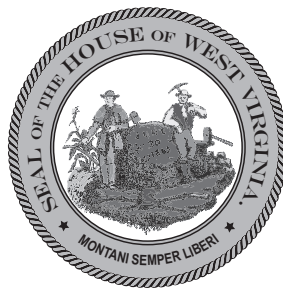


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March 1, 2022
FORTY-NINTH DAY

Tuesday, March 1, 2022

FORTY-NINTH 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 Monday, February 28, 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. 4089 and H. B. 4482 on Third Reading, Special Calendar, had been transferred to the House Calendar; and, Com. Sub. for S. B. 419, S. B. 499, H. B. 4623 and H. B. 4843 on Second Reading, Special Calendar, had been moved to the House Calendar.

Committee Reports

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

S. B. 442, Relating to WV Public Employee Retirement System,

Com. Sub. for S. B. 443, Including police and firefighter as electors of trustees for certain pension funds,

Com. Sub. for S. B. 641, Requiring Consolidated Public Retirement Board to set contributions to Deputy Sheriff's Retirement System,

S. B. 669, Relating to contribution levels of certain judges who participate in retirement system,

And,

S. B. 670, Permitting newly hired 911 personnel to participate in Emergency Medical Services Retirement System,

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

In accordance with the former direction of the Speaker, the bills (S. B. 442, Com. Sub. for S. B. 443, Com. Sub. for S. B. 641, S. B. 669 and S. B. 670) were each referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

H. C. R. 31, Applying to the Congress of the United States to call a convention of states,

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

In accordance with the former direction of the Speaker, the resolution (H. C. R. 31) was referred to the Committee on Rules.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 520, Increasing financial penalties for ransomware attacks,

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

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 524, Placing duties and functions of certain boards and commissions under Department of Arts, Culture, and History,

Com. Sub. for S. B. 537, Providing additional firefighters and security guards for National Guard,

S. B. 597, Relating to PSC underground facilities damage prevention and one-call system,

And,

Com. Sub. for S. B. 598, Establishing partnerships and aid for at-risk veterans to combat suicide,

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

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 523, Transferring oversight of Jobs Investment Trust Fund to WV Economic Development Authority,

And,

S. B. 542, Transferring Broadband Enhancement Council from Department of Commerce to Department of Economic Development,

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

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. 22, Relating to exempting certain organizations from property taxation,

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

In accordance with the former direction of the Speaker, the bill (S. B. 22) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 246, Requiring newly constructed public schools and public schools with major improvements to have water bottle filling stations,

And,

Com. Sub. for S. B. 261, Requiring video cameras in certain special education classrooms,

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

In accordance with the former direction of the Speaker, the bills (Com. Sub. for S. B. 246 and Com. Sub. for S. B. 261) were each referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 5, James "Big Jim" Shaffer Memorial Bridge,

H. C. R. 39, Donald L. Stuckey Memorial Bridge,

H. C. R. 56, Roy Lee Shamblin Memorial Bridge,

Com. Sub. for S. C. R. 28, US Army PVT Garland Lee Loudermilk Memorial Bridge,

And,

Com. Sub. for S. C. R. 29, Nitro WW I Memorial Bridge,

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

In accordance with the former direction of the Speaker, the bills (H. C. R. 5, H. C. R. 39, H. C. R. 56, Com. Sub. for S. C. R. 28 and Com. Sub. for S. C. R. 29) were each referred to the Committee on Rules.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

S. B. 91, Creating “Choose Life” special registration plate supporting adoption,

And,

S. B. 129, Making it unlawful for public utility to prohibit customers from hiring contractors to construct, install, or maintain connections to public utility,

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

In accordance with the former direction of the Speaker, the bills (S. B. 91 and S. B. 129) were each referred to the Committee on Government Organization.

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 216, Creating Student Journalist Press Freedom Restoration Act,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on the Finance be dispensed with, but that it be referred to the Committee on the Judiciary.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 216) to the Committee on the Finance was abrogated.

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

Messages from the Executive

A communication from His Excellency, the Governor, advised that on February 28, 2022, he approved **Com. Sub. for H. B. 3312**.

Messages from the Senate

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. 71 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, and §21-5J-4, all relating to prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; defining terms; prohibiting political subdivisions from adopting, enforcing, or administering certain local requirements; clarifying effect on prior written agreements; providing that any prohibited local requirement in effect prior to the effective date is void; clarifying effect on lawfully enacted zoning ordinances; clarifying that article does not apply to municipal solid waste or recycling collection programs; clarifying that article does not apply to employees of a political subdivision; clarifying effect on the West Virginia Alcohol and Drug-Free Workplace Act and certain similar requirements; and clarifying that any provision of article that jeopardizes receipt of federal funding to political subdivision is deemed inoperative"; 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 July 1, 2022, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 420 - "A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-3-14d and §33-3-33 of said code, all relating generally to the distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments; defining terms; providing the method of allocation and distribution for proceeds of the fireworks safety fee deposited in the Fire Protection Fund; eliminating obsolete language; increasing certain policy surcharge; establishing effective date for policy surcharge increase; requiring the State Fire Marshal provide certain information to the State Treasurer; and clarifying the requirements for distribution of funds in the Fire Protection Fund"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 466 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1A-9, relating to limitations on civil actions or appeals brought by inmates by prohibiting an inmate to proceed in forma pauperis in civil actions when an inmate has, on three or more prior occasions, had a civil action or appeal dismissed on the grounds that the action was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless permitted by a circuit court; exempting civil actions where an inmate alleges imminent danger of serious physical injury and states with particularity the factual basis of the assertion; and further exempting actions where the inmate seeks habeas relief relating solely to the propriety of custody"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 522 - “A Bill to amend and reenact §5A-1-11 of the Code of West Virginia, 1931, as amended, relating to combining the offices of the West Virginia State Americans with Disabilities Act Office and the West Virginia Equal Employment Opportunity Office within the Department of Administration; creating the position of State Equal Opportunity Coordinator; establishing qualifications for the position; setting forth how the State Equal Opportunity Coordinator is selected; outlining scope of responsibilities; removing the fee for service model and associated fund; and making other technical changes”; 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. 536 - “A Bill to repeal §60A-4-415 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-4-401 and §60A-4-409 of said code; and to amend said code by adding thereto a new section, designated §60A-4-418, all relating generally to controlled substance criminal offenses; increasing the penalty for manufacture, delivery, or possession with intent to manufacture or deliver fentanyl; creating the offenses of counterfeit fentanyl or adulterating another controlled substance with fentanyl; creating the offense of using minors to illegally manufacture, distribute, or possess with intent to distribute; and establishing criminal penalties”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 582 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, and §29-33-4; and to amend said code by adding thereto a new article, designated §29-34-1, §29-34-2, §29-34-3, and §29-34-4, all relating to creating the West Virginia Workforce Resiliency Act and Recovery and Hope Act; establishing the West Virginia Workforce Resiliency Office in the Office of the Governor; establishing the position of the West Virginia Workforce Resiliency Officer; setting forth the authority and duties of the West Virginia Workforce Resiliency Officer; allowing for the West Virginia Workforce Resiliency Officer to hire staff; creating the State Recovery and Hope Office, and providing powers thereof; providing for the appointment of the State Recovery and Hope Officer; and authorizing the State Recovery and Hope Officer to act”; 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

S. B. 603 - “A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating to prohibiting licensure or renewal of licensure when the applicant or licensee has certain unresolved disciplinary proceedings pending in another jurisdiction”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

S. B. 638 - “A Bill to amend and reenact §24-2H-6 of the Code West Virginia, 1931, as amended, relating to the Public Service Commission; and changing hearing location and customer notice provisions in a distressed or failing utility and formal proceeding.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 638) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

Com. Sub. for S. B. 694 - “A Bill to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4, and §22C-9-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating to oil and gas conservation; modifying the membership of the Oil and Gas Conservation Commission; expanding duties of the commission; providing further declaration of public policy and legislative findings; defining terms; establishing a horizontal well unit application process; requiring certain conditions be met prior to approval of an application; providing for a hearing on the application; setting out factors for considering in the hearing; providing for notice; providing for an independent third party review; setting forth time frames; providing for a horizontal well unit order; defining order terms; providing for options for non-leased mineral interest owners; providing options for nonconsenting operators; allowing for modification of the horizontal well unit order; providing for compensation for unknown and unlocatable mineral interest owners; establishing a process for surface owners to acquire mineral interest of unknown or unlocatable interest owners; and modifying rulemaking”; which was referred to the Committee on Energy and Manufacturing then 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. 698 - “A Bill to amend and reenact §9A-1-2 of the Code of West Virginia, 1931, as amended, relating to the number and selection of members for the Governor’s Veterans Council”; 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. 701 - “A Bill to amend and reenact §18-19-2 of the Code of West Virginia, 1931, as amended, relating to the eligibility of an active-duty service member’s child or spouse for tuition-free education through the War Orphan Education Program”; which was referred to the Committee on Education.

A message from the Senate, by

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

S. B. 713 - “A Bill to amend and reenact §22-1-15 of the Code of West Virginia, 1931, as amended, relating to removing the statutory limit of \$300,000 for the Environmental Laboratory

Certification Fund; and allowing field tests and remote monitoring or testing equipment to be certified by the laboratory certification program.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 713) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 714 - “A Bill to amend and reenact §22A-6-7 of the Code of West Virginia, 1931, as amended, relating to tie votes by the Coal Mine Safety and Technical Review Committee; and providing that the Director of the Office of Miners’ Health, Safety, and Training or his or her designee may vote to break the tie”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. C. R. 53 - “Requesting the Office of Miners’ Health, Safety, and Training study the feasibility of creating within it a division dedicated to the protection of health, safety, and training of all energy producing facilities of this state.”

Whereas, The Director of the Office of Miners’ Health, Safety, and Training shall present to the Joint Committee on Government and Finance during the 2022, legislative interim sessions the feasibility of dedicating a division of his or her office to the purpose of protecting of health, safety, and training of persons employed at or within all energy producing facilities of this state, and also to protect and preserve energy producing property and property used in connection therewith; and

Whereas, The goal of the Office of Miners’ Health, Safety, and Training is currently to protect the safety and health of persons employed within or at coal mining facilities, only; and

Whereas, The goal of the Legislature should be to protect the safety and health of all persons employed at any facility which produces energy from any source, be it coal, oil, natural gas, solar, wind, nuclear, hydroelectric, or any other source; and

Whereas, In the information provided, the Director of the Office of Miners’ Health, Safety, and Training shall include the following: (1) Feasibility of a new division within his or her office dedicated to the protection of the safety, health, and training of persons employed within or at all facilities in all energy sectors; (2) funding necessary; (3) education necessary and inspector certification specifications as any would differ from those already in place for coal mines; (4) a vision and mission statement for a new division which would accomplish this purpose; (5) a list of what the Office of Miners’ Health, Safety, and Training is doing now regarding the coal industry that could be easily transitioned to other energy producing sectors; (6) a list of new powers and duties the Office of Miners’ Health, Safety, and Training would need to accomplish its goal of protecting the health, safety, and training of persons employed at or within energy producing

facilities which are not coal mining facilities; (7) a plan for the Legislature's consideration of a new division to empower the current Office of Miners' Health, Safety, and Training in the resolution's purpose that comprehensively considers the items identified herein; (8) any other considerations; and (9) a date certain that any new division could be transitioned into the Office of Miners' Health, Safety, and Training, should legislation be passed to make it possible in the 2023 Legislative Session; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Office of Miners' Health, Safety, and Training to study the feasibility of creating within it a division dedicated to the protection of health, safety, and training of all energy producing facilities of this state; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Director of the Office of Miners' Health, Safety, and Training, requesting his or her cooperation.

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"; which was referred to the Committee on Energy and Manufacturing then Rules.

Special Calendar

Third Reading

Com. Sub. for H. B. 2733, Relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates; 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. 277**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Hamrick, Hott, Howell, Jennings, Linville, Pinson and Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2733) 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. 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; 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. 278**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Hamrick, Hott, Howell, Jennings, Linville, Pinson and Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2838) 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. 4012, Prohibiting the showing of proof of a COVID-19 vaccination; 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. 279**), and there were, including pairs—yeas 80, nays 16, absent and not voting 4, 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: Hott Nay: Pushkin

Yea: Pinson Nay: Hornbuckle

Nays: Diserio, Doyle, Fleischauer, Fluharty, Griffith, Hansen, Pethtel, Reed, Rowe, Skaff, Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Hamrick, Howell, Jennings and Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4012) 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. 4064, Allowing antique car license plates for cars over 10,000lbs; 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. 280**), and there were—yeas 91, nays 1, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Riley.

Absent and Not Voting: Bates, Doyle, Hamrick, Hott, Howell, Jennings, Pinson and Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4064) 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. 4071, Mask and Quarantine Option For Parents and Faculty; 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. 281**), and there were, including pairs—yeas 80, nays 16, absent and not voting 4, 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: Hott Nay: Pushkin

Yea: Pinson Nay: Hornbuckle

Nays: Doyle, Evans, Fleischauer, Garcia, Griffith, Hansen, Lovejoy, Pethtel, Rowe, Skaff, Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Graves, Hamrick, Howell and Jennings.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4071) 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. 4285, Relating to real estate appraiser licensing board requirements; 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. 282**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Garcia, Hamrick, Hott, Howell, Jennings and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4285) 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. 4317, Relating to health insurance for living organ donors; 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. 283**), 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: Hamrick, Hott, Howell, Jennings, Linville, Pinson and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4317) 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. 4377, To update the involuntary commitment process; 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. 284**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Hamrick, Hott, Howell, Jennings and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4377) 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. 4393, To increase the managed care tax if the managed care organization receives a rate increase; 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. 285**), 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: Fluharty, Horst, J. Jeffries, Kessinger, Kimes, Paynter, Pritt and Young.

Absent and Not Voting: Hamrick, Hott, Howell, Jennings and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4393) 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. 4441, Creating a Class M air rifle stamp; 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. 286**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick, Hott, Howell, Jennings and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4441) passed.

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

On this question, the yeas and nays were taken (**Roll No. 287**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick, Hott, Howell, Jennings and Pinson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4441) 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.

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; 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. 288**), and there were—yeas 86, nays 8, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Fleischauer, Fluharty, Hansen, Walker and Young.

Absent and Not Voting: Clark, Hamrick, Hott, Howell, Jennings and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4450) passed.

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

On this question, the yeas and nays were taken (**Roll No. 289**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Fleischauer.

Absent and Not Voting: Hamrick, Hott, Howell, Jennings, Pinson and Reynolds.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4450) takes effect July 1, 2022.

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. 4466, Relating to School Building Authority's review of school bond applications; 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. 290**), and there were—yeas 91, nays 3, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Foster, Gearheart and Hanna.

Absent and Not Voting: Hamrick, Hott, Howell, Jennings, Lovejoy and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4466) 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. 4499, Relating to making the procurement process more efficient by modifying and updating outdated processes and requirements; 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. 291**), and there were—yeas 90, nays 4, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Gearheart, McGeehan, Pushkin and B. Ward.

Absent and Not Voting: Hamrick, Hott, Howell, Jennings, Lovejoy and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4499) 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. 4502, Establishing the BUILD WV Act; on third reading, coming up in regular order, was read a third time.

Delegate Foster requested to be excused from voting on Com. Sub. for H. B. 4502 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class possibly to be affected and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 292**), and there were—yeas 81, nays 14, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Fast, Gearheart, Hardy, Horst, Kimble, Longanacre, Martin, Mazzocchi, McGeehan, Nestor, Paynter, Pritt, B. Ward and G. Ward.

Absent and Not Voting: Hamrick, Hott, Howell, Jennings and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4502) 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. 4511, To make numerous amendments to modernize and increase efficiencies in the administration of the West Virginia Unclaimed Property 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. 293**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick, Hott, Howell, Jennings and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4511) 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. 4553, To clarify the application of zoning requirements to exempt wholesale generators; on third reading, coming up in regular order, with amendments pending, was reported by the Clerk.

On motion of Delegate B. Ward, the bill was on page 5, section 2, line 116, immediately following the word “code”, by striking the period and inserting the following:

“: *Provided*, That an exempt wholesale generator does not mean and shall not include any entity using wind power to generate electricity.”

Delegate Doyle moved to amend the bill on page 5, section 2, line 112, following the words “generating facility”, by inserting the words “other than a generating facility that uses solar energy to generate electricity,”.

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. 294**), and there were—yeas 25, nays 68, absent and not voting 7, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Bridges, Hamrick, Hott, Howell, Jennings, Longanacre and Pinson.

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

Delegate Doyle moved to amend the bill on page 5, section 2, line 112, following the words “generating facility”, by inserting the words “a generating facility that uses coal, natural gas or nuclear power to generate electricity,”.

Delegate Doyle asked and obtained unanimous consent to reform the amendment as follows:

On page 5, section 2, line 112, following the words “generating facility” by inserting the words “that uses coal, natural gas or nuclear power to generate electricity,”.

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

Delegate Doyle moved to amend the bill on page 6, section 3, line 10, following the words “zoning district” by striking out the period and inserting the following “in any county that has adopted partial or total zoning on or after July 1, 2024.”

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

Delegate Doyle moved to amend the bill on page 5, section 2, line 110, following the word “entity”, by inserting the following:

“where the boundary of the project site is not located within 2,500 feet from the boundary of any lot within a residential subdivision of 5 or more lots on file with the clerk of the county at the time of application and”.

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

An amendment offered by Delegate Clark was reported by the Clerk.

Whereupon,

Delegate Clark asked and obtained unanimous consent that the amendment be withdrawn.

There being no further amendments, and having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 295**), and there were—yeas 52, nays 42, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Barach, Barnhart, Boggs, Bridges, Conley, Crouse, Dean, Diserio, Doyle, Evans, Fast, Fluharty, Foster, Garcia, Gearheart, Griffith, Hansen, Hornbuckle, Horst, Longanacre, Lovejoy, Mallow, Martin, McGeehan, Miller, Nestor, Pack, Paynter, Phillips, Pushkin, Reynolds, Rowe, Skaff, Smith, Statler, Summers, Thompson, Toney, Walker, Williams, Zatezalo and Zukoff.

Absent and Not Voting: Fleischauer, Hott, Howell, Jennings, Pinson and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4553) passed.

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

At 12:26 p.m., on motion of Delegate Summers, the House of Delegates recessed until 1:30 p.m.

* * * * *

Afternoon Session

* * * * *

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

Reordering of the Calendar

During the recess, Com. Sub. for H. B. 2910 on Second Reading, House Calendar, was transferred to the Special Calendar by the Committee on Rules.

Special Calendar

Third Reading

- continued -

Com. Sub. for H. B. 4560, Relating generally to motor vehicle dealers, distributors, wholesalers and manufacturers; 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. 296**), and there were—yeas 84, nays none, absent and not voting 16, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Bridges, Cooper, Evans, Ferrell, Gearheart, Haynes, Hott, Howell, Jennings, Longanacre, Maynor, Pinson, Thompson, Toney and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4560) 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. 4563, Provide for a license plate for auto mechanics; 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. 297**), and there were—yeas 88, nays none, absent and not voting 12, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Cooper, Gearheart, Haynes, Hott, Howell, Jennings, Maynor, Pinson, Summers, Toney and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4563) 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. 4570, To allow veterinary telehealth in West Virginia with out of state providers; 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. 298**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Cooper, Gearheart, Hott, Howell, Jennings, Maynor, Pinson, Summers, Toney and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4570) 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. 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; 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. 299**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Gearheart, Hott, Howell, Jennings, Pinson, Skaff, Summers and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4600) 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. 4608, To require the State Fire Commission to propose minimum standards for persons to be certified as probationary status volunteer firefighters; 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. 300**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Gearheart, Hott, Howell, Jennings, Pinson, Summers and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4608) 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. 4616, Remove sales tax on gun safes and certain firearm safety devices; 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. 301**), and there were, including pairs—yeas 92, nays 1, absent and not voting 7, 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: Pinson Nay: Doyle

Absent and Not Voting: Cooper, Gearheart, Hott, Howell, Jennings, Summers and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4616) 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. 4642, Relating to pecuniary interests of county and district officers, teachers and school officials in contracts; 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. 302**), and there were—yeas 83, nays 8, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Doyle, Fleischauer, Hansen, Pushkin, Rowe, Walker, Young and Zukoff.

Absent and Not Voting: Cooper, Gearheart, Hott, Howell, Jennings, Pack, Pinson, Summers and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4642) 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. 4647, Relating to the Board of Funeral Service Examiners; 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. 303**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Gearheart, Hott, Howell, Jennings, Pinson, Summers and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4647) 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. 4688, Relating to Emergency Medical Services Retirement System 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. 304**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Gearheart, Hott, Howell, Jennings, Pinson, Summers and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4688) 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. 4692, To revise the West Virginia Tax Increment Financing 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. 305**), and there were—yeas 77, nays 16, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Barach, Burkhammer, Conley, Doyle, Fleischauer, Hanna, J. Jeffries, Kimble, Longanacre, Martin, McGeehan, Paynter, Pritt, Pushkin, Thompson and Young.

Absent and Not Voting: Cooper, Gearheart, Hott, Howell, Jennings, Pinson and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4692) passed.

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

On this question, the yeas and nays were taken (**Roll No. 306**), and there were—yeas 80, nays 12, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Doyle, Fleischauer, Hanna, J. Jeffries, Kimble, Longanacre, Martin, McGeehan, Paynter, Pritt, Pushkin and Thompson.

Absent and Not Voting: Cooper, Gearheart, Hott, Howell, Jennings, Pack, Pinson and Toney.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4692) 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. 4753, Prohibiting locating certain homeless facilities near schools and certain daycares; 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. 4756, Relating to authorizing municipalities to create pension funding programs to reduce the unfunded liability of certain pension and relief funds; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 307**), and there were—yeas 89, nays 3, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Foster, Kimes and Thompson.

Absent and Not Voting: Cooper, Gearheart, Hott, Howell, Jennings, Pack, Pinson and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4756) passed.

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

On this question, the yeas and nays were taken (**Roll No. 308**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Dean, Garcia, Gearheart, Hott, Howell, Jennings, Pack, Pinson and Toney.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4756) 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.

H. B. 4778, Permit banks to transact business with any one or more fiduciaries on multiple fiduciary accounts; 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. 309**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Garcia, Gearheart, Hott, Howell, Jennings, Pinson and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4778) 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. 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; 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. 310**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Cooper, Gearheart, Hott, Howell, Jennings, Pinson and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4779) 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. 4787, Creating the Highly Automated Motor Vehicle 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. 311**), and there were—yeas 86, nays 7, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Barach, Fleischauer, Garcia, Lovejoy, McGeehan, Pushkin and Walker.

Absent and Not Voting: Cooper, Gearheart, Hott, Howell, Jennings, Pinson and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4787) 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. 4794, Requiring counties provide fiscal information for State Auditor's WV Checkbook website; 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. 312**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Gearheart, Hott, Howell, Jennings, Mallow, Pinson and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4794) 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. 4829, Modifying definitions of certain school cafeteria personnel; 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. 313**), 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: Cooper, Gearheart, Hott, Howell, Jennings, Pinson and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4829) passed.

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

Second Reading

H. J. R. 104, Providing Term Limits for certain Constitutional Officers; on second reading, coming up in regular order, was read a second time.

Delegate Garcia moved to amend the resolution on page 1, section 4, lines 24 through 26, following the words "Commissioner of Agriculture.", by striking out the remainder of lines 24 through 26.

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. 314**), and there were— yeas 20, nays 73, absent and not voting 7, with the yeas, nays, and absent and not voting being as follows:

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

Nays: Anderson, Barnhart, Barrett, Bates, Booth, Bridges, Brown, Burkhammer, Capito, Clark, Conley, Criss, Crouse, Dean, Ellington, Espinosa, Fast, Ferrell, Forsht, Foster, Graves, Hamrick, Hanna, Hardy, Haynes, Holstein, Honaker, Horst, Householder, D. Jeffries, J. Jeffries, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Lovejoy, Mallow, Mandt, Martin, Maynard, Maynor, Mazzocchi, Miller, Nestor, Pack, Paynter, Phillips, Pritt, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Smith, Statler, Steele, Storch, Summers, Sypolt, Tully, Wamsley, B. Ward, G. Ward, Westfall, Williams, Worrell, Zatezalo and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper, Gearheart, Hott, Howell, Jennings, Pinson and Toney.

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

Delegate Pushkin moved to amend the resolution on page 1, section 4, line 22, by striking out the word "three" and inserting in lieu thereof, the words "two".

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. 315**), and there were— yeas 23, nays 69, absent and not voting 8, with the yeas, nays, and absent and not voting being as follows:

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

Nays: Anderson, Barnhart, Barrett, Booth, Bridges, Burkhammer, Capito, Clark, Conley, Criss, Crouse, Dean, Ellington, Espinosa, Fast, Ferrell, Forsht, Foster, Graves, Hamrick, Hanna, Hardy,

Haynes, Holstein, Honaker, Householder, D. Jeffries, J. Jeffries, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Mallow, Mandt, Martin, Maynard, Maynor, Mazzocchi, McGeehan, Miller, Nestor, Pack, Paynter, Phillips, Pritt, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Smith, Statler, Steele, Storch, Summers, Sypolt, Tully, Wamsley, B. Ward, G. Ward, Westfall, Williams, Zatezalo and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper, Gearheart, Hott, Howell, Jennings, Pinson, Toney and Worrell.

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

There being no further amendments, the resolution was ordered to engrossment and third reading.

H. B. 2300, Including Family Court Judges in the Judges' Retirement System; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2751, Modernize the process for dissolution of municipal corporations in this State; 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. 2910, To modify the allowable number of magistrate judges per county; 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 amendments pending and the rule was suspended to permit the consideration of the amendments on that reading.

H. B. 3073, Relating to the West Virginia Emergency School Food Act; 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. 4001, Generally relating to broadband; 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 offering and consideration of amendments on that reading.

Com. Sub. for H. B. 4020, Relating to reorganizing the Department of Health and Human Resources; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Rohrbach, the bill was amended on page 2, line 17, by striking, "July 1, 2023" and inserting in lieu thereof, "January 1, 2023.";

And,

On page 4, line 66, by striking "July 1, 2023" and inserting in lieu thereof, "January 1, 2023,";

And,

On page 5, line 83, by striking “July 1, 2023” and inserting in lieu thereof, “January 1, 2023.”;

And,

On page 5, line 98 by striking “August 1, 2023” and inserting in lieu thereof “February 1, 2023.”;

And,

On page 5, line 98 after the period by inserting the following:

“The changes made in this subsection and subsection (h) affect the organizational structure and provides for which secretary is the final decision maker for the stated bureaus. Budgetary changes are not effective until July 1, 2023.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4021, Relating to the Medical Student Loan Program; 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. 4050, Defining terms related to livestock trespassing; 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. 4066, Distracted Driving Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Westfall, the bill was amended on page 9, section 15, line 201, immediately following the word “Code;” by striking the word “or” and, inserting in lieu thereof, a new subdivision (6) to read as follows:

“(6) a transportation network company driver while engaged in the service of a transportation network company as those terms are defined in § 17-29-1 *et seq.* of this Code; or”

And,

Renumbering the remaining subdivision accordingly

Com. Sub. for H. B. 4293, Prohibiting mass mailing of absentee ballots; on second reading, coming up in regular order, was read a second time.

Delegate Young moved to amend the bill on page 1, section 5, line 5 by striking out the words “person, including any”;

And,

On page 7, section 3, lines 155 through 159, by striking out subdivision (2) in its entirety.

The following amendment, offered by Delegate Capito, was reported by the Clerk, on page 1, section 5, line 5 following the word “State.”, by striking the following: “It is unlawful for any person,

including any election official, to mail or deliver an application for an absentee ballot to any voter except when specifically requested by that voter.”

Subsequently, at the request of Delegate Young, and by unanimous consent, the bill was advanced to third reading with amendments pending, and the rule was suspended to permit the consideration of the amendments on that reading.

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; 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. 4336, Providing for the valuation of natural resources property; 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. 4353, Relating to On Cycle Elections - Voter Turnout Act; 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. 4370, Clarifying that the Statewide Interoperability Executive Committee is responsible to develop, update, and implement policies regarding the Statewide Interoperable Radio Network; 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. 4373, To exclude fentanyl test strips from the definition of drug paraphernalia; 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. 4439, Creating a special revenue account known as the Military Authority Reimbursable Expenditure Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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; 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. 4467, Requiring early childhood classroom assistant teacher in certain grade levels and enrollment levels in said grade levels; 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. 4497, Extending the regional jail per diem through July 1, 2023; 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. 4565, To exempt temporary employees and employees of the Higher Education Policy Commission from automatic enrollment into the state's 457 (b) plan; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4571, Modifying foundation allowance to account for transportation by electric powered buses; 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. 4580, To authorize retired bus operators to work in areas of critical need; 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. 4629, Relating to procedures for certain actions against the state; 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. 4826, Relating to e-sports; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4840, Relating to Office of Miners Health, Safety and Training; on second reading, coming up in regular order, was read a second time.

Delegate Rowe moved, under the provisions of House Rule 57, to postpone the bill indefinitely.

Delegate Summers moved that the motion be tabled.

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

Having been ordered, the yeas and nays were taken (**Roll No. 316**), and there were—yeas 65, nays 24, absent and not voting 11, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Bates, Cooper, Gearheart, Haynes, Hott, Howell, Jennings, McGeehan, Pinson, Toney and Worrell.

So, a majority of the members present having voted in the affirmative, the motion to postpone indefinitely was laid upon the table.

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 the amendments on that reading.

H. B. 4842, Relating to obscene matter to minors; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4844, Relating to public school personnel; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4845, Establishing the Katherine Johnson Academy; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4846, Relating to flying under the influence and other aviation offenses; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4847, Relating to missing persons generally; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Graves and Capito, the bill was amended on page 6, section 5, following line 56 by inserting a new subsection to read as follows:

“(i) The amendments to this article made during the 2022 Regular Session shall be known as Brenda’s Law.”

The bill was then ordered to engrossment and third reading.

H. B. 4848, Relating to nonintoxicating beer, wine and liquor licenses; 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 amendment pending and the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 4849, Relating to bankruptcy; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Hott, Howell, Jennings and Pinson.

Miscellaneous Business

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

- Delegates Conley and Maynor regarding Com. Sub. for H. B. 4071
- Delegate Espinosa, including questions with Delegate Capito, on Com. Sub. for H. B. 4071
- Delegate Griffith regarding Com. Sub. for H. B. 4071
- Delegate Mazzocchi regarding Com. Sub. for H. B. 4600
- Delegate Rowe regarding the motion to postpone indefinitely H. B. 4840

Delegate Maynor noted to the Clerk that he was absent when the votes were taken on Com. Sub. for H. B. 4560, Com. Sub. for H. B. 4563 and Com. Sub. for H. B. 4570, and had he been present, he would have voted “Yea” thereon.

At 3:56 p.m., the House of Delegates adjourned until 9:00 a.m., Wednesday, March 2, 2022.

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

SPECIAL CALENDAR

Wednesday, March 2, 2022

50th Day

9:00 A. M.

THIRD READING

- 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)
- Com. Sub. for H. B. 2910 - To modify the allowable number of magistrate judges per county (CAPITO) (REGULAR) [AMENDMENTS PENDING]
- 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) [RIGHT TO AMEND]
- 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) [AMENDMENTS PENDING]
- 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 Reimbursable Expenditure 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 - Extending the regional jail per diem through July 1, 2023 (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 to work in areas of critical need (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4629 - Relating to procedures for certain actions against the state (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4753 - Prohibiting locating certain homeless facilities near schools and certain daycares (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4826 - Relating to e-sports (HOUSEHOLDER) (REGULAR)
- H. B. 4840 - Relating to Office of Miners Health, Safety and Training (STEELE) (REGULAR) [RIGHT TO AMEND]
- H. B. 4842 - Relating to obscene matter to minors (CAPITO) (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, wine and liquor licenses (STEELE) (REGULAR) [AMENDMENTS PENDING] [RIGHT TO AMEND]
- H. B. 4849 - Relating to bankruptcy (CAPITO) (REGULAR)

SECOND READING

- S. B. 638 - Changing hearing and notice provisions for failing or distressed public utilities
- S. B. 713 - Removing statutory limit for Environmental Laboratory Certification Fund (EFFECTIVE FROM PASSAGE)

FIRST READING

- Com. Sub. for S. B. 520 - Increasing financial penalties for ransomware attacks (CAPITO) (REGULAR)
- Com. Sub. for S. B. 523 - Transferring oversight of Jobs Investment Trust Fund to WV Economic Development Authority (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 524 - Placing duties and functions of certain boards and commissions under Department of Arts, Culture, and History (STEELE) (REGULAR)
- Com. Sub. for S. B. 537 - Providing additional firefighters and security guards for National Guard (STEELE) (REGULAR)
- S. B. 542 - Transferring Broadband Enhancement Council from Department of Commerce to Department of Economic Development (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- S. B. 597 - Relating to PSC underground facilities damage prevention and one-call system (STEELE) (REGULAR)
- Com. Sub. for S. B. 598 - Establishing partnerships and aid for at-risk veterans to combat suicide (STEELE) (REGULAR)

HOUSE CALENDAR

Wednesday, March 2, 2022

50th Day

9:00 A. M.

UNFINISHED BUSINESS

H. C. R. 42 - Urging U.S. universities to relocate Chinese language programs from mainland China to Taiwan

THIRD READING

Com. Sub. for H. B. 4089 - Require certain coverage and reimbursement for a person diagnosed with hypertension (HOUSEHOLDER) (REGULAR)

H. B. 4314 - Exclude Solicitor from the definition of Investment Advisor (CAPITO) (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. 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 S. B. 419 - Establishing pilot project to evaluate impact of certain post-substance use disorder residential treatments (ROHRBACH) (REGULAR) [HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING]

S. B. 499 - Authorizing legislative rules for School Building Authority (ELLINGTON) (EFFECTIVE FROM PASSAGE)

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. 4473 - To provide certain members of the State Police with locality pay to offset the high cost of living in certain counties (HOUSEHOLDER) (REGULAR)
- H. B. 4623 - Uniform Common Interest Ownership Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4625 - To remove Medicare or Medicaid-certified facilities from COVID-19 immunization exemption requirements (ROHRBACH) (EFFECTIVE FROM PASSAGE)
- H. B. 4843 - Relating to locality pay for correctional officers (HOUSEHOLDER) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 4483 - Relating to establishing term limits to certain real property interests and registration requirements associated with carbon offset agreements (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 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**

TUESDAY, MARCH 2, 2022

HOUSE CONVENES AT 9:00 A.M.

**COMMITTEE ON RULES
8:45 A.M. – BEHIND CHAMBER**

**COMMITTEE ON ENERGY AND MANUFACTURING – PUBLIC HEARING
8:00 A.M. – HOUSE CHAMBER**

**COM. SUB. FOR S. B. 650, ELIMINATING NUMBER OF ROYALTY OWNERS
REQUIRED FOR UTILIZATION BY OPERATOR FOR LAWFUL USE AND
DEVELOPMENT BY CO-TENANTS.**

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