

West Virginia Legislature

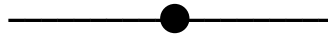
JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fifth Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



March 7, 2022
FIFTY-FIFTH DAY



Monday, March 7, 2022

FIFTY-FIFTH DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

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

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Saturday, March 5, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Government Organization has had under consideration:

S. B. 253, Relating to voting precincts and redistricting,

And,

S. B. 492, Relating to electronic collection of tolls,

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

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. 698, Relating to number and selection of members for Governor's Veterans Council,

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

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 704, Allowing parents, grandparents, and guardians to inspect instructional materials in classroom,

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

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

Your Committee on Finance has had under consideration:

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

S. B. 478, Relating to Neighborhood Investment Program,

And,

S. B. 546, Expanding uses of fees paid by students at higher education institutions,

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

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

Your Committee on Finance has had under consideration:

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

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

Com. Sub. for S. B. 550, Relating to funding for higher education institutions,

Com. Sub. for S. B. 571, Declaring certain claims to be moral obligations of state,

Com. Sub. for S. B. 584, Relating to WV Infrastructure and Jobs Development Council,

And,

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

And reports the same back, with amendment, with the recommendation that they each 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. 231, Relating generally to broadband connectivity,

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

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 6, Establishing common law “veil piercing” claims not be used to impose personal liability,

Com. Sub. for S. B. 245, Revising wage payment and collection,

Com. Sub. for S. B. 543, Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV,

And,

S. B. 570, Establishing training for law-enforcement in handling individuals with Alzheimer’s and dementias,

And reports the same back, with amendment, with the recommendation that they each 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. 486, Allowing PERS retirees to designate special needs trust as beneficiary,

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

In the absence of objection, reference of the bill (Com. Sub. for S. B. 486) to the Committee on Finance was abrogated.

Resolutions Introduced

Delegates Linville, Maynard, Paynter, Dean, Haynes, Cooper, Kessinger, Fast, Hott, Rohrbach, D. Jeffries, Anderson, Barnhart, Booth, Conley, Crouse, Doyle, Ellington, Ferrell, Foster, Gearheart, Holstein, Honaker, Horst, J. Kelly, Kimble, Kimes, Longanacre, Mallow, Mandt, Martin, Nestor, Rowan, Rowe, Smith, Statler, Storch, Sypolt, G. Ward, Williams and Worrell offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 18 - “A resolution encouraging the additional supply of West Virginia coal to Europe.”

Whereas, Russia has committed a crime of aggression by invading Ukraine and seeking to expand its borders through offensive military action; and

Whereas, Because Russia is a major energy exporter, international response to the unparalleled act of aggression has been muted due to concerns that boycotts of Russian energy exports would worsen international energy shortages generally and European energy deficiencies specifically; and

Whereas, International sales of energy are major sources of revenue for Russia and are financing the invasion of Ukraine; and

Whereas, Russia currently supplies 30 percent of the metallurgical coal used by European steelmakers and 60% of the thermal coal used to generate electricity; and

Whereas, Coal-fired electric generation in Europe has been critical for the region's economy and its health and safety over the last year as the continent suffered from shortages of natural gas coupled with under-performing intermittent / renewable energy sources; and

Whereas, Europe has a dependency on Russia for over 40 million tons of coal annually; and

Whereas, Europe was already planning to lean more heavily on its coal fired generation assets to compensate for limited natural gas supplies from Russia, but is now faced with the prospect of sourcing some 40 million tons of thermal coal to offset the Russian supply; and

Whereas, To appropriately confront Russia's hostility in Ukraine, other sources of energy must be provided to our allies in Europe; and

Whereas, West Virginia coal, already preferred by European power and steel makers for its quality and stable supply history, can offset that continent's need for Russian coal; and

Whereas, If natural gas supplies are further disrupted, coal fired power plants can generate more electricity to offset the lost generation from natural gas plants; and

Whereas, West Virginia coal can even be converted to liquid fuels to address oil and diesel fuel shortages; and

Whereas, Providing additional West Virginia coal to Europe will require the cooperation of the coal industry, railroad companies, river transportation firms, permitting and regulatory agencies; therefore, be it

Resolved by the House of Delegates:

That to provide "freedom fuel" to our allies across the globe, to free Europe from the chains of Russian energy dependence, the West Virginia House of Delegates hereby calls upon all of these entities to cooperatively work to supply more West Virginia coal to international markets.

Delegates Howell, Cooper, Dean, Ellington, Foster, Hamrick, Hanshaw (Mr. Speaker), Haynes, Holstein, Hott, Linville, Maynard, Paynter, Statler, Steele and Tully offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 98 - "Requesting the Joint Committee on Government and Finance study moving the Alcohol Beverage Control Administration into the purview of the West Virginia Lottery Commission."

Whereas, The West Virginia Alcohol Beverage Control Administration and the West Virginia Lottery Commission share many of the same duties and responsibilities in carrying out their respective duties across the State of West Virginia; and

Whereas, The West Virginia Alcohol Beverage Control Administration is already housed in the West Virginia Lottery building, and would not have to move locations under a proposed move; and

Whereas, As it presently stands in West Virginia, a business may not sell West Virginia lottery games, drawings and tickets without holding an alcohol license issued by the West Virginia Alcohol Beverage Control Administration; and

Whereas, Inspectors for both the West Virginia Alcohol Beverage Control Administration and the West Virginia Lottery Commission can easily be combined by cross training, which would reduce the size of government; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study moving the Alcohol Beverage Control Administration into the purview of the West Virginia Lottery Commission; and, be it

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

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

Delegates Skaff, Young, Dean and Barach offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 99 - "Requesting the Division of Highways name a bridge bearing the Bridge Number: 20-N14/80-000.1 (20A928), (38.36406,-81.69170) locally known as CENTRAL AVENUE OVERPASS, carrying City N14/80 over CSX RR & FIRST AVENUE in Kanawha County,' as the 'Lt. Col. Mitchell M. Mickel Memorial Bridge'."

Whereas, Mitchell M. Mickel was born on March 25, 1922, in Kfeir, Lebanon; and

Whereas, Mitchell M. Mickel's father, Abe Mickel, was a naturalized citizen of the United States who earned his citizenship by serving in the Army during World War I; and

Whereas, In 1921, Abe Mickel went back to the "old country" of Lebanon to bring members of his family to the United States, and in 1922, Mitchel M. Mickel was born; and

Whereas, Mitchell M. Mickel and his family returned to the United States in 1923, where they made their home in Williamson, West Virginia in Mingo County; and

Whereas, Mitchell M. Mickel and his two brothers and sister grew up in the small town that was rich in Lebanese culture, as many other descendants from Kfeir, Lebanon, settled in Williamson, West Virginia; and

Whereas, Mitchell M. Mickel and his family made their living in their family owned store, "Mickel's Confectionary," in the heart of the town; and

Whereas, Mitchell M. Mickel was educated in the Mingo County public school system, graduating from Williamson High School in 1941; and

Whereas, Mitchell M. Mickel began his college career by attending West Virginia University; and

Whereas, Mitchell M. Mickel enlisted in the Army in August of 1942, and was awarded the Purple Heart and the Bronze Star for the battle of Anzio, Italy, where he was hit by shrapnel and wounded; and

Whereas, Mitchell M. Mickel was honorably discharged from the Army in December of 1945; and

Whereas, Mitchell M. Mickel returned to West Virginia and graduated from West Virginia University in 1948 with a Bachelor of Arts degree in Economics; and

Whereas, Mitchell M. Mickel immediately entered the Air Force Reserves, and later in April of 1951, he joined the Air Force; and

Whereas, Mitchell M. Mickel had a military career that spanned over 25 years across two branches; and

Whereas, During his time in the Air Force, Mitchell M. Mickel served in many capacities as he worked his way up through the ranks to Lieutenant Colonel in December, 1967; and

Whereas, In June of 1970, following Mitchell M. Mickel's retirement from the Air Force, he proudly returned home to West Virginia, settling down in South Charleston; and

Whereas, Mitchell M. Mickel then went to work for the Internal Revenue Service for many years, eventually retiring from there and going on to work for the Armed Forces as a Test Coordinator administering entrance exams; and

Whereas, Mitchell M. Mickel was a true volunteer, and during his time with the Internal Revenue Service, he would spend every Saturday morning volunteering at the public library to assist the people with their tax questions; and

Whereas, Mitchell M. Mickel was the President of the Retired Officers Association for several years; and

Whereas, Mitchell M. Mickel also held many important volunteer positions for the Kfeirian Reunion, a family organization made up of descendants from Kfier, Lebanon, which is now in its 88th year; and

Whereas, Sadly, at the age of 85 in January 2008, Mitchell M. Mickel passed away, and was laid to rest in Arlington National Cemetery on his birth date of March 25 with full military honors; and

Where, Mitchell M. Mickel's final resting place is the perfect place in the cemetery for him, because it is nestled in Section 64 of the Arlington National Cemetery and overlooks the Pentagon, and to the other side of his resting place, the tall spires of the Air Force Monument can be seen towering over the cemetery; and

Whereas, Mitchell M. Mickel had a long and distinguished military career, serving during three wars, including World War II, the Korean War, and the Vietnam War; and

Whereas, Mitchell M. Mickel received the following military awards: Good Conduct Medal, Purple Heart Medal, European African Middle Eastern Service Ribbon with Bronze Arrowhead, Meritorious Unit Award, World War II Victory Ribbon, Combat Infantryman Badge, Bronze Star Medal, Air Force Reserve Medal, AF Outstanding Unit Award, Small Arms Expert Marksmanship Ribbon, AF Longevity Service Award Ribbon with 4 Bronze Oak Leaf Clusters, AF Commendation Medal, and National Defense Service Medal with Bronze Service Star; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Lt. Col. Mitchell M. Mickel; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a bridge bearing the Bridge Number: 20-N14/80-000.1 (20A928), (38.36406,-81.69170) locally known as CENTRAL AVENUE OVERPASS, carrying City N14/80 over CSX RR & FIRST AVENUE in Kanawha County," as the "Lt. Col. Mitchell M. Mickel Memorial Bridge", and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "Lt. Col. Mitchell M. Mickel Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways and to the family of Mitchell M. Mickel.

Special Calendar

Third Reading

Com. Sub. for S. B. 515, Supplementing and amending appropriations of public moneys to Department of Administration, Public Defender Services; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 378**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hansen and Hardy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 515) passed.

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

On this question, the yeas and nays were taken (**Roll No. 379**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hansen and Hardy.

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 S. B. 515) takes effect from its passage.

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

S. B. 517, Expiring funds from unappropriated balance in State Excess Lottery Revenue Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 380**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hansen and Hardy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 517) passed.

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

On this question, the yeas and nays were taken (**Roll No. 381**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hansen and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 517) takes effect from its passage.

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

S. B. 525, Expiring funds from unappropriated balance in Lottery Net Profits; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 382**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hansen and Hardy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 525) passed.

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

On this question, the yeas and nays were taken (**Roll No. 383**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hansen and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 525) takes effect from its passage.

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

S. B. 526, Supplementing and amending appropriations to Department of Commerce, Office of Secretary; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 384**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Hansen and Hardy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 526) passed.

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

On this question, the yeas and nays were taken (**Roll No. 385**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Hansen and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 526) takes effect from its passage.

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

S. B. 527, Supplementing and amending appropriations to Department of Administration, Office of Technology; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 386**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Hansen and Hardy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 527) passed.

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

On this question, the yeas and nays were taken (**Roll No. 387**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Hansen and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 527) takes effect from its passage.

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

S. B. 531, Increasing annual salaries of certain state employees; on third reading, coming up in regular order, was read a third time.

Delegates Barnhart, Criss, Dean, Evans, Ferrell, Haynes, Howell, Householder, Keaton, Linville, Longanacre, Mandt, Maynor, Summers, Thompson, Toney, B. Ward, Westfall and Zukoff requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegates were members of a class of persons possibly to be affected and directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 388**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hansen, Hardy and Mazzocchi.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 531) passed.

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

On this question, the yeas and nays were taken (**Roll No. 389**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hansen, Hardy and Mazzocchi.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 531) 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.

S. B. 626, Supplementing, amending, and increasing existing items of appropriation from State Road Fund to DOT, DMV; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 390**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Foster, McGeehan and Pritt.

Absent and Not Voting: Hansen and Hardy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 626) passed.

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

On this question, the yeas and nays were taken (**Roll No. 391**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Hansen, Hardy and Reed.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 626) takes effect from its passage.

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

S. B. 627, Supplementing, amending, and increasing existing item of appropriation from State Road Fund to DOT, DOH; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 392**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hansen and Hardy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 627) passed.

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

On this question, the yeas and nays were taken (**Roll No. 393**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Hansen and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 627) takes effect from its passage.

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

S. B. 628, Supplementing and amending appropriations to Department of Commerce, DNR; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 394**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hansen and Hardy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 628) passed.

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

On this question, the yeas and nays were taken (**Roll No. 395**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hansen and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 628) takes effect from its passage.

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

S. B. 629, Supplementing and amending appropriations to Department of Education, WV BOE, Vocational Division; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 396**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries.

Absent and Not Voting: Hansen and Hardy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 629) passed.

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

On this question, the yeas and nays were taken (**Roll No. 397**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hansen and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 629) takes effect from its passage.

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

S. B. 630, Supplementing and amending appropriations to Higher Education Policy Commission, Administration – Control Account; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 398**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Foster, J. Jeffries and Paynter.

Absent and Not Voting*: Hansen and Hardy.

[*Note: Delegate Walker announced that her vote did not register and is included in the “yeas”.]

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 630) passed.

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

On this question, the yeas and nays were taken (**Roll No. 399**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Graves, Hansen and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 630) takes effect from its passage.

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

S. B. 636, Supplementing and amending appropriations to Department of Revenue, Office of Tax Appeals; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 400**), and there were—yeas 67, nays 30, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Barach, Burkhammer, Conley, Crouse, Dean, Ellington, Foster, Gearheart, Hamrick, Holstein, Hornbuckle, Horst, Hott, D. Jeffries, J. Jeffries, Kimble, Kimes, Linville, Longanacre, Mandt, Mazzocchi, McGeehan, Paynter, Pinson, Pritt, Steele, Tully, Wamsley, G. Ward and Young.

Absent and Not Voting: Graves, Hansen and Hardy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 636) passed.

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

On this question, the yeas and nays were taken (**Roll No. 401**), and there were—yeas 86, nays 11, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Gearheart, Horst, Kimble, Linville, Longanacre, Mandt, Mazzocchi, McGeehan, Paynter, Pritt and G. Ward.

Absent and Not Voting: Graves, Hansen and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 636) takes effect from its passage.

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

S. B. 637, Supplementing and amending appropriations to Executive, Governor's Office – Civil Contingent Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 402**), and there were—yeas 89, nays 8, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Conley, Foster, Gearheart, Horst, Kimble, Kimes, McGeehan and Paynter.

Absent and Not Voting: Hansen, Hardy and Pritt.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 637) passed.

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

On this question, the yeas and nays were taken (**Roll No. 403**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Conley, Foster, Gearheart, Horst, Kimble and McGeehan.

Absent and Not Voting: Bridges, Hansen, Hardy and Pritt.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 637) takes effect from its passage.

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

Second Reading

Com. Sub. for S. B. 181, Creating Core Behavioral Health Crisis Services System; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 213, Establishing licensed professional counseling compact; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 250, Budget Bill; 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 rule was suspended to permit the consideration of the amendment on that reading.

The bill was then ordered to third reading.

Com. Sub. for S. B. 274, Requiring secretary of DHHR to allocate CPS workers by Bureau of Social Services' district annually; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk, and adopted on page 6, line 121, by striking subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

“(b) The secretary shall annually allocate Child Protective Services workers by districts of the Bureau for Social Services and report the allocation process to the Legislative Oversight Commission on Health and Human Resources Accountability by July 1 each year.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 330, Authorizing DOT to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 427, Permitting WV Board of Medicine investigators to carry concealed weapon; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 466, Relating to limitations on civil actions or appeals brought by inmates; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 493, Requiring county BOE make meetings available to public in-person and through internet; on second reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

Com. Sub. for S. B. 505, Updating laws on licensure and regulation of money transmitters; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 522, Combining offices of WV State Americans with Disabilities Act and WV Equal Employment Opportunity; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 553, Relating to powers of WV Health Care Authority; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 575, Ensuring that imposition of certain sexual offenses apply to persons working in juvenile facilities; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 593, Allowing Marshall University’s Forensic Analysis Laboratory access and participation in WV DNA database for certain purposes; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 603, Prohibiting licensure and re-licensure in WV if applicant is prohibited from practicing in another jurisdiction; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 694, Relating to oil and gas conservation; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

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; 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.

First Reading

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

S. B. 135, Relating to acquisition and disposition of property by urban development authority,

S. B. 440, Establishing Uniform Commercial Real Estate Receivership Act,

Com. Sub. for S. B. 470, Relating generally to health care decisions,

Com. Sub. for S. B. 508, Requiring certain attire for deer hunters with muzzleloaders,

Com. Sub. for S. B. 535, Providing for revocation of school personnel certification or licensure in certain circumstances,

S. B. 591, Relating to process for filling vacancies in state Legislature,

Com. Sub. for S. B. 595, Relating to Dangerousness Assessment Advisory Board,

And,

Com. Sub. for S. B. 616, Relating to confidentiality of court files and law-enforcement records of certain enumerated offenses.

Leaves of Absence

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

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 Barrett and D. Kelly regarding S. B. 531

- Delegate Sypolt regarding a citation for military escorts

At 12:49 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, March 8, 2022.

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

SPECIAL CALENDAR

Tuesday, March 8, 2022

56th Day

11:00 A. M.

THIRD 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. 250 - Budget Bill (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) [AMENDMENT PENDING]
- Com. Sub. for S. B. 274 - Requiring secretary of DHHR to allocate CPS workers by Bureau of Social Services' district annually (ROHRBACH) (REGULAR)
- Com. Sub. for S. B. 330 - Authorizing DOT to promulgate legislative rules (STEELE) (EFFECTIVE FROM PASSAGE)
- 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)
- 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 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) [AMENDMENTS PENDING]

SECOND READING

S. B. 135 - Relating to acquisition and disposition of property by urban development authority (CAPITO) (REGULAR)

S. B. 440 - Establishing Uniform Commercial Real Estate Receivership Act (CAPITO) (REGULAR)

Com. Sub. for S. B. 470 - Relating generally to health care decisions (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. 508 - Requiring certain attire for deer hunters with muzzleloaders (CAPITO) (REGULAR)

Com. Sub. for S. B. 535 - Providing for revocation of school personnel certification or licensure in certain circumstances (CAPITO) (REGULAR)

S. B. 591 - Relating to process for filling vacancies in state Legislature (CAPITO) (REGULAR)

Com. Sub. for S. B. 595 - Relating to Dangerousness Assessment Advisory Board (CAPITO) (EFFECTIVE FROM PASSAGE)

Com. Sub. for S. B. 616 - Relating to confidentiality of court files and law-enforcement records of certain enumerated offenses (CAPITO) (REGULAR)

Com. Sub. for S. B. 694 - Relating to oil and gas conservation (ROHRBACH) (REGULAR)

FIRST READING

S. B. 1 - Creating Mining Mutual Insurance Company (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) [FINANCE COMMITTEE AMENDMENT PENDING]

Com. Sub. for S. B. 6 - Establishing common law “veil piercing” claims not be used to impose personal liability (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]

Com. Sub. for S. B. 231 - Relating generally to broadband connectivity (CAPITO) (REGULAR)

Com. Sub. for S. B. 245 - Revising wage payment and collection (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]

S. B. 253 - Relating to voting precincts and redistricting (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]

- Com. Sub. for S. B. 443 - Including police and firefighter as electors of trustees for certain pension funds (HOUSEHOLDER) (REGULAR)
- S. B. 478 - Relating to Neighborhood Investment Program (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 486 - Allowing PERS retirees to designate special needs trust as beneficiary (CAPITO) (REGULAR)
- S. B. 492 - Relating to electronic collection of tolls (STEELE) (EFFECTIVE FROM PASSAGE) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- S. B. 529 - Encouraging additional computer science education in WV schools (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 543 - Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- S. B. 546 - Expanding uses of fees paid by students at higher education institutions (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 550 - Relating to funding for higher education institutions (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- S. B. 570 - Establishing training for law-enforcement in handling individuals with Alzheimer's and dementias (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 571 - Declaring certain claims to be moral obligations of state (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 584 - Relating to WV Infrastructure and Jobs Development Council (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 641 - Requiring Consolidated Public Retirement Board to set contributions to Deputy Sheriff's Retirement System (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 698 - Relating to number and selection of members for Governor's Veterans Council (STEELE) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 704 - Allowing parents, grandparents, and guardians to inspect instructional materials in classroom (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING]

HOUSE CALENDAR

Tuesday, March 8, 2022

56th Day

11:00 A. M.

UNFINISHED BUSINESS

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

THIRD READING

Com. Sub. for H. B. 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**

TUESDAY, MARCH 8, 2022

HOUSE CONVENES AT 11:00 A.M.

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

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

**COMMITTEE ON THE JUDICIARY
9:30 A.M. – ROOM 410 M**

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

**COMMITTEE ON EDUCATION
ONE HOUR FOLLOWING FLOOR SESSION – ROOM 434 M**

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