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FORTY-FIFTH DAY

Friday, February 25, 2022

FORTY-FIFTH 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 Thursday, February 24, 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 H. B. 2092, on Second Reading, Special Calendar, had been transferred to the House Calendar; H. B. 4841, on First Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 4553, on First Reading, House Calendar, had been transferred to the Special Calendar.

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. 4373, To exclude fentanyl test strips from the definition of drug paraphernalia,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4373 - "A Bill to amend and reenact §47-19-3 of the Code of West Virginia, 1931, as amended, relating to excluding fentanyl test strips from the definition of drug paraphernalia; and specifying that fentanyl test strips are not prohibited under Chapter 60A of this code,"

And,

H. B. 4595, Create camera assisted enforcement of speeding in active work zones,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4595 - "A Bill to amend and reenact §17C-6-1 and §17C-6-7a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17C-6-7b, all relating to establishing a program for camera assisted speed enforcement in active work zones in this state; authorizing the Commissioner of Highways to set speed limits in work zones on public highways; establishing use of work zone speed control systems as an exception to the prohibition against photo monitoring devices for traffic law enforcement; establishing duty of vehicle owners to ensure lawful operation of their vehicles on public highways; defining terms;

authorizing the use of work zone speed control systems for enforcement of speed restrictions in active work zones; specifying lawful uses of equipment and setting conditions upon their operation; specifying qualifications of system operators; establishing specification and restrictions for machine functions; providing for administration of enforcement program by contractor; requiring written notice of violations to be provided to vehicle owners, with specification for contents and manner of delivery; establishing civil penalties for violations and limiting the effect and use of admissions and assessments; establishing response options for owner and the owner's obligation to respond; providing for default for owner's failure to respond and suspension of vehicle registration; authorizing collection of delinquent penalties; providing for administrative hearing, notice of hearing, and judicial review of decisions; restricting the use of images and providing an exception from the Freedom of Information Act; requiring the proposal and acceptance of legislative rules; correcting references to other sections; and requiring the submission of annual reports,"

With the recommendation that the committee substitutes each do pass.

On motion for leave a resolution was introduced (Originating in the Committee on Education and reported with the recommendation that it be adopted, but that it first be referred to the Committee on Rules), which was read by its title, as follows:

By Delegates Skaff, Hanshaw (Mr. Speaker), Dean, Bates, Longanacre, Clark, Toney, Thompson, Bridges, Horst, Evans, Hornbuckle and Ferrell:

H. C. R. 92 - "Requesting the Joint Committee on Government and Finance to conduct a study to assess and address the mental health needs of students at West Virginia higher education institutions."

Whereas, The mental health of students at West Virginia's institutions of higher education ("students") is an increasing concern and the COVID-19 pandemic has created additional negative impacts on students, including burnout, lack of motivation and concentration, social anxiety, general anxiety, stress, loss of sleep, eating disorders, and depression; and

Whereas, Approximately 75 percent of all mental health conditions start by age 24, with higher rates of diagnosed disorders in traditionally college-age students; and

Whereas, A recent national survey found that one in four college students are treated for or diagnosed with a mental health condition and one in five has considered suicide; and

Whereas, Many students who complete a suicide never received on-campus services; and

Whereas, 96 Percent of students reported that they would provide support to peers who were contemplating suicide but many students lack knowledge of mental health signs and symptoms, how to assist their peers or where to refer them for services; and

Whereas, While traditionally college-age students are more accepting of mental health services than the general population, most struggle with accessing them and are less likely to receive mental health support than any other age group; and

Whereas, Paying for community-based services is a concern for approximately half of students and students from low-income households are more likely to have a mental health condition; and

Whereas, Services offered by most higher education institutions are limited in scope and capacity, with 67 percent of higher education institution counseling center directors stating that their campus psychiatric service capacity is inadequate or does not meet student demand; and

Whereas, Counselors at higher education institutions are working longer hours to meet increasing demand during the pandemic, contributing to the risk of burnout, compassion fatigue, depression, anxiety, and substance use; and

Whereas, Increasing the ratio of counselors to students is a critical component of addressing the mental health needs at higher education institutions and would provide for additional clinical hours, improve crisis response, and increase outreach and prevention; and

Whereas, The national shortage of licensed counselors, has created the need to consider augmenting staff at higher education institution counseling centers with Post-Master's counselors, social workers or psychologists, who are supervised by licensed, experienced clinicians; and

Whereas, Training students, faculty, and staff and providing necessary resources is essential to combat the ongoing mental health crisis affecting students and to increase their resiliency and coping skills; and

Whereas, An urgent need exists to develop interventions and preventive strategies to address the mental health of students; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct a study to assess the mental health needs of students at West Virginia higher education institutions and to address and augment mental health services and resources at these institutions to meet those needs. The study shall include at least the following:

- Evaluation and assessment of mental health needs to be addressed;
- Increasing counselor-to-student ratios, including use and availability of supervised Post-Master's counselors, social workers or psychologists;
- Policies for training and awareness;
- Peer support programs;
- Local assistance and strategic partnerships;
- Online screening, web-based resources and hotlines;
- Mental health education and resources;
- Prevention and recovery programs;
- Collaboration between the higher education institutions and the Higher Education Policy Commission and the Community and Technical College System of West Virginia; and
- Funding needed to meet the needs and resolutions identified by this study, and, be it

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

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

The Speaker referred the resolution (H. C. R. 92) to the Committee on Rules.

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

Your Committee on Education has had under consideration:

S. B. 493, Requiring county BOE make meetings available to public in-person and through internet,

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

In accordance with the former direction of the Speaker, the bill (S. B. 493) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

S. B. 499, Authorizing legislative rules for School Building Authority,

And reports the same back with the recommendation that it 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:

S. B. 529, Encouraging additional computer science education in WV schools,

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

In accordance with the former direction of the Speaker, the bill (S. B. 529) 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:

H. B. 4031, Ban any and all mask mandates,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4031) was referred to the Committee on the Judiciary.

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. 4320, Relating to natural immunity or antibodies to any illness to be treated as equal or better to vaccine induced immunity,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4320 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-14, relating to requiring that a covered employer accept biological immunity for a communicable disease; prohibiting requiring a vaccine if protective antibody level occur; and defining terms,”

With the recommendation that the committee substitute 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 24th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

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

H. B. 4060, Repealing outdated sections of code relating to health,

And,

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

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

By Delegates Capito, Pack, Westfall and D. Kelly:

H. B. 4842 - “A Bill to amend and reenact §61-8C-3 of the Code of West Virginia, 1931, as amended, relating to preparation, distribution, or exhibition of obscene matter to minors; and clarifying that the provisions of the section shall not apply to a certified law-enforcement officer or prosecuting attorney, or persons acting under the immediate direction of a certified law-enforcement officer or prosecuting attorney, certain court personnel, or attorneys representing an accused person, all while acting in the course of official duties.”

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

Your Committee on Rules has had under consideration:

H. C. R. 89, Hajash Brothers Memorial Bridge,

S. C. R. 6, Holden 22 Coal Miners Memorial Bridge,

Com. Sub. for S. C. R. 17, US Air Force SSGT Logan A. Young Memorial Bridge,

And,

Com. Sub. for S. C. R. 27, US Army TSGT Harold William Schmidle Memorial Bridge,

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

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. 4840 - "A Bill to repeal §22A-1-21 of the Code of West Virginia, 1931, as amended; to repeal §22A-5-2 of said code; to repeal §22A-6-11, §22A-6-12, §22A-6-13, and §22A-6-14 of said code; to amend and reenact §22A-1-1, §22A-1-4, §22A-1-5, §22A-1-6, §22A-1-14, §22A-1-15, §22A-1-22, §22A-1-35, §22A-1-38 of said code; to amend and reenact §22A-2-12, §22A-2-55, §22A-2-63, §22A-2-66, §22A-2-73 of said code; to amend and reenact §22A-5-1 of said code; to amend and reenact §22A-6-1, §22A-6-2, §22A-6-3, §22A-6-4, §22A-6-5, §22A-6-7, §22A-6-8, §22A-6-9, §22A-6-11, §22A-6-12, §22A-6-13, and §22A-6-14 of said code; to amend and reenact §22A-7-2, §22A-7-3, §22A-7-4, and §22A-7-5 of said code; to amend and reenact §22A-8-1, §22A-8-5, and §22A-8-6 of said code; all relating to the Office of Miners Health, Safety and Training; converting the office to a compliance agency to assist mine operators; providing for alternative mechanisms of enforcement or removing certain enforcement language; requiring compliance visits to mines as often as the director determines is necessary; outlining the type of recommendations or assistance the office may offer to mines; preserving the mechanism for closing a mine when there are conditions of imminent danger present; permitting the office to serve as a backup mine rescue team when requested by the mine operator; clarifying rulemaking relating to mine safety; clarifying requirements for apprentice miners; permitting apprentice miners be supervised for 90 days; removal of fees associated with obtaining a permit to open a mine; removal of a civil penalty for failure to give notice of a mine accident; discontinuing the Board of Appeals and permitting actions be instituted in the appropriate circuit court; renaming the Board of Coal Mine Health and Safety the Mine Safety Board; providing for altered appointment requirement; requiring that nominees to fill a seat on the board are submitted with a list of the person's qualifications and experience in mine health and safety when representing the viewpoint of the operators; altering appointment requirements for persons appointed to the board representing the viewpoint of miners and requiring that each person's qualifications be provided during the nomination process; altering the appointment requirements for the Health and Safety Administrator to be appointed to the Governor; amending the requirements for the Mine Safety Board to meet at least quarterly; altering the requirements to establish a quorum of the board to vote and conduct business; providing for rulemaking authority pursuant to chapter 29A for the Mine Safety Board; providing for emergency rulemaking authority; providing for rulemaking and emergency rulemaking authority relating to investigations and reports relating to mining accidents; altering membership requirements for the Coal Mine Safety Technical Review Committee; permitting the director to serve as a tie-breaking voting member; altering requirements for a quorum of the committee; permitting the Mine Safety Board to adopt, modify, or reject a proposed rule from the committee; clarifying the effect of the rules to create basic health and safety standards for mine operators; permitting electronic reports be sent when required; clarifying that the Mine Safety Board may offer assistance to any mine operator to implement any program to protect health and safety of miners; and making other technical corrections."

Pursuant to House Rule 88, Delegate Diserio, Minority Chairman of the Committee on Government Organization, submitted the following minority report:

Your Committee on Government Organization has had under consideration:

H. B. 4840, Relating to the Office of Miners Health, Safety and Training,

And reports the same back with the recommendation that it be recommitted to the Committee on Government Organization to allow committee debate before it is again reported to the floor and then it be referred to the Committees on Judiciary and Finance.

Delegate Diserio asked and obtained unanimous consent to reform the minority report, as follows:

Your Committee on Government Organization has had under consideration:

H. B. 4840, Relating to the Office of Miners Health, Safety and Training,

And reports the same back with the recommendation that it be referenced to the Committee on Judiciary.

During debate on the minority report, Delegate Fluharty arose to a point of order regarding the content of questions by Delegate Fast.

The Speaker sustained the point of order due to the question before the House being regarding substituting the minority report for the committee report.

On the question of substituting the minority report for the committee report, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 244**), and there were – yeas 25, nays 71, absent and not voting 4, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Bridges, Ellington, Kessinger and Storch.

So, a majority of the members present not having voted in the affirmative, substitution of the minority report for the committee report was rejected.

The report from the Committee on Government Organization was then received.

Delegate Espinosa asked and obtained unanimous consent to return to further consideration of the first report from the Committee on the Judiciary, which contained Com. Sub. for H. B. 4595.

In the absence of objection, reference of the bill to the Committee on Finance was dispensed with.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 4333, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters.

On motion of Delegate Summers, the House refused to concur in the following amendment of the bill by the Senate, and requested the Senate to recede therefrom:

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

“ARTICLE 26. HEARING-AID DEALERS AND FITTERS.

§30-26-21. Sunset and transfer of duties provision; effective date.

The State Board of Hearing-Aid Dealers and Fitters established in this article shall terminate on June 30, 2023, unless continued by the Legislature. Pursuant to §4-10-12 and §4-10-13 of this code, the board shall commence all necessary activities pertinent to the wind-up of all board-related activities. Notwithstanding the termination of the board, the regulation and licensure of hearing aid fitters engaged in the practice of dealing in or fitting of hearing aids under §30-26-1 et seq. of this code shall continue with the exception of §30-26-17(6) of this code. Upon termination of the board, the West Virginia Board of Examiners for Speech-Language Pathology and Audiology shall supervise, regulate, and control the practice of dealing in or fitting of hearing aids in this state. Notwithstanding any other provision of code, hearing aids, meaning any wearable device or instrument intended to aid, improve, or compensate for defective or impaired human hearing, may be advertised for mail-order sale in any advertising medium and sold by mail-order sale to any person in this state upon the effective date of this legislation.

ARTICLE 32. SPEECH LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS.

§30-32-5. Board of Examiners for Speech-Language Pathology and Audiology

(a) The West Virginia Board of Examiners for Speech-Language Pathology and Audiology is continued. The members of the board in office on July 1, 2013, may, unless sooner removed, continue to serve until their respective terms expire or until their successors have been appointed and qualified.

(b) The board consists of the following members appointed by the Governor by and with the advice and consent of the Senate:

- (1) ~~Two~~ Three persons who are licensed speech-language pathologists;
- (2) Two persons who are licensed audiologists; ~~and~~
- (3) One person who is a licensed hearing aid fitter; and
- ~~(3)~~ (4) One citizen member who is not licensed or registered under this article.

(c) The terms are for three years. No member may serve for more than two consecutive terms.

(d) Each licensed member of the board, at the time of his or her appointment, must have held a license in this state for at least three years.

(e) Each member of the board must be a resident of this state during the appointment term.

(f) No board member may serve as an officer of the West Virginia Speech Language and Hearing Association concurrently with his or her service on the board.

(g) A vacancy on the board shall be filled by appointment by the Governor for the unexpired term of the member whose office is vacant.

(h) The Governor may remove any member from the board for neglect of duty, incompetency, or official misconduct.

(i) A licensed member of the board immediately and automatically forfeits membership to the board if his or her license or registration to practice is suspended or revoked.

(j) A member of the board immediately and automatically forfeits membership to the board if he or she is convicted of a felony under the laws of any jurisdiction or becomes a nonresident of this state.

(k) The board shall elect annually one of its members as chairperson and one of its members as secretary-treasurer who shall serve at the will and pleasure of the board.

(l) Each member of the board is entitled to receive compensation and expense reimbursement in accordance with §30-1-1 *et seq.* of this code.

(m) A majority of the members of the board constitutes a quorum.

(n) The board shall hold at least one annual meeting. Other meetings shall be held at the call of the chairperson or upon the written request of four members, at the time and place as designated in the call or request.

(o) Prior to commencing his or her duties as a member of the board, each member shall take and subscribe to the oath required by section five, article four of the Constitution of this state.

(p) Board members are immune from civil liability for the performance of their official duties so long as they act in good faith.”

And,

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

Com. Sub. for H. B. 4333 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-26-21; and to amend and reenact §30-32-5 of said code, all relating to sunseting the Board of Hearing-Aid Dealers and Fitters; directing wind up and termination of board; continuing licensure and regulation of hearing aid dealers and fitters under board until date of termination, with certain exception; transferring licensure and regulation of hearing aid dealers and fitters to West Virginia Board of Examiners for Speech-Language Pathology and Audiology upon termination of Board of Hearing-Aid Dealers and Fitters; revising composition of Board of Examiners for Speech-Language Pathology and Audiology; and authorizing advertising and sale of hearing aids by mail upon effective date of legislation.”

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 the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 30, U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge.

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

On page two, in the Resolved clause, line thirty-two, by striking out the word "WWII";

On page two, in the first Further Resolved clause, line thirty-five, by striking out the word "WWII";

And,

By striking out the title and substituting therefor a new title, to read as follows:

H. C. R. 30 – "Requesting the Division of Highways name a bridge bearing bridge number 40-039/00-000.10 (40A048), (38.34513, -81.99779), locally known as TRACE FORK TIMBER BRIDGE, carrying CR 39 over TRACE CREEK in Putnam county as the "U.S. Army Pvt. Dallis H. Johnson Memorial Bridge."

The resolution, as amended by the Senate, was then adopted.

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 adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 59, "Warrant Officer James G. Bosley Memorial Bridge".

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

On page one, in the third Whereas clause, line nine, by striking out the word "Bosely" and inserting in lieu thereof the word "Bosley";

On page one, in the fifth Whereas clause, line thirteen, by striking out the word "Bosely" and inserting in lieu thereof the word "Bosley";

On page one, in the sixth Whereas clause, line fifteen, by striking out the word "Bosely" and inserting in lieu thereof the word "Bosley";

On page one, in the seventh Whereas clause, line seventeen, by striking out the word "Bosely" and inserting in lieu thereof the word "Bosley";

On page two, in the eighth Whereas clause, line twenty, after "21" by inserting the words "years old";

On page two, in the ninth Whereas clause, line twenty-one, by striking out the word "Bosely" and inserting in lieu thereof the word "Bosley";

On page two, in the tenth Whereas clause, line twenty-four, by striking out the word "Bosely" and inserting in lieu thereof the word "Bosley";

On page two, in the eleventh Whereas clause, line twenty-six, by striking out the word "Bosely" and inserting in lieu thereof the word "Bosley";

On page two, in the Resolved clause, line thirty, by striking out the word “Warrant” and inserting in lieu thereof the words “U.S. Army Warrant”;

On page two, in the first Further Resolved clause, line thirty-three, by striking out the word “Warrant” and inserting in lieu thereof the words “U.S. Army Warrant”;

And,

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

H. C. R. 59 – “Requesting the Division of Highways name bridge number 29-093/00-003.42 (29A054), locally known as Claysville Bridge, carrying WV 93 over New Creek in Mineral County, the ‘U.S. Army Warrant Officer James Gilbert Bosley Memorial Bridge’.”

The resolution, as amended by the Senate, was then adopted.

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. 230 - “A Bill to amend and reenact §6C-2-1, §6C-2-2, §6C-2-3, §6C-2-4, and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia public employees grievance procedure; defining terms; providing that Division of Personnel may not be a party in certain circumstances; clarifying actions by an agency taken during a declared state of preparedness or emergency or any matter relating to protected classes are not grievable; requiring a notarized grievance form and providing for multiple grievants; providing a grievance must be filed within the time limits specified or it may be dismissed; extending certain time limits; providing for appeal for grievances dismissed for timeliness or lack of jurisdiction; providing the grievance evaluator and the administrative law judge must hold all other proceedings in abeyance until a ruling on motion to dismiss; clarifying that grievances may be consolidated as long as the initial grievance has not been dismissed; providing that proceedings may be rescheduled for good cause shown; requiring grievant representatives provide the names and work location of employees being represented; requiring that employees provide the name and contact information of his or her representative; requiring Division of Personnel receive copies of grievance in certain cases; providing a prevailing party at level three may recover attorney’s fees and costs not to exceed \$1,000; and authorizing an administrative law judge to award attorney’s fees and costs based on certain findings”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 371 - “A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules, as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to telehealth and interstate telehealth registration for physicians, podiatric physicians, and physician assistants; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to telehealth practice and interstate telehealth registration for osteopathic physicians and physician assistants; and authorizing

the Board of Registered Professional Nurses to promulgate a legislative rule relating to telehealth practice”; which was referred to the Committee on Government Organization.

Resolutions Introduced

Delegate Pushkin offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 91 - “Requesting the Division of Highways name bridge number 28-007/00-003.22 (28A012), currently known as Gardner Bridge, carrying County Route 7 over Brush Creek in Mercer County, the ‘U.S. Army PFC Ralph E. Lusk Memorial Bridge’.”

Whereas, Ralph Emerson Lusk was born on December 12, 1945, at Horse Creek, West Virginia to Robert and Mary Belle Mullens Lusk; and

Whereas, Ralph Lusk entered the U.S. Army at the time of the Vietnam War and he served in the rank of Private First Class with dedication and great sacrifice in that conflict; and

Whereas, After his military service was complete, Ralph Lusk became a coal miner, was a member of UMWA Local 1503, and worked underground for 40 years; and

Whereas, Upon his retirement, he and his wife, Alice Crews Lusk, moved to Mercer County, West Virginia, where he spent his next two decades; and

Whereas, During his life, Ralph Lusk enjoyed playing guitar, being a home handyman, and giving his time to his children, grandchildren, and great-grandchildren; and

Whereas, Ralph E. Lusk tragically lost his life in an accident in Mercer County on January 27, 2020, at the age of 75 years; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Ralph E. Lusk 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 28-007/00-003.22 (28A012), currently known as Gardner Bridge, carrying County Route 7 over Brush Creek in Mercer County, the “U.S. Army PFC Ralph E. Lusk 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 PFC Ralph E. Lusk Memorial Bridge”; and, be it

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

Delegates Skaff, Hanshaw (Mr. Speaker), Dean, Bates, Longanacre, Clark, Toney, Thompson, Bridges, Horst, Evans, Hornbuckle and Ferrell offered the following resolution, which was referred to the Committee on Finance then Rules:

H. C. R. 93 - “Requesting the Joint Committee on Government and Finance study ways that allow the West Virginia Economic Development Authority (‘EDA’) to target companies and have them move to West Virginia without having to go through the Legislative process for every job announcement.”

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study ways that allow the West Virginia Economic Development Authority (“EDA”) to target companies and have them move to West Virginia without having to go through the Legislative process for every job announcement; and, be it

Further Resolved, That the Joint Committee on Government and Finance study surrounding states who already have this type of framework in place with their respective EDAs, such as Texas, Georgia, Florida, Utah and Michigan; and, be it

Further Resolved, That the Joint Committee on Government and Finance study ways to create a structure for the EDA to allow them to target big companies, but would also target those smaller/mid-sized companies who may offer 100 or so jobs at a time; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the ways by which our neighboring State of Ohio was able to attract Intel to create jobs in that state, and how that may be replicated by the EDA in our state to attract similarly situated companies who may be looking to relocate; and, be it

Further Resolved, That the Joint Committee on Government and Finance study ways to give more freedom to the EDA to go after companies and have them relocate to West Virginia without having to go through the entire Legislative process each time; and, be it

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

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

Delegates Howell, Clark, Keaton, Riley, Holstein, B. Ward, Zatezalo, Wamsley, Hamrick, Barrett and Hardy offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

H. C. R. 94 - “Requesting the Joint Committee on Government and Finance study the possibility of combining certain programs related to the West Virginia Department of Health and Human Resources (‘DHHR’), Workforce West Virginia, and the West Virginia Community and Technical College System to create a ‘one-stop shop’ for applicants to be admitted into higher education programs.”

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the possibility of combining certain programs related to the West Virginia Department of Health and Human Resources (DHHR), Workforce West Virginia, and the West Virginia Community and Technical College System to create a “one-stop shop” for applicants to obtain admission into higher education programs; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the current application process for individuals to apply for and get into West Virginia Community and Technical colleges; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the current job placement percentage for those persons who are admitted into and successfully graduate from West Virginia Community and Technical Colleges in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the means by which to obtain more applicants for programs geared towards persons who may have obtained benefits from the DHHR during the COVID-19 pandemic and otherwise over the past 2 years, but want to return to the workforce; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the process of combining certain programs within the DHHR, Workforce West Virginia, and the West Virginia Community and Technical College system to create a “one-stop shop” (for example, a single mother being allowed to remain on certain benefits from the DHHR while applying for a West Virginia Community and Technical College program, all the while being able to have childcare provided for her, grants explained to her that she may be eligible for, and for the ability to enroll in classes); and, be it

Further Resolved, That the Joint Committee on Government and Finance study ways to more efficiently streamline certain DHHR funding streams that could correlate with admission into West Virginia Community and Technical Colleges; and, be it

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

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

Bills Introduced

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

**By Delegates Hanshaw (Mr. Speaker) and Skaff
[By Request of the Executive]:**

H. B. 4830 - “A Bill supplementing and amending Chapter Eleven, Acts of the Legislature, Regular Session, 2021, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022 by adding new language; therefore”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff
[By Request of the Executive]:**

H. B. 4831 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Administration, Travel Management - Aviation Fund, fund 2302, fiscal year 2022, organization 0215, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 4832 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to Miscellaneous Boards and Commissions, Board of Medicine - Medical Licensing Board Fund, fund 9070, fiscal year 2022, organization 0945, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 4833 - "A Bill expiring funds to the balance of the Department of Environmental Protection, Division of Environmental Protection - Reclamation of Abandoned and Dilapidated Property Program Fund, fund 3305, fiscal year 2022, organization 0313, in the amount of \$10,000,000, from the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 4834 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Homeland Security, Division of Corrections and Rehabilitation - Regional Jail and Correctional Facility Authority, fund 6675, fiscal year 2022, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 4835 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Agriculture - West Virginia Spay Neuter Assistance Fund, fund 1481, fiscal year 2022, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 4836 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing items of appropriation to the Department of Economic Development - Office of the Secretary, fund 0256, fiscal year 2022, organization 0307; and by increasing items of appropriation to the Department of Commerce - Office of the Secretary, fund 0606, fiscal year 2022, organization 0327 for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 4837 - "A Bill supplementing and amending the appropriations of public moneys out of the 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"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 4838 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Homeland Security, Fire Commission - Fire Marshal Fees, fund 6152, fiscal year 2022, organization 0619, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 4839 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Education, State Board of Education - Strategic Staff Development, fund 3937, fiscal year 2022, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

Special Calendar**Third Reading**

Com. Sub. for S. B. 221, Establishing occupational therapy compact; 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. 245**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Kessinger and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 221) passed.

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

Com. Sub. for S. B. 452, Permitting civil remedies for unauthorized disclosure of intimate images; 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. 246**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Kessinger and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 452) passed.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 247**), and there were, including pairs—yeas 85, nays 12, absent and not voting 3, with the paired, the nays and the absent and not voting being as follows:

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

Paired:

Yea: Criss Nay: Kessinger

Nays: Burkhammer, Foster, Hanna, Jennings, Kimes, Longanacre, Mallow, Martin, Mazzocchi, Steele and G. Ward.

Absent and Not Voting: Bridges, Ellington and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4331) passed.

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

On this question, the yeas and nays were taken (**Roll No. 248**), and there were—yeas 84, nays 8, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Foster, Hanna, Jennings, Kimes, Longanacre, Martin, Steele and G. Ward.

Absent and Not Voting: Bridges, Ellington, Howell, Kessinger, Maynard, Mazzocchi, Riley and Storch.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4331) takes effect from its passage.

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

Com. Sub. for H. B. 4492, Creating the Division of Multimodal Transportation; 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. 249**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ellington, Hamrick, Howell, Kessinger, Maynard and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4492) passed.

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

Com. Sub. for H. B. 4510, To provide that third grade students be competent in reading and math before moving on to fourth grade; on third reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 4634, Relating to occupational licensing or other authorization to practice; 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. 250**), and there were—yeas 67, nays 26, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Barach, Booth, Brown, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hardy, Hornbuckle, Lovejoy, Pushkin, Rowe, Skaff, Thompson, Toney, Walker, G. Ward, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Barrett, Bridges, Ellington, Ferrell, Kessinger, Maynard and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4634) passed.

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

Com. Sub. for H. B. 4675, Relating to autonomous delivery vehicles; 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. 251**), and there were—yeas 87, nays 8, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Cooper, Gearheart, Horst, Lovejoy, Pushkin, Rowe, Skaff and Walker.

Absent and Not Voting: Bridges, Ellington, Kessinger, Storch and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4675) 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. 4743, Relating to security and surveillance requirements of medical cannabis organization facilities; 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. 252**), and there were—yeas 91, nays 4, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Fast, J. Jeffries, Jennings and Kimes.

Absent and Not Voting: Bridges, Ellington, Kessinger, Riley and Storch.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4743) 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. 4773, Adoption of the FCC customer service and technical standards and requiring certain cable operators to operate an in-state customer call center; 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. 253**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Ellington, Kessinger, Pritt, Storch and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4773) 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

S. B. 639, Providing 45-day waiting period on rate increases when water and sewer services are purchased from municipality; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 4408, Relating to contracts for construction of recreational facilities in state parks and forests; on second reading, coming up in regular order, was read a second time.

Delegate Hansen moved to amend the bill on page 1, section 15, line 8, after the word “code”, by striking out the period, inserting a colon in lieu thereof, and the following:

“Provided, further, That the director may not enter into a contract for the development of off-road vehicle trails or the rental or use of off-road vehicles within any state park or state forest.”

And,

On page 2, section 16, line 8, after the word “Resources”, by striking out the period and inserting a colon in lieu thereof, and the following:

“Provided, That the director may not enter into a contract for the development of off-road vehicle trails or the rental or use of off-road vehicles within any state park or state forest.”

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

Delegate Fleischauer moved to amend the bill on page 2, section 16, line 8, by striking out the period, inserting a colon, and the following proviso:

“Provided, That no contracts for the construction or operation of an all-terrain vehicle trail in any state park unless the Commissioner first obtains approval of the National Resources Commission following a public hearing conducted by the director within the county in which the facility is

located. The director shall publish a Class II legal advertisement notice of the public hearing pursuant to §59-3-2 of this code, with first publication at least 20 days in advance of the hearing.”

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

Delegate Fast moved to amend the bill on page 1, section 15, line 14 following the word “code”, by inserting the following:

“: *Provided*, That nothing in this article should be construed as permitting the establishment of a casino in any state park facility”

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. 254**), and there were—yeas 32, nays 61, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Anderson, Barach, Barnhart, Burkhammer, Conley, Cooper, Fast, Griffith, Hanna, Honaker, Hott, Jennings, Keaton, Kimble, Kimes, Longanacre, Mallow, Mandt, Martin, Mazzocchi, Miller, Paynter, Phillips, Pinson, Rowan, Toney, Walker, B. Ward, G. Ward, Worrell, Young and Zukoff.

Absent and Not Voting: Brown, Ellington, Graves, Kessinger, Maynard, Storch and Wamsley.

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

The bill was then ordered to engrossment and third reading.

H. B. 4419, Allowing candidate committees and campaign committees to make contributions to affiliated state party executive committees.; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Fluharty, the bill was amended on page 2, section 5c, line 24, by striking out the words “without limit” and inserting in lieu thereof, the words “up to \$75,000”.

The bill was then ordered to engrossment and third reading.

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.; on second reading, coming up in regular order, was read a second time.

Delegate Foster moved to amend the bill on page 1, section 5a, line 5, by striking out the following:

“*Provided*, That in any fiscal year, no more than three counties may be so designated.” And,

On line 6, by striking the word “Such” and,

Making technical changes on line 6 to capitalize the word “Locality”.

Delegate Summers asked unanimous consent that the bill be postponed one day, which consent was not granted, objection being heard.

Delegate Summers then so moved.

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

Having been ordered, the yeas and nays were taken (**Roll No. 255**), and there were—yeas 71, nays 24, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Barach, Boggs, Diserio, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Kimble, Lovejoy, McGeehan, Pethtel, Pritt, Pushkin, Rohrbach, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Brown, Ellington, Kessinger, Maynard and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the motion adopted.

Com. Sub. for H. B. 4516, To require medication-assisted treatment programs to have written policies concerning community relations; 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. 4540, To update all retirement plans to comport with federal law; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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; 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. 4613, Relating to increasing the multiplier for use in determining accrued benefit in the West Virginia Municipal Police Officers and Firefighters Retirement System; 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. 4614, Providing optional retirement service credit for unused accrued annual or sick leave days for municipal police and firefighters; 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. 4657, Creating the Critical Mineral Investment Tax Credit Act of 2022; 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. 4660, Establishing the status of beds when an intermediate care facility for individuals with intellectual disabilities closes; on second reading, coming up in regular order, was read a second time.

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

Com. Sub. for H. B. 4662, Relating to licensure of Head Start facilities in this state; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4827, Relating to the promotion and development of public-use vertiports; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

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

Com. Sub. for H. B. 2733, Relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates,

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,

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

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

Com. Sub. for H. B. 4071, Mask and Quarantine Option For Parents and Faculty,

Com. Sub. for H. B. 4089, Require certain coverage and reimbursement for a person diagnosed with hypertension,

Com. Sub. for H. B. 4285, Relating to real estate appraiser licensing board requirements,

Com. Sub. for H. B. 4317, Tax credits for living and deceased organ donors,

Com. Sub. for H. B. 4377, To update the involuntary commitment process,

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

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

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,

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

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

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

Com. Sub. for H. B. 4502, Establishing the BUILD WV Act,

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,

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

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

Com. Sub. for H. B. 4563, Provide for a license plate for auto mechanics,

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

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,

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,

Com. Sub. for H. B. 4616, Remove sales tax on gun safes and certain firearm safety devices,

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

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

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

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

Com. Sub. for H. B. 4753, Prohibiting locating certain homeless facilities near schools and certain daycares,

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,

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

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,

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

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

And,

H. B. 4829, Modifying definitions of certain school cafeteria personnel.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington and Kessinger.

At 2:13 p.m., on motion of Delegate Summers, the House of Delegates recessed until 5:30 p.m.

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Evening Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 4473, on Second Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 4595, on First Reading, Special Calendar, had been transferred to the House Calendar.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

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

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. 588 - "A Bill to amend and reenact §5B-1A-1, §5B-1A-2, §5B-1A-3, §5B-1A-4, §5B-1A-5, §5B-1A-6, and §5B-1A-9 of the Code of West Virginia, 1931, as amended, all relating to establishing the West Virginia Rail Trails Program consisting of rail-to-trail and rail with trail programs; updating definitions to include a definition of "rail with trail;" expanding State Rail Authority to acquire railroad rights-of-way and land for both trail programs; clarifying that rail-to-trail program may not unreasonably limit ability to restore rail service on railroad rights-of-way; and expanding limitation of and exception to liability to railroad owners under certain circumstances"; 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. 616 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-19, relating to the confidentiality of certain court files and law-enforcement records regarding victim identity in enumerated offenses; providing mechanisms for release of otherwise confidential information; permitting the examination or copying of certain files by court order; and obtaining certain files by the issuance of a subpoena duces tecum"; which was referred to the Committee on the Judiciary.

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. 52 - "Requesting the Joint Committee on Government and Finance to conduct a formal feasibility study on the viability of establishing an accredited school of veterinary medicine in West Virginia and establishing additional veterinary technician programs in the state."

Whereas, Currently, there are only 33 accredited schools of veterinary medicine "veterinary schools" in the United States, with only 27 states housing veterinary schools; and

Whereas, The U.S. Bureau of Labor Statistics reported in 2019 that employment for veterinarians nationwide would increase 16 percent over the next decade, more than double the national average occupational growth (five percent - eight percent); and

Whereas, Throughout 2021, multiple news organizations in West Virginia published articles describing the dire veterinarian shortage; and

Whereas, In 2018, the American Veterinary Medical Association Economics Division identified 113,394 veterinarians living in the United States, of whom 20,000 are expected to retire within the next five to 10 years; and

Whereas, Most counties in West Virginia have fewer veterinarians than the national average per capita and eight counties have no veterinarian at all; and

Whereas, West Virginia does not currently have a veterinary school and, therefore, West Virginia students must leave the state and pay out-of-state tuition to pursue a Doctor of Veterinary Medicine degree; and

Whereas, West Virginia currently spends \$1,040,520 per year to supplement the tuition of 52 West Virginia students who attend veterinary schools at Virginia Polytechnic Institute and State University known as Virginia Tech which seats six per class and Mississippi State University known as Mississippi State which seats seven per class; and

Whereas, In addition to the 13 West Virginia first year students who held seats at veterinary schools at Virginia Tech and Mississippi State, an additional 12 West Virginia students were identified as first year veterinary students in 2021 in an American Association of Veterinary Medical College internal data report; and

Whereas, The West Virginia students who meet the minimum qualifications for admissions to the programs at Virginia Tech and Mississippi State has increased from 35 students in 2016-2017 to 70 students in 2020-2021; and

Whereas, Over the last two decades, applications to veterinary schools nationally have increased by 53 percent; and

Whereas, Establishing a veterinary school in West Virginia would enable West Virginia students to remain in West Virginia for their education; and

Whereas, Current student enrollment and interest in animal and nutritional science programs at state colleges and universities demonstrates the need for a veterinary school within the state; and

Whereas, West Virginia has a rich history of agriculture and is committed to developing a sustainable plan to maximize the agricultural sector for economic growth and prosperity, including the development and retention of large animal veterinarians to serve the state's growing agriculture industry; and

Whereas, There exists a need for educated and experienced professionals within the state to support the long-term prosperity of the agricultural industry; and

Whereas, Having a veterinary school in West Virginia would attract students from across the nation to West Virginia, contributing to the economy and providing for the potential that the students will stay in West Virginia; and

Whereas, Considering the recitals above regarding the viability of establishing an accredited school of veterinary medicine in West Virginia, there also exists a concurrent need for additional educated and experienced veterinary technicians to serve and support the long-term prosperity of the agricultural industry in West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance, through the Legislative Auditor, is hereby requested to conduct a formal feasibility study on the viability of an accredited veterinary school in West Virginia, and, if necessary, is authorized to contract for the performance of such study with an outside vendor; and, be it

Further Resolved, That the Joint Committee on Government and Finance, through the Legislative Auditor, is hereby requested to conduct a formal feasibility study on the viability of establishing additional veterinary technician programs in West Virginia, and, if necessary, is authorized to contract for the performance of such study with an outside vendor; and, be it

Further Resolved, That the studies shall focus on the most efficient and practical use of existing programs of study at state colleges and universities and the opportunity to incorporate these programs in a manner to prepare students for a pathway of veterinary medicine and a pathway for veterinary technicians, and develop and retain veterinarians and technicians within the state; and, be it

Further Resolved, That the studies shall include a report on all barriers and impediments to creating an accredited veterinary school and additional veterinary technician programs; and, be it

Further Resolved, That pending the results of the study and in the interim period leading up to the establishment of any veterinary school, if additional seats at other states' veterinary schools are necessary to ensure that the veterinary needs of West Virginia are met; and, be it

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

Further Resolved, That the expenses necessary to conduct these studies, prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance; and, be it

Further Resolved, That the funding necessary to secure additional seats at other states' veterinary schools be paid through legislative appropriations to the state's annual budget."; which was referred to the Committee on Rules.

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

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

Your Committee on Rules has had under consideration:

H. C. R. 90, U.S. Army PVT Robert (Bob) Mullins Sr. Memorial Bridge,

S. C. R. 15, US Army PVT Shirley E. Bailey Memorial Bridge,

S. C. R. 21, Putnam County Veterans Memorial Bridge,

S. C. R. 34, USMC SGTMAJ Herman H. Brawner Memorial Bridge,

And,

S. C. R. 46, Supporting North Central WV aviation and aerospace industries,

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

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. 2300, Including Family Court Judges in the Judges' Retirement System,

And,

H. B. 4571, Modifying foundation allowance to account for transportation by electric powered buses,

And reports the same back with the recommendation that they each 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. 4021, Relating to the Medical Student Loan Program,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4021 - "A Bill to amend and reenact §18C-3-1 of the Code of West Virginia, 1931, as amended, relating to the Medical Student Loan Program; defining terms; establishing programs at certain schools, authorizing medical schools to make loans; authorizing the use of special revolving funds for program use; establishing eligibility requirements; setting maximum loan amount; requiring an agreement for persons participating; requiring persons participating to select service commitment area; providing for cancellation of loan if person satisfies the obligations of the

service agreement; establishing repayment obligation for those participants who do not satisfy commitment obligation; creating procedure for person to request working less than full-time; and establishing school reporting requirements,”

H. B. 4370, Clarifying that the Statewide Interoperability Executive Committee is responsible to develop, update, and implement policies regarding the Statewide Interoperable Radio Network,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4370 - “A Bill to amend and reenact §15-14-6 and §15-14-9 of the Code of West Virginia, 1931, as amended, all relating to the Statewide Interoperable Radio Network; providing duties for the Statewide Interoperability Executive Committee; authorizing the Statewide Interoperability Executive Committee to revoke, suspend, or modify any entity’s use of the Statewide Interoperable Radio Network or equipment connected thereto; and requiring certain state agencies to submit two-way telecommunications equipment to the Division of Emergency Management for cleansing, redistribution, reuse or sale, with proceeds directed to the Statewide Interoperable Radio Network account,”

H. B. 4467, Requiring early childhood classroom assistant teacher in certain grade levels and enrollment levels in said grade levels,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4467 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18d, relating to establishing a model project to provide early childhood classroom assistant teachers in certain grade levels and enrollment levels in said grade levels,”

And,

H. B. 4565, To exempt temporary employees and employees of the Higher Education Policy Commission from automatic enrollment into the state’s 457 (b) plan,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4565 - “A Bill to amend and reenact §5-10B-2 and §5-10B-3a of the Code of West Virginia, 1931, as amended; to amend §18-25-1 of said code; and to amend §18A-4-12 of said code; all relating generally to government employees deferred compensation plans; providing definitions; exempting certain employees from the requirement of automatic enrollment into certain plans; and removing outdated language to align with federal law,”

With the recommendation that the committee substitutes each 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 Hanna, Clark, Horst, Mazzocchi, Kimble, Keaton, Haynes, Hamrick, Mallow, Longanacre and Martin:

H. B. 4845 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, and §18-2L-12; and to amend said code by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, and §18C-10-5, all relating generally to the establishment of the Katherine Johnson Academy as magnet school programs at

colleges and universities in West Virginia; defining terms; creating a board of trustees to govern the Katherine Johnson Academy; providing for membership of the board of trustees, the selection of a chair, terms of the trustees, duties and responsibilities, setting of meetings, and establishing trustees to serve without compensation; authorizing the board of trustees to perform certain duties; providing for the appointment of a president; providing for collaboration agreements for the establishment of magnet school programs; providing for restrictions on the amount that may be charged for tuition, fees, room, board, and books; authorizing the establishment of residential programs and commuter programs at colleges and universities; establishing the Academy of Mathematics and Science and the Academy for the Performing Arts; requiring the board of trustees to select certain host institutions pursuant to a competitive bidding process; establishing certain minimum eligibility requirements for students; authorizing a host institution to determine admission and enrollment; requiring students accepted and admitted into a magnet school program to receive the PROMISE scholarship; providing for students to receive a scholarship from the Katherine Johnson Scholarship Fund; providing that no county board or college or university will be required to participate in this program; requiring the Katherine Johnson Academy, the State Board of Education, and the Higher Education Policy Commission to promulgate a joint rule for the administration of the Katherine Johnson Academy; establishing the Katherine Johnson Scholarship Fund; providing for state and county support for the Katherine Johnson Scholarship Fund based upon per-pupil allocations; defining terms; and providing for rulemaking.”

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 Clark, Ellington, Ferrell, Longanacre, Thompson, Bridges, Mazzocchi, Horst, Maynor, Jennings and Hanna:

H. B. 4844 - “A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-10 and §18A-4-14 of said code, all relating to public school personnel; prohibiting regular classroom teachers and special education classroom teachers required to participate an individualized education program committee from being required to prepare or reduce to writing the individualized education program plan unless no other knowledgeable professional is available; increasing number of personal leave days an employee may use without regard to the cause for the absence; providing alternative conditions for authorized use of consecutive personal leave days without cause; and requiring state board rule providing uniform notice method and exchange process, prohibition on contact for certain purposes, agreement form and benefit amount regarding a teacher’s voluntary exchange of duty-free lunch recess to perform duties at the school.”

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. 4336, Providing for the valuation of natural resources property,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4336 - “A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended; relating generally to valuation and assessment regarding personal property taxation; providing for a revised methodology to value property producing oil, natural gas, and natural gas liquids by the Tax Commissioner for property tax assessments; providing for methods, limitations, calculation requirements, and definitions, all of which are used to determine fair market value, net proceeds, actual annual operating costs, a capitalization rate, production decline rates, a yield

capitalization model, a working interest model, and a royalty interest model; providing for a safe harbor for marginal wells costs; providing limitations on calculations by the commissioner; providing for annualized gross receipts and actual annual operating expenses before calculation of the models; providing limitations on minimum valuations of wells; providing for reporting by the Tax Commissioner of certain information; providing for rule-making; providing a sunset date; and providing multiple effective dates,”

With the recommendation that the committee substitute do pass.

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

By Delegates Fast, Pack, Haynes, Keaton, Kimble and B. Ward:

H. B. 4846 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §17C-24-1, et. seq.; all relating to flying under the influence and other aviation offenses; prohibiting operation of aircraft while under the influence of alcohol, controlled substances, or drugs; defining terms; providing for implied consent to testing; preliminary analysis of breath to determine alcoholic content of blood; the administration of blood tests; interpretation of such tests; rights to demand testing; providing for fee for withdrawing a blood sample and making a urine test; forbidding careless or reckless operation of an aircraft; forbidding unauthorized taking of an aircraft; requiring federal licensure to operate an aircraft; providing criminal penalties; and requiring state officers to collaborate in enforcing aeronautics laws.”

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

By Delegates Capito, Graves, Westfall, Fast, Pushkin, Lovejoy, Pack, Zukoff, Haynes, Pritt and Fluharty:

H. B. 4847 - “A Bill to amend and reenact §15-3D-4, and §15-3D-5 of the Code of West Virginia, 1931, as amended, relating to missing persons generally; providing that missing persons information shall be furnished to West Virginia State Police; providing that persons aged over 75 years qualify as high risk persons; and, providing that an investigation shall start in all such instances as soon as the missing persons complaint is received..”

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. 4050, Defining terms related to livestock trespassing,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4050 - “A Bill to amend and reenact §19-18-1 of the Code of West Virginia, 1931, as amended, relating to defining terms related to livestock trespassing,”

And,

H. B. 4353, Relating to On Cycle Elections - Voter Turnout Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4353 - "A Bill to amend and reenact §3-1-30 and §3-1-31 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-2-19 of said code; to amend and reenact §3-11-1 of said code; to amend and reenact §7-1-1a of said code; to amend and reenact §7-4-1 of said code; to amend and reenact §7-14B-21 of said code; to amend and reenact §7-17-12 of said code; to amend and reenact §7-20-7 and §7-20-12 of said code; to amend and reenact §8-1-2 of said code; to amend and reenact §8-2-5 of said code; to amend and reenact §8-3-6 of said code; to amend and reenact §8-4-7, §8-4-8, and §8-4-10 of said code; to amend and reenact §8-5-5 of said code; to amend and reenact §8A-7-7, §8A-7-8a, and §8A-7-13 of said code; to amend and reenact §11-8-16, and §11-8-17 of said code; to amend and reenact §13-1-7, and §13-1-11 of said code; to amend and reenact §15-2-13 of said code; to amend and reenact §16-12-1 of said code; to amend and reenact §18-9-1, §18-9-2, and §18-9-2a of said code; to amend and reenact §20-5K-3 of said code; to amend and reenact §22-15A-18 of said code; to amend and reenact §22C-4A-2, and §22C-4A-3 of said code; to amend and reenact §22C-6-3 of said code; to amend and reenact §29-22C-7 of said code; to amend and reenact §29-25-7 of said code; to amend and reenact §47-20-26 of said code; to amend and reenact §47-21-24 of said code; and to amend and reenact §60-5-1, §60-5-3, and §60-5-4 of said code, all relating to bringing uniformity to local elections by ensuring that all counties hold local elections on a date that a statewide election is already taking place, on a primary or general election date; requiring that local elections and any elections to increase levies coincide with a primary or a general election; removing references to special elections for levies; providing a saving clause for the renewal of existing levies by providing for levying bodies and boards of education to vote in order to schedule such elections to renew or extend these levies in a manner which brings them into conformity with the new structure; and authorizing poll clerks to work and be compensated for both full and half days worked during an election,"

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. J. R. 104, Providing Term Limits for certain Constitutional Officers,

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

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 Delegates Steele, Dean, Smith and Young:

H. B. 4848 - "A Bill to repeal §60-3A-19 of the Code of West Virginia, 1931, as amended; to repeal §60-4-10 of said code; to repeal §60-7-17 of said code; to amend and reenact §11-16-6d, §11-16-6f, and §11-16-8 of said code; to amend said code by adding thereto a new section, designated §60-1-3a; to amend and reenact §60-3A-3a, §60-3A-3b, §60-3A-17, and §60-3A-19 of said code; to amend and reenact §60-4-22 and §60-4-23 of said code; to amend and reenact §60-6-24 of said code; to amend and reenact §60-7-2, §60-7-6, §60-7-8a, and §60-7-8f, of said code; to amend said code by adding thereto a new section, designated §60-7-2a; to amend and reenact §60-8-6c, §60-8-6e, and §60-8-6f of said code; and to amend and reenact §61-8-27 of said code, all relating to nonintoxicating beer, wine, and liquor licenses and requirements; removing limitations on the convenience fee; removing provisions requiring a scanned stored image of a driver's license or other legal identification; providing for other legal identification verification requirements; providing for removal of the 300 foot requirement under certain conditions; clarifying that licensees are not required to place alcoholic

liquors in a bag after purchase; altering the requirements relating to prior approval for a sampling event; revising to require prior notice before a tasting event; removing provisions relating to a five dollar cap on the convenience fee to deliver drinks containing liquor, wine, or nonintoxicating beer or nonintoxicating craft beer; increasing the minimum markup from 110 percent to 115 percent; removing unconstitutional provisions relating to a moratorium on exotic entertainment; revising the blood alcohol chart; creating a license for a private bakery to produce confections with alcohol added and setting a license fee; creating a license for a private cigar shop to, where legally permissible, permit the sale of alcohol, food, and cigars for on-premises consumption, and setting a license fee; creating a license for a private college sports stadium for alcohol sales in certain areas of Division I, II, or III sports stadiums, and setting a license fee; creating a license for a private food truck to conduct food and alcohol sales at various locations when permitted by a municipality, and setting a license fee; permitting private hotels and private resort hotels to apply for a private caterer license; authorizing private hotels and private resorts hotels to utilize in-room mini-bars for limited alcohol sales to adults 21 year of age and over; authorizing licensed entities to hold a secondary license for purposes of events, fairs, and festivals; authorizing wine growler sales where wine may be mixed with ice and water to produce a frozen alcoholic beverage for sale in sealed wine growlers, and additional requirements; and providing additional exceptions to the criminal penalty for the unlawful admission of children to a dance hall for certain private clubs with an age verification system.”

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. 3073, Relating to the West Virginia Emergency School Food Act,

And,

H. B. 4463, To increase the compensation members of the State Athletic Commission may receive for their attendance and participation in the commission’s public meetings,

And reports the same back with the recommendation that they each 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. 4001, Generally relating to broadband,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4001 - “A Bill to amend and reenact §31G-1A-7 of the Code of the West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §31G-3-5; to amend said code by adding thereto a new section, designated §31G-4-2a; to amend said code by adding thereto a new article, designated §31G-7-1, §31G-7-2, §31G-7-3, §31G-7-4 and §31G-7-5; and to amend said code by adding thereto a new article, designated §31G-8-1, §31G-8-2 §31G-8-3 and §31G-8-4, all relating to certain provisions relating to broadband; creating a process for the mapping of disturbances in rights of way; creating utility pole rights of way and easement mapping initiative; creating existing customer protections for the Office of the Attorney General in coordination with the Office of Broadband and Department of Economic Development; establishing fees; providing for competitive access infrastructure; providing for credits; defining modems and other connection devices; defining competitive access infrastructure; defining eligible telecommunications carriers;

defining the status of such; and providing for penalties where misrepresentation of eligible telecommunications carrier status occurs,”

H. B. 4020, Relating to reorganizing the Department of Health and Human Resources,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4020 - “A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended, and to amend and reenact §5F-2-1 of said code; all relating to reorganizing the Department of Health and Human Resources; separating the Department of Health and Human Resources into two departments; creating the Department of Health; creating the Department of Human Resources; establishing the organizational structure of the Department of Health; and establishing the organizational structure of the Department of Human Services,”

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4439 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-J-6; and to amend and reenact §36-8-13 of said code, all relating generally to creating a special revenue account known as the Military Authority Reimbursable Expenditure Fund; establishing the account; declaring the purpose of the account; providing that the Adjutant General shall administer the account; authorizing the Adjutant General to invest moneys in the account; setting forth the permissible contents of the account; authorizing the Adjutant General to make certain expenditures from the account; requiring the Adjutant General to reimburse the account after receiving federal reimbursement moneys; providing that moneys in the account will revert to the Unclaimed Property Fund at the end of each fiscal year; and authorizing the unclaimed property administrator to transfer a certain amount from the Unclaimed Property Trust Fund to the account,”

H. B. 4497, Relating to the repeal of the article governing the Regional Jail and Correctional Facility Authority Board,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4497 - “A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to setting the regional jail per diem rate through July 1, 2023,”

H. B. 4580, To authorize retired bus operators, cooks or aides to work in areas of critical need,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4580 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-15a, relating to reemployment of retired bus operators; providing for legislative findings; providing for definitions; explaining the purpose of the section; defining the framework for when these individuals may work as needed; and providing for an expiration date,”

And,

H. B. 4826, Relating to e-sports,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4826 - "A Bill to amend and reenact §29-22D-3 of the Code of West Virginia, 1931, as amended relating to allowing wagering on e-sports events; providing definition of e-sports events; and including e-sports event in the definition of sports event or sporting event,"

With the recommendation that the committee substitutes each do pass.

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

By Delegates Barrett, Espinosa, Hardy, Storch, Rowan, Rowe, Hott and Householder:

H. B. 4843 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-3-7a, relating to authorizing the Commissioner of the West Virginia Division of Corrections and Rehabilitation to offer locality pay to correctional officers working at certain facilities designated by the Commissioner as having critical staffing shortages."

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. 4293, Prohibiting mass mailing of absentee ballots,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4293 - "A Bill to amend and reenact §3-3-5 of the Code of West Virginia, 1931, as amended, relating to absentee ballots; requiring applications for absentee ballots to be available at the office of the county clerk and online at the Secretary of State's official website; 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; providing for processing of received electronic absentee ballots cast by qualified first responders; prohibiting an election official from providing an unsolicited application for absentee voting to any voter; prohibiting any person from providing more than 10 unsolicited applications for absentee voting to any voter; creating a misdemeanor penalty upon conviction for such prohibited activity; and providing exceptions,"

With the recommendation that the committee substitute do pass.

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

By Delegates Westfall, Pack and Lovejoy:

H. B. 4849 - "A Bill to amend and reenact §38-10-4 of the Code of West Virginia, 1931, as amended, all relating to bankruptcy; correcting an erroneous terms; excluding life insurance proceeds paid to the debtor as a beneficiary, not to exceed \$100,000; excluding any annuities, other than those annuities included in §38-10-4(i)(5), which are paid to the debtor as a beneficiary, not to exceed \$20,000 per year in value; and, excluding any annuities or life insurance policies owned by the debtor which are payable to someone other than the debtor, including any applicable cash surrender value, from attachment by creditors in a bankruptcy proceeding."

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. 4623, Uniform Common Interest Ownership Act,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 4066, Distracted Driving Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4066 - "A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to distracted driving; increasing the scope of prohibitions on distracted driving by establishing the Distracted Driving Act; defining terms; providing exclusions from those terms; providing limitations for the use of wireless telecommunications devices; providing guidelines for safe operation of a vehicle; prohibiting certain actions by all drivers; prohibiting certain actions by commercial drivers; providing each violation of this code section shall constitute a separate offense; providing penalties for violations of these provisions; providing exceptions; providing that the provisions of this section do not supersede other provisions of this code or any more restrictive provisions for drivers of commercial motor vehicles; and establishing a naming provision for changes made in the 2022 Legislative session,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2751, Modernize the process for dissolution of municipal corporations in this State,

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. 4629, Relating to procedures for certain actions against the state,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4629 - "A Bill to amend and reenact § 55-17-3 of the Code of West Virginia, 1931, as amended, relating to actions against the State of West Virginia; authorizing the Attorney General or the chief officer of the subject government agency to issue a response to the potential claimant within 60 days of receipt of the notice to file suit; tolling the statute of limitations during pre-

suit negotiations for actions against the state; providing that if pre-suit negotiations have not been concluded within six (6) months from the date of receipt of the notice of intent to file suit, then such pre-suit negotiations are deemed to be concluded; affording a 90 day time to file suit absent pretrial negotiations; providing an exemption from the 90 day time to file suit if the potential claimant is a minor; and dismissing claims absent suit filed within this 90 days,”

With the recommendation that the committee substitute do pass.

Miscellaneous Business

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

- Delegate Honaker regarding the amendment offered to Com. Sub. for H. B. 4473

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

H. B. 2300: Delegate Hott;

H. B. 4066: Delegate Pack;

H. B. 4102: Delegate Thompson;

H. B. 4580: Delegate Espinosa;

H. B. 4840: Delegate Burkhammer;

And,

H. B. 4849: Delegate Brown.

At 6:28 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 28, 2022.

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

SPECIAL CALENDAR

Monday, February 28, 2022

48th Day

11:00 A. M.

UNFINISHED BUSINESS

- S. C. R. 6 - Holden 22 Coal Miners Memorial Bridge
- S. C. R. 15 - US Army PVT Shirley E. Bailey Memorial Bridge
- Com. Sub. for S. C. R. 17 - US Air Force SSGT Logan A. Young Memorial Bridge
- S. C. R. 21 - Putnam County Veterans Memorial Bridge
- Com. Sub. for S. C. R. 27 - US Army TSGT Harold William Schmidle Memorial Bridge
- S. C. R. 34 - USMC SGTMAJ Herman H. Brawner Memorial Bridge
- S. C. R. 46 - Supporting North Central WV aviation and aerospace industries
- H. C. R. 89 - Hajash Brothers Memorial Bridge
- H. C. R. 90 - U.S. Army PVT Robert (Bob) Mullins Sr. Memorial Bridge

THIRD 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. 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. 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. 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) [RIGHT TO AMEND]
- 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)

SECOND 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. 4553 - To clarify the application of zoning requirements to exempt wholesale generators (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)

FIRST READING

- S. B. 499 - Authorizing legislative rules for School Building Authority (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- H. J. R. 104 - Providing Term Limits for certain Constitutional Officers (CAPITO)
- H. B. 2300 - Including Family Court Judges in the Judges' Retirement System (HOUSEHOLDER) (REGULAR)
- H. B. 2751 - Modernize the process for dissolution of municipal corporations in this State (CAPITO) (REGULAR)
- H. B. 3073 - Relating to the West Virginia Emergency School Food Act (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4001 - Generally relating to broadband (HOUSEHOLDER) (REGULAR)

- Com. Sub. for H. B. 4020 - Relating to reorganizing the Department of Health and Human Resources (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4021 - Relating to the Medical Student Loan Program (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4050 - Defining terms related to livestock trespassing (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4066 - Distracted Driving Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4293 - Prohibiting mass mailing of absentee ballots (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4320 - Relating to natural immunity or antibodies to any illness to be treated as equal or better to vaccine induced immunity (ROHRBACH) (REGULAR)
- Com. Sub. for H. B. 4336 - Providing for the valuation of natural resources property (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4353 - Relating to On Cycle Elections - Voter Turnout Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4370 - Clarifying that the Statewide Interoperability Executive Committee is responsible to develop, update, and implement policies regarding the Statewide Interoperable Radio Network (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4373 - To exclude fentanyl test strips from the definition of drug paraphernalia (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4439 - Creating a special revenue account known as the Military Authority Federal Matching Grant Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 4463 - To increase the compensation members of the State Athletic Commission may receive for their attendance and participation in the commission's public meetings (HOUSEHOLDER) (JULY 1, 2022)
- Com. Sub. for H. B. 4467 - Requiring early childhood classroom assistant teacher in certain grade levels and enrollment levels in said grade levels (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4497 - Relating to the repeal of the article governing the Regional Jail and Correctional Facility Authority Board (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4565 - To exempt temporary employees and employees of the Higher Education Policy Commission from automatic enrollment into the state's 457 (b) plan (HOUSEHOLDER) (REGULAR)
- H. B. 4571 - Modifying foundation allowance to account for transportation by electric powered buses (HOUSEHOLDER) (JULY 1, 2022)

- Com. Sub. for H. B. 4580 - To authorize retired bus operators, cooks or aides to work in areas of critical need (HOUSEHOLDER) (REGULAR)
- H. B. 4623 - Uniform Common Interest Ownership Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4629 - Relating to procedures for certain actions against the state (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4826 - Relating to e-sports (HOUSEHOLDER) (REGULAR)
- H. B. 4840 - Relating to Office of Miners Health (STEELE) (REGULAR)
- H. B. 4842 - Relating to obscene matter to minors (CAPITO) (REGULAR)
- H. B. 4843 - Relating to locality pay for correctional officers (HOUSEHOLDER) (REGULAR)
- H. B. 4844 - Relating to public school personnel (ELLINGTON) (REGULAR)
- H. B. 4845 - Establishing the Katherine Johnson Academy (ELLINGTON) (REGULAR)
- H. B. 4846 - Relating to flying under the influence and other aviation offenses (CAPITO) (REGULAR)
- H. B. 4847 - Relating to missing persons generally (CAPITO) (REGULAR)
- H. B. 4848 - Relating to nonintoxicating beer (STEELE) (REGULAR)
- H. B. 4849 - Relating to bankruptcy (CAPITO) (REGULAR)

HOUSE CALENDAR

Monday, February 28, 2022

48th 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)

Com. Sub. for H. B. 2092 - Requiring each high school student to complete a full credit course of study in personal finance (ELLINGTON) (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. 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. 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. 4595 - Create camera assisted enforcement of speeding in active work zones (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4731 - To establish the Occupational Therapy Licensure Compact (STEELE) (REGULAR)
- H. B. 4841 - Relating to open captioning for motion pictures (STEELE) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, FEBRUARY 28, 2022

HOUSE CONVENES AT 11:00 A.M.

PUBLIC HEARING

COMMITTEE ON THE JUDICIARY

8:30 A.M. – HOUSE CHAMBER

**COM. SUB. FOR H. B. 4753, PROHIBITING LOCATING CERTAIN HOMELESS
FACILITIES NEAR SCHOOLS AND CERTAIN DAYCARES.**

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBER

TECHNOLOGY AND INFRASTRUCTURE

1:00 P.M. – ROOM 410 M

PENSIONS AND RETIREMENT

1:00 P.M. – ROOM 462 M

COMMITTEE ON EDUCATION

3:00 P.M. – ROOM 434 M

PUBLIC HEARING

COMMITTEE ON GOVERNMENT ORGANIZATION

6:00 P.M. – HOUSE CHAMBER

H. B. 4840, RELATING TO OFFICE OF MINERS HEALTH.

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