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March 4, 2022
FIFTY-SECOND DAY

Friday, March 4, 2022

FIFTY-SECOND 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, March 3, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 4023, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4023 - "A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution,"

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:

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.

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. 694, Relating to oil and gas conservation,

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:

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

Com. Sub. for S. B. 330, Authorizing DOT to promulgate legislative rules,

And,

Com. Sub. for S. B. 522, Combining offices of WV State Americans with Disabilities Act and WV Equal Employment Opportunity,

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

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

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

Com. Sub. for S. B. 274, Requiring secretary of DHHR to allocate CPS workers by Bureau of Social Services' district annually,

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

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

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

Com. Sub. for S. B. 647, Prohibiting discrimination in organ donation process,

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 (Com. Sub. for S. B. 647) 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:

S. B. 703, Relating to controlled substances schedule,

And reports the same back with the recommendation that it do pass, 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. 703) 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:

S. B. 603, Prohibiting licensure and re-licensure in WV if applicant is prohibited from practicing in another jurisdiction,

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

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

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

Com. Sub. for S. B. 553, Relating to powers of WV Health Care Authority,

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

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

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

Com. Sub. for S. B. 181, Creating Core Behavioral Health Crisis Services System,

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

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

S. B. 1, Creating Mining Mutual Insurance Company,

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. 1) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

S. B. 427, Permitting WV Board of Medicine investigators to carry concealed weapon,

Com. Sub. for S. B. 466, Relating to limitations on civil actions or appeals brought by inmates,

And,

Com. Sub. for S. B. 575, Ensuring that imposition of certain sexual offenses apply to persons working in juvenile facilities,

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

Delegate Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 3rd of March, 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.

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

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

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

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

And,

Com. Sub. for H. B. 4369, Update the telepsychology compact.

Delegate Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 3rd of March, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

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

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. 505, Updating laws on licensure and regulation of money transmitters,

And,

Com. Sub. for S. B. 593, Allowing Marshall University's Forensic Analysis Laboratory access and participation in WV DNA database for certain purposes,

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

Messages from the Senate

A message from the Senate, by

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

H. C. R. 23, Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families.

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. 715 - "A Bill supplementing and amending the appropriations of public moneys out of the State 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"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 716 - "A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of 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"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 717 - "A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to 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"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 718 - "A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of 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"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 719 - "A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of 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"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 720 - "A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 722 - "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"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 723 - "A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of 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"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 724 - "A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of 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"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 725 - "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 State 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"; which was referred to the Committee on Finance.

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. 49 - "Urging the Adjutant General to establish an Honor Guard in each National Guard unit to provide military funeral honors to honorably discharged veterans in West Virginia."

Whereas, Per capita, more citizens from West Virginia have served in our nation's armed forces than from any other state and we are proud of our citizens who, despite danger, have done what they must for peace and freedom; and

Whereas, Providing military funeral honors is one of the last ways to honor those who served; and

Whereas, Military funeral honors are normally provided by the veterans' organization of the state, however, because of the limited number of members and the age of the veterans available, there are many communities unable to provide these services; and

Whereas, With the West Virginia National Guard having some 6,000 members, there should be a designated Honor Guard trained and made available to provide military funeral honors when requested by the family or funeral director, assuring that no West Virginia veteran would be denied their proper honors; and

Whereas, It is always important that we honor the many brave West Virginians who have faced the enemy, been wounded, and have given their lives not only for our freedom but for freedom around the world; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature urges the Adjutant General to establish an Honor Guard in each National Guard unit to provide military funeral honors to honorably discharged veterans in West Virginia; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Honorable Jim Justice, Governor of the State of West Virginia, and to BG William E. Crane.

Resolutions Introduced

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

H. C. R. 97 - "Requesting the Division of Highways name a 1.7 mile stretch of highway, beginning at the intersection of Route 20/1 and County Route 20, also known as Mulberry Ridge Road, in Roane County, West Virginia, the 'U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway'."

Whereas, Albert J. Sutphin was born on July 7, 1920, in Spencer, West Virginia, the son of Albert Lee Sutphin and Lillie Frances Nelson Sutphin; and

Whereas, Following high school, Albert J. Sutphin married Doris Pauline Morehead Sutphin, had two children, Laura June and Joseph Lee Sutphin, and was employed as a welder; and

Whereas, Albert J. Sutphin enlisted in the United States Army on April 13, 1943, in Huntington, West Virginia; and

Whereas, Albert J. Sutphin served as a Private, 32nd Photographic Squadron, 5th Reconnaissance Group, U.S. Army Air Force during World War II; and

Whereas, Albert J. Sutphin was a passenger on the S.S. Paul Hamilton (Hull Number 227) for her fifth voyage that left from Hampton Roads, Virginia on April 2, 1944, as part of convoy UGS 38, carrying supplies and the ground personnel of the 485th Bombardment Group and the 5th Reconnaissance Group of the United States Army Air Forces to Italy; and

Whereas, On the evening of April 20, 1944, the S.S. Paul Hamilton and other ships in the convoy were attacked 30 miles (48 km) in the Mediterranean Sea off the coast of Cape Benguet near Algiers by 23 German Ju 88 Bombers; and

Whereas, A single aerial torpedo struck the S.S. Paul Hamilton and detonated the cargo of high explosives and bombs, and the ship and crew disappeared within 30 seconds, with a total of approximately 580 men lost at sea; and

Whereas, Albert J. Sutphin was declared "Missing in Action" in the sinking of the S.S. Paul Hamilton during World War II, and was awarded the Purple Heart, Service Number 35657888; and

Whereas, The U.S.S. Landsdale (DD-426) and the S.S. Royal Star were also sunk in the April 20, 1944, attack, with an additional loss of approximately 47 men, and the Landsdale received four battle stars for World War II service; and

Whereas, It is fitting that an enduring memorial be established to commemorate Private Albert J. Sutphin and his contributions to our nation and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a 1.7 mile stretch of highway, beginning at the intersection of Route 20/1 and County Route 20, also known as Mulberry Ridge

Road, in Roane County, West Virginia, the “U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying a 1.7 mile stretch of highway, beginning at the intersection of Route 20/1 and County Route 20, as the “U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway”; and, be it

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

Special Calendar

Unfinished Business

Com. Sub. for S. C. R. 11, Dennis E. Davis Veterans Nursing Home; coming up in regular order, as unfinished business, was reported by the Clerk, and adopted.

The following resolutions, on unfinished business, were, in the absence of objection, considered en masse, and adopted:

Com. Sub. for S. C. R. 13, US Army PFC Joseph Stanley McKinney Memorial Bridge,

S. C. R. 23, USMC CPL Guy Maywood Edwards Memorial Bridge,

H. C. R. 95, Clemmer Brothers WWII Veterans Memorial Bridge,

And,

H. C. R. 96, U. S. Air Force Captain Perry Thomas Rose Memorial Road.

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

H. C. R. 31, Applying to the Congress of the United States to call a convention of states; on unfinished business, was reported by the Clerk.

During debate on the resolution, Delegate Linville was addressing the House when Delegate Barach arose to a point of order regarding the content of the Gentleman’s remarks not pertaining to the resolution before the House.

The Speaker replied that the point was well taken and elaborated regarding what would be permitted in the debate on the resolution.

Delegate Martin moved the previous question, which demand was sustained.

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

Having been ordered, the yeas and nays were taken (**Roll No. 364**), and there were—yeas 22, nays 73, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Barnhart, Booth, Conley, Ellington, Forsht, Foster, Honaker, D. Jeffries, J. Jeffries, Kimes, Longanacre, Mallow, Martin, Maynard, McGeehan, Miller, Rohrbach, Smith, Steele, Wamsley, G. Ward and Zatezalo.

Absent and Not Voting: Espinosa, Hamrick, Householder, Paynter and Toney.

So, a majority of the members present not having voted in the affirmative, the motion for the previous question was rejected.

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

The yeas and nays having been ordered, they were taken (**Roll No. 365**), and there were— yeas 77, nays 19, absent and not voting 4, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Espinosa, Hamrick, Householder and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 31) adopted.

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

Third Reading

S. B. 448, Developing policies and procedures for Statewide Interoperability Executive Committee; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegate Linville, the bill was amended on page 1, following the enacting clause by striking the rest of the bill in its entirety and inserting in lieu thereof the following:

“ARTICLE 14. THE STATEWIDE INTEROPERABLE RADIO NETWORK.

§15-14-6. Duties of the Statewide Interoperability Executive Committee.

The Executive Committee shall:

- (1) Monitor the implementation and operation of the SIRN;
- (2) Establish goals and guidance for the betterment of the SIRN;
- (3) Review and approve all requests for use of the SIRN and its equipment, by a public or private entity;
- (4) Serve as the mechanism for developing, updating and implementing Develop, update, and implement policies, procedures, and guidelines related to the SIRN;

(5) Identify new technologies and develop technologies and standards for the SIRN;

(6) Enhance the coordination of all available resources for public safety communications interoperability;

(7) Investigate all matters relating to integrity, foresight in funding and operations and planning for the SIRN;

(8) Revoke, suspend, or modify any entity's use of the SIRN and equipment connected to the SIRN: *Provided*, That nothing in this section shall be construed to invalidate the vertical real estate management act as provided in §31G-5-3 of this code;

(9) Provide guidance and services to support the proper cleansing of all decommissioned radio previously connected to SIRN; and

(10) Require all state agencies to submit two-way telecommunications equipment, not handled by the Office of Technology, to the Division of Emergency Management for cleansing, redistribution, reuse, or for the sale of the two-way telecommunications equipment.

§15-14-9. Creation of the Statewide Interoperable Radio Network account; purpose; funding; disbursements.

(a) There is hereby created in the State Treasury a special revenue account to be known as the "Statewide Interoperable Radio Network Account" to be administered by the director. The special revenue account shall consist of appropriations made by the Legislature; income derived from the lease of property, towers or tower space owned, operated or controlled by the WVDHSEM or any other state agency managed as part of the SIRN; moneys received by the Department of Health and Human Resources or WVDHSEM as proceeds of any claims for damages to structures, equipment or property of any kind, including moneys in the Insurance Property Loss Claims Fund administered by the Division of Health; income from the investment of moneys held in the special revenue account; grant money and all other sums available for deposit to the special revenue account from any source, public or private; and moneys received from the sale of recycled two-way telecommunications equipment pursuant to §15-14-6(10) of this code.

(b) Expenditures from the Statewide Interoperable Radio Network Account shall be for the purposes set forth in this article and used exclusively, to pay costs, fees and expenses incurred, or to be incurred for the following purposes: (1) The maintenance, upkeep and repair of the SIRN; (2) operations of the Executive Committee; (3) payment of salaries for the SWIC and any personnel required to operate and maintain the SIRN; (4) the design, implementation and management of the SIRN; (5) all other related SIRN activities approved by the Executive Committee; and (6) all costs incurred in the administration of the Statewide Interoperable Radio Network Account. Expenditures from the fund are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three, chapter twelve of this code and upon fulfillment of the provisions of article two, chapter eleven-b of this code: *Provided*, That for the fiscal year ending June 30, 2018, expenditures are authorized from collections rather than pursuant to appropriation by the Legislature.

(c) Disbursements from the Statewide Interoperable Radio Network Account shall be authorized by the director or his or her designee. Moneys in the Statewide Interoperable Radio

Network Account are not available for the payment of any personal injury claims, workers' compensation claims or other types of disability claims.

(d) Quarterly, the director shall prepare an accounting of all moneys disbursed from and any deposits made to the Statewide Interoperable Radio Network Account. This accounting shall include the reason for the withdraw, the recipients of any withdraw, and the source of any deposit.”

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 366**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: J. Kelly.

Absent and Not Voting: Espinosa, Hamrick, Householder and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 448) passed.

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

S. B. 448 – “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.”

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 S. B. 520, Increasing financial penalties for ransomware attacks; 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. 367**), 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: Espinosa, Hamrick, Householder and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 520) passed.

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

Com. Sub. for S. B. 523, Transferring oversight of Jobs Investment Trust Fund to WV Economic Development Authority; on third reading, coming up in regular order, was read a third time.

Delegate Maynard requested to be excused from voting on Com. Sub. for S. B. 523 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. 368**), 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: Espinosa, Hamrick, Householder and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 523) 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 S. B. 537, Providing additional firefighters and security guards for National Guard; 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. 369**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Espinosa, Hamrick, Householder and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 537) passed.

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

S. B. 542, Transferring Broadband Enhancement Council from Department of Commerce to Department of Economic Development; 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. 370**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Espinosa, Hamrick, Householder and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 542) passed.

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

On this question, the yeas and nays were taken (**Roll No. 371**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Espinosa, Hamrick, Householder and Paynter.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 542) 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.

S. B. 597, Relating to PSC underground facilities damage prevention and one-call system; 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. 372**), 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: Espinosa, Hamrick, Householder and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 597) passed.

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

Com. Sub. for S. B. 598, Establishing partnerships and aid for at-risk veterans to combat suicide; 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. 373**), 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: Espinosa, Hamrick, Householder and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 598) passed.

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

S. B. 638, Changing hearing and notice provisions for failing or distressed public utilities; 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. 374**), and there were—yeas 82, nays 14, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Hansen, Pushkin, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Espinosa, Hamrick, Householder and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 638) passed.

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

Second Reading

Com. Sub. for S. B. 524, Placing duties and functions of certain boards and commissions under Department of Arts, Culture, and History; on second reading, coming up in regular order, was read a second time.

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

Whereupon,

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

Delegate Zukoff moved to amend the bill on page 7, section 1, line 151, following the period by inserting a new subsection to read as follows:

“(s) The amendments enacted by SB524 during the 2022 Regular Session of the Legislature become effective July 1, 2023.”

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

On motion of Delegate Steele, the bill was amended on page 19, section 8c, line 196, by creating a new subsection with the following language:

“(j) Any rules promulgated by the Library Commission will remain in full force and effect until amended, repealed, or superseded by another rule promulgated by the Library Commission or State Library Section.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 650, Eliminating number of royalty owners required for utilization by operator for lawful use and development by co-tenants; on second reading, coming up in regular order, was read a second time and ordered to 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. 515, Supplementing and amending appropriations of public moneys to Department of Administration, Public Defender Services,

S. B. 517, Expiring funds from unappropriated balance in State Excess Lottery Revenue Fund,

S. B. 525, Expiring funds from unappropriated balance in Lottery Net Profits,

S. B. 526, Supplementing and amending appropriations to Department of Commerce, Office of Secretary,

S. B. 527, Supplementing and amending appropriations to Department of Administration, Office of Technology,

S. B. 531, Increasing annual salaries of certain state employees,

S. B. 626, Supplementing, amending, and increasing existing items of appropriation from State Road Fund to DOT, DMV,

S. B. 627, Supplementing, amending, and increasing existing item of appropriation from State Road Fund to DOT, DOH,

S. B. 628, Supplementing and amending appropriations to Department of Commerce, DNR,

S. B. 629, Supplementing and amending appropriations to Department of Education, WV BOE, Vocational Division,

S. B. 630, Supplementing and amending appropriations to Higher Education Policy Commission, Administration – Control Account,

S. B. 636, Supplementing and amending appropriations to Department of Revenue, Office of Tax Appeals,

And,

S. B. 637, Supplementing and amending appropriations to Executive, Governor's Office – Civil Contingent Fund.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Espinosa, Hamrick, Householder and Paynter.

Miscellaneous Business

Delegate Fluharty asked unanimous consent that all discussion regarding H. C. R. 31 be printed in the Appendix to the Journal, which consent was not granted, objection being heard.

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

- Delegates Rowe and B. Ward regarding H. C. R. 31

At 1:05 p.m., the House of Delegates adjourned until 10:00 a.m., Saturday, March 5, 2022.

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

SPECIAL CALENDAR

Saturday, March 5, 2022

53rd Day

10:00 A. M.

THIRD READING

- 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. 650 - Eliminating number of royalty owners required for utilization by operator for lawful use and development by co-tenants (CAPITO) (ANDERSON)

SECOND READING

- Com. Sub. for S. B. 515 - Supplementing and amending appropriations of public moneys to Department of Administration, Public Defender Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 517 - Expiring funds from unappropriated balance in State Excess Lottery Revenue Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 525 - Expiring funds from unappropriated balance in Lottery Net Profits (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 526 - Supplementing and amending appropriations to Department of Commerce, Office of Secretary (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 527 - Supplementing and amending appropriations to Department of Administration, Office of Technology (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 531 - Increasing annual salaries of certain state employees (HOUSEHOLDER) (JULY 1, 2022) [FINANCE COMMITTEE AMENDMENT PENDING]
- S. B. 626 - Supplementing, amending, and increasing existing items of appropriation from State Road Fund to DOT, DMV (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 627 - Supplementing, amending, and increasing existing item of appropriation from State Road Fund to DOT, DOH (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

- S. B. 628 - Supplementing and amending appropriations to Department of Commerce, DNR (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 629 - Supplementing and amending appropriations to Department of Education, WV BOE, Vocational Division (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 630 - Supplementing and amending appropriations to Higher Education Policy Commission, Administration – Control Account (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 636 - Supplementing and amending appropriations to Department of Revenue, Office of Tax Appeals (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 637 - Supplementing and amending appropriations to Executive, Governor's Office – Civil Contingent Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

FIRST READING

- Com. Sub. for S. B. 181 - Creating Core Behavioral Health Crisis Services System (ROHRBACH) (REGULAR)
- S. B. 213 - Establishing licensed professional counseling compact (STEELE) (REGULAR)
- Com. Sub. for S. B. 274 - Requiring secretary of DHHR to allocate CPS workers by Bureau of Social Services' district annually (ROHRBACH) (REGULAR) [HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 330 - Authorizing DOT to promulgate legislative rules (STEELE) (REGULAR)
- S. B. 427 - Permitting WV Board of Medicine investigators to carry concealed weapon (CAPITO) (REGULAR)
- Com. Sub. for S. B. 466 - Relating to limitations on civil actions or appeals brought by inmates (CAPITO) (REGULAR)
- S. B. 493 - Requiring county BOE make meetings available to public in-person and through internet (CAPITO) (JULY 1, 2022) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 505 - Updating laws on licensure and regulation of money transmitters (CAPITO) (REGULAR)
- Com. Sub. for S. B. 522 - Combining offices of WV State Americans with Disabilities Act and WV Equal Employment Opportunity (STEELE) (REGULAR)
- Com. Sub. for S. B. 553 - Relating to powers of WV Health Care Authority (ROHRBACH) (EFFECTIVE FROM PASSAGE)

- Com. Sub. for S. B. 575 - Ensuring that imposition of certain sexual offenses apply to persons working in juvenile facilities (CAPITO) (REGULAR)
- Com. Sub. for S. B. 593 - Allowing Marshall University's Forensic Analysis Laboratory access and participation in WV DNA database for certain purposes (CAPITO) (EFFECTIVE FROM PASSAGE)
- S. B. 603 - Prohibiting licensure and re-licensure in WV if applicant is prohibited from practicing in another jurisdiction (ROHRBACH) (REGULAR)
- Com. Sub. for S. B. 694 - Relating to oil and gas conservation (CAPITO) (REGULAR)
- Com. Sub. for H. B. 4023 - Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Saturday, March 5, 2022

53rd Day

10:00 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. 4066 - Distracted Driving Act (CAPITO) (REGULAR)

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)

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)

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)

Com. Sub. for H. B. 4753 - Prohibiting locating certain homeless facilities near schools and certain daycares (CAPITO) (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)

H. B. 4840 - Relating to Office of Miners Health, Safety and Training (STEELE) (REGULAR) [RIGHT TO AMEND]

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. 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

SATURDAY, MARCH 5, 2022

HOUSE CONVENES AT 10:00 A.M.

**COMMITTEE ON THE JUDICIARY
8:30 A.M. – ROOM 410 M**

**COMMITTEE ON EDUCATION
8:30 A.M. – ROOM 434 M**

**COMMITTEE ON GOVERNMENT ORGANIZATION
9:00 A.M. – ROOM 215 E**

**COMMITTEE ON RULES
9:45 A.M. – BEHIND CHAMBER**

**COMMITTEE ON FINANCE
AFTER FLOOR SESSION – ROOM 462 M**

MONDAY, MARCH 7, 2022

**COMMITTEE ON ENERGY AND MANUFACTURING – PUBLIC HEARING
9:00 A.M. – HOUSE CHAMBER
COM. SUB. FOR S. B. 694, RELATING TO OIL AND GAS CONSERVATION.**

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

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