULAR)

- Com. Sub. for H. B. 4600 - Making it a felony for a "Person in a Position of Trust" to assault, batter, or verbally abuse a child, or neglect to report abuse they witness (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4608 - To require the State Fire Commission to propose minimum standards for persons to be certified as probationary status volunteer firefighters (STEELE) (REGULAR)
- Com. Sub. for H. B. 4616 - Remove sales tax on gun safes and certain firearm safety devices (HOUSEHOLDER) (REGULAR)
- H. B. 4642 - Relating to pecuniary interests of county and district officers, teachers and school officials in contracts (STEELE) (REGULAR)
- H. B. 4647 - Relating to the Board of Funeral Service Examiners (STEELE) (REGULAR)
- Com. Sub. for H. B. 4688 - Relating to Emergency Medical Services Retirement System Act (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4692 - To revise the West Virginia Tax Increment Financing Act (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4753 - Prohibiting locating certain homeless facilities near schools and certain daycares (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4756 - Relating to authorizing municipalities to create pension funding programs to reduce the unfunded liability of certain pension and relief funds (HOUSEHOLDER) (REGULAR)
- H. B. 4778 - Permit banks to transact business with any one or more fiduciaries on multiple fiduciary accounts (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4779 - Permit banks the discretion to choose whether to receive deposits from other banks, savings banks, or savings and loan associations when arranging for the re-deposits of county, municipal, and state funds (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4787 - Creating the Highly Automated Motor Vehicle Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4794 - Requiring counties provide fiscal information for State Auditor's WV Checkbook website (STEELE) (REGULAR)
- H. B. 4829 - Modifying definitions of certain school cafeteria personnel (ELLINGTON) (REGULAR)
- H. B. 4841 - Relating to open captioning for motion pictures (STEELE) (REGULAR)

HOUSE CALENDAR

Friday, February 25, 2022

45th 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

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

Com. Sub. for S. B. 25 - Updating provisions of Medical Professional Liability Act (CAPITO) (REGULAR)

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)

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**

FRIDAY, FEBRUARY 25, 2022

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON FINANCE
9:00 A.M. – ROOM 462 M**

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

**COMMITTEE ON GOVERNMENT ORGANIZATION
1:00 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