

West Virginia Legislature

**JOURNAL**  
of the  
**HOUSE of DELEGATES**

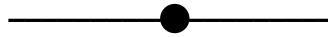
Eighty-Fifth Legislature  
Second Regular Session

Held at Charleston  
Published by the Clerk of the House



March 11, 2022  
FIFTY-NINTH DAY





Friday, March 11, 2022

### FIFTY-NINTH DAY

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

The House of Delegates 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 10, 2022, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for S. B. 2, Com. Sub. for S. B. 138, S. B. 228, Com. Sub. for S. B. 246, Com. Sub. for S. B. 247, Com. Sub. for S. B. 264, Com. Sub. for S. B. 424 and Com. Sub. for S. B. 486, on Third Reading, Special Calendar, had been transferred to the House Calendar; and, Com. Sub. for S. B. 659 and S. B. 693, on Second Reading, House Calendar, had been transferred to the Special Calendar.

### Conference Committee Report Availability

At 10:55 a.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for H. B. 4333**, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters, would be available in the Clerk's Office.

### Committee Reports

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

Your Committee on Rules has had under consideration:

**H. C. R. 101**, Urging Congress to pass "Share the Savings" legislation,

**H. R. 7**, Urging the United States Congress to increase sustainable forest harvesting on public lands in the state of West Virginia and more specifically, the Monongahela National Forest,

**H. R. 19**, A resolution urging Congress and the President to pass federal legislation to speed up the environmental permitting process on new wells and mines,

**S. C. R. 4**, US Army SP4 Warner Ray Osborne Memorial Bridge,

**S. C. R. 10**, US Air Force TSGT Franklin A. Bradford Bridge,

**S. C. R. 14**, US Army SSGT Elson M Kuhn Memorial Bridge,

**S. C. R. 19**, US Army PVT Thomas D. Beckett, Sr., Memorial Bridge,

**S. C. R. 22**, US Army PFC Clifford O. Eckard Memorial Bridge,

**S. C. R. 26**, US Army TEC5 William "Bill" Thurman King Memorial Bridge,

**S. C. R. 36**, USMC CPL Harry Edward Dean, Jr., Memorial Bridge,

**S. C. R. 48**, US Army PFC Ronald Lee Berry Memorial Bridge,

**S. C. R. 49**, Establishing Honor Guard in each National Guard unit,

And,

**S. C. R. 55**, Respectfully urging current presidential administration to open federal lease sales onshore and offshore,

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

### **Reports of Select Committees**

On motion for leave the following resolutions were introduced (Originating in the Select Committee on Tourism and Economic Diversification and reported with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules), which were read by their titles, as follows:

**By Delegate Howell:**

**H. C. R. 104** - "Requesting the Joint Committee on Government and Finance study the fiscal feasibility of eliminating the motor fuel excise tax and replacing any income from the tax with an equivalent increase in the general state sales tax revenue generated by increased sales,"

**By Delegate Howell:**

**H. C. R. 105** - "Requesting the Joint Committee on Government and Finance study economic policy strategies and incentives for drawing into West Virginia employers employing 50 persons or less located in high tax, high regulation, anti-competitive locations out of state,"

**By Delegate Howell:**

**H. C. R. 106** - "Requesting the Joint Committee on Government and Finance study economic policy strategies and incentives for building Intrastate pipelines from the gas fields (likely propane) and from the Ohio River to transport oil and gas products to the far eastern panhandle of the state of West Virginia within close proximity to interstate highway corridors,"

**By Delegates Howell:**

**H. C. R. 107** - "Requesting the Joint Committee on Government and Finance study ways that allow the West Virginia Economic Development Authority ('EDA') to target companies and have them move to West Virginia without having to go through the Legislative process for every job announcement,"

And,

**By Delegate Howell:**

**H. C. R. 108** – “Requesting the Joint Committee on Government and Finance study the possibility of combining certain programs related to the West Virginia Department of Health and Human Resources (‘DHHR’), Workforce West Virginia, and the West Virginia Community and Technical College System to create a ‘one-stop shop’ for applicants to be admitted into higher education programs.”

The Speaker referred the resolutions (H. C. R. 104, H. C. R. 105, H. C. R. 106, H. C. R. 107 and H. C. R. 108) to the Committee on Rules.

**Messages from the Executive**

The following communication was laid before the House of Delegates and reported by the Clerk:

STATE OF WEST VIRGINIA  
Jim Justice  
Governor of West Virginia

March 9, 2022

The Honorable Craig Blair  
President of the Senate  
State Capitol, Building 1, Room 229-M  
Charleston, West Virginia 25305

The Honorable Roger Hanshaw  
Speaker of the House of Delegates  
State Capitol, Building 1, Room 228-M  
Charleston, West Virginia 25305

Dear President Blair and Speaker Hanshaw:

After submission of my recommended FY 2023 Executive Budget on January 12, 2022, there are areas that require adjustment.

Therefore, pursuant to Section 51, Article VI of the Constitution of the State of West Virginia, I submit revisions to the FY 2023 Budget Bill for the following sections:

**TITLE II – APPROPRIATIONS****Section 1. Appropriations from general revenue.****Executive**

*Governor’s Office – Civil Contingent Fund, Fund 0105, Fiscal Year 2023, Org 0100*

(To add a new item of appropriation.)

- Insert a new item of appropriation: “Court Improvement” Appropriation xxxxx for \$5,000,000.

(To add reappropriation language.)

- Insert into the reappropriation language after Civil Contingent Fund - Surplus (fund 0105, appropriation 26300), "...Local Economic Development Assistance - Surplus (fund 0105, appropriation 26600),..."

### **Department of Commerce**

*Department of Commerce – Office of the Secretary, Fund 0606, Fiscal Year 2023, Org 0327*  
(To reflect 5% pay raise transferred from Department of Economic Development.)

- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$60,318.

*Division of Natural Resources, Fund 0265, Fiscal Year 2023, Org 0310*

(To continue funding positions provided by supplemental appropriation SB 628/HB 4740.)

- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$184,162.

### **Department of Economic Development**

*Department of Economic Development – Office of the Secretary, Fund 0256, Fiscal Year 2023, Org 0307*

(To move pay raise to correct fund under Department of Commerce.)

- Decrease "Personal Services and Employee Benefits" Appropriation 00100 by \$60,318.

(To add directive language only to reflect fund transfer.)

- Amend the directive language for appropriation 13000 to read as follows: "From the above appropriation for Current Expenses (fund 0256, appropriation 13000), \$50,000 shall be used for the Western Potomac Economic Partnership, \$100,000 shall be used for Advantage Valley, \$548,915 for West Virginia University, and \$298,915 for Southern West Virginia Community and Technical College for the Mine Training and Energy Technologies Academy."

(To remove Directed Transfer language from lines 12-13.)

- Remove the language "The above appropriation for Directed Transfer (fund 0256, appropriation 70000) shall be transferred to the Broadband Enhancement Fund (fund 3013)."

### **Department of Education**

*State Board of Education – State Department of Education, Fund 0313, Fiscal Year 2023, Org 0402*

(To adjust Teachers' Retirement Savings Realized per CPRB actuarial requirement.)

- Decrease "Teachers' Retirement Savings Realized" Appropriation 09500 by \$15,814,000.

(To include HOPE Scholarship funding in accordance with §18-9A-25 of the West Virginia Code.)

- Insert a new item of appropriation: "Hope Scholarship Program" Appropriation 30401 for \$23,350,520.

*State Board of Education – State Aid to Schools, Fund 0317, Fiscal Year 2023, Org 0402*

(To adjust School Aid Formula based on the certified property valuations and actuarial requirement from the West Virginia Consolidated Public Retirement Board.)

- Decrease “Less Local Share” adjustment by \$682,295 (it should now be - \$474,379,513).
- Decrease “Adjustments” adjustment by \$97,293 (it should now be -\$2,495,004).
- Amend “Total Basic State Aid” to reflect the sum of all appropriations and adjustments that precede it. It should now read as “\$1,207,845,815”.
- Decrease “Teachers’ Retirement System” Appropriation 01900 by \$3,976,760.
- Decrease “Retirement Systems – Unfunded Liability” Appropriation 77500 by \$25,072,240.

### **Department of Health and Human Resources**

*Division of Health – Consolidated Medical Services Fund, Fund 0525, Fiscal Year 2023, Org 0506*  
(To include reappropriation language.)

- On page 47, line 12, before the word “and” insert the following: “...Institutional Facilities Operations – Surplus (fund 0525, appropriation 63200),...”.

### **Department of Homeland Security**

*West Virginia State Police, Fund 0453, Fiscal Year 2023, Org 0612*

(To adjust the Trooper Retirement Fund appropriation based on the actuarial requirement from the West Virginia Consolidated Public Retirement Board.)

- Increase “Retirement Systems – Unfunded Liability” Appropriation 77500 by \$12,000.

### **Department of Transportation**

*Division of Public Transit, Fund 0510, Fiscal Year 2023, Org 0805*

(To provide support to the Sistersville Ferry.)

- On page 63, after line 9, insert the following: “From the above appropriation for Current Expenses (fund 0510, appropriation 13000), \$30,000 shall be transferred to the City of Sistersville to support the Sistersville Ferry.”

### **Higher Education Policy Commission**

*Higher Education Policy Commission – Administration – Control Account, Fund 0589, Fiscal Year 2023, Org 0441*

(To adjust reappropriation language.)

- On page 69, line 19, insert the letter “H” in front of “EAPS Grant Program”.

### **Department of Veterans’ Assistance**

*Division of Veterans’ Affairs, Fund 0456, Fiscal Year 2023, Org 0613*

(To match state construction costs for the new Beckley facility.)

- Insert a new item of appropriation: “Buildings” Appropriation 25800 for \$8,181,000.

## **Section 2. Appropriations from state road fund.**

### **Department of Transportation**

*Division of Highways, Fund 9017, Fiscal Year 2023, Org 0803*

(To realign state road spending authority.)

- Decrease “Maintenance” Appropriation 23700 by \$21,200,000.
- Increase “General Operations” Appropriation 27700 by \$21,200,000.

**Section 3. Appropriations from other funds.****Department of Administration**

*Department of Administration – Office of the Secretary – Employee Pension and Health Care Benefit Fund, Fund 2044, Fiscal Year 2023, Org 0201*

(To adjust spending authority to match the appropriation for Teachers' Retirement Savings Realized.)

- Decrease "Current Expenses" Appropriation 13000 by \$15,814,000.

**Miscellaneous Boards and Commissions**

*Hospital Finance Authority – Hospital Finance Authority Fund, Fund 5475, Fiscal Year 2023, Org 0509*

(To carry-forward spending authority established by supplemental appropriation SB 732/HB 4852.)

- Insert a new item of appropriation: "Personal Services and Employee Benefits" Appropriation 00100 for \$10,000.

**Section 6. Appropriations of federal funds.****Executive**

*Department of Agriculture, Fund 8736, Fiscal Year 2023, Org 1400*

(To carry-forward federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: "Federal Coronavirus Pandemic" Appropriation 89101 for \$1,098,839.

Insert a new budget item as follows:

**"Department of Tourism"**

*"342a - Department of Tourism – Tourism Workforce Development Fund, Fund 8903, Fiscal Year 2023, Org 0304"*

(To add Federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: "Federal Coronavirus Pandemic" Appropriation 89101 for \$5,148,017.

**Department of Arts, Culture, and History**

*Division of Culture and History, Fund 8718, Fiscal Year 2023, Org 0432*

(To carry-forward federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: "Federal Coronavirus Pandemic" Appropriation 89101 for \$765,400.

*Commission for National and Community Service, Fund 8841, Fiscal Year 2023, Org 0432*

(To carry-forward federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: "Federal Coronavirus Pandemic" Appropriation 89101 for \$1,960,558.



*Library Commission, Fund 8720, Fiscal Year 2023, Org 0433*

(To carry-forward federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: “Federal Coronavirus Pandemic” Appropriation 89101 for \$2,388,880.

*Educational Broadcasting Authority, Fund 8721, Fiscal Year 2023, Org 0439*

(To carry-forward federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: “Federal Coronavirus Pandemic” Appropriation 89101 for \$710,176.

**Bureau of Senior Services***Bureau of Senior Services, Fund 8724, Fiscal Year 2023, Org 0508*

(To carry-forward federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: “Federal Coronavirus Pandemic” Appropriation 89101 for \$16,400,000.

**Section 9. Appropriations from general revenue fund surplus accrued.****Department of Economic Development***Department of Economic Development - Office of the Secretary, Fund 0256, Fiscal Year 2023, Org 0307*

(To amend directive language to correct fund.)

- Amend the language to read as follows: “The above appropriation for Directed Transfer (fund 0256, appropriation 70099) shall be transferred to the Broadband Enhancement Fund (fund 3013).”

**Executive***Governor’s Office – Civil Contingent Fund, Fund 0105, Fiscal Year 2023, Org 0100*

(To add an item of surplus appropriation for federal maintenance of effort.)

- Insert a new item of appropriation: “Congressional Earmark Maintenance of Effort - Surplus” Appropriation xxxxx for \$100,000,000.

**Section 10. Appropriations from lottery net profits surplus accrued.****Bureau of Senior Services***Bureau of Senior Services, Fund 5405, Fiscal Year 2023, Org 0508*

(To restore state matching portion for Title XIX Waiver Program.)

- Increase “Senior Services Medicaid Transfer – Lottery Surplus” Appropriation 76500 by \$750,000.

Insert a new budget item as follows:

**“Department of Arts, Culture, and History”***“401a – Division of Culture and History, Fund 3534, Fiscal Year 2023, Org 0432”*

(To add new items of appropriation.)

- Insert “Save the Music – Lottery Surplus” Appropriation xxxxx for \$100,000.
- Insert “Capital Outlay and Maintenance – Lottery Surplus” Appropriation 76099 for \$3,000,000.

**Section 11. Appropriations from state excess lottery revenue surplus accrued.**

(To correct section numbering.)

- On page 188, line 1, replace “Sec. 10” with “Sec. 11”.

Thank you for your prompt attention to this matter. Note also that while my introduced budget bill accounted for additional General and Lottery revenue appropriations for salary increases, to avoid additional base budget growth, any agency specific legislation relating to salaries passed after my introduced budget bill could potentially be addressed within existing Personal Services and Employee Benefits appropriations through the elimination and/or realignment of vacant positions, as available and appropriate. Your cooperation is always appreciated. Should you have any questions or require additional information, please call me at any time.

Sincerely,

Jim Justice  
Governor

A communication from His Excellency, the Governor, advised that on March 9, 2022, he approved **S. B. 639, H. B. 4048, H. B. 4299, H. B. 4308, H. B. 4312 and Com. Sub. for H. B. 4369.**

**Messages from the Senate**

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

**Com. Sub. for H. B. 2096**, Reinstating the film investment tax credit.

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

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

**“ARTICLE 13X. WEST VIRGINIA FILM INDUSTRY INVESTMENT ACT.****§11-13X-3. Definitions.**

(a) *General.* — When used in this article, or in the administration of this article, terms defined in subsection (b) of this section have the meanings ascribed to them by this section, unless a different meaning is clearly required by the context in which the term is used.

(b) *Terms defined.* —

~~(4)~~ ‘Commercial exploitation’ means reasonable intent for public viewing for the delivery medium used.

~~(2)~~ ‘Direct production expenditure’ means a transaction that occurs in the State of West Virginia or with a West Virginia vendor and includes:

(A) Payment of wages, fees, and costs for related fringe benefits provided for talent, management or labor that are subject to West Virginia income tax;

(B) Payment to a personal services corporation for the services of a performing artist if:

(i) The personal services corporation is subject to West Virginia income tax on those payments; and

(ii) The performing artist receiving payments from the personal services corporation is subject to West Virginia income tax; and

(C) Any of the following provided by a West Virginia vendor:

(i) The story and scenario to be used by a qualified project;

(ii) Set construction and operations, wardrobe, accessories, and related services;

(iii) Photography, sound synchronization, lighting, and related services;

(iv) Editing and related services;

(v) Rental of facilities and equipment;

(vi) Leasing of vehicles;

(vii) Food or lodging;

(viii) Airfare if purchased through a West Virginia-based travel agency or travel company;

(ix) Insurance coverage and bonding if purchased through a West Virginia-based insurance agent; and

(x) Other direct costs of producing a qualified project in accordance with generally accepted entertainment industry practices: Provided, That "direct production expenditure" shall not include depreciation of any item that has less than one full year of depreciable life.

~~(3) 'Eligible company' means a person or business entity engaged in the business of producing film industry productions. The term excludes state agencies.~~

~~(4) 'Feature length' means in excess of 40 minutes.~~

~~(5) 'Film industry production' means a qualified project intended for reasonable national or international commercial exploitation.~~

~~(6) 'Film office' means the West Virginia Film Office, which is a division of the West Virginia Department of Commerce~~

'Multi-state distribution' means reaching at least one other state besides West Virginia.

~~(7) 'Postproduction expenditure' means a transaction that occurs in West Virginia or with a West Virginia vendor after the completion of principal photography, including editing and negative cutting; Foley recording and sound effects; automatic dialogue replacement (also known as ADR~~

or dubbing); special effects or visual effects, including computer-generated imagery or other effects; scoring and music editing; sound editing; beginning and end credits; soundtrack production; subtitling or addition of sound or visual effects; but not including an expenditure for advertising, marketing, distribution, or expense payments.

~~(8)~~ 'Qualified project' means a feature length theatrical or direct-to-video motion picture, a made-for-television motion picture, ~~a commercial~~ a music video, commercial still photography, a television pilot program, a television series, and a television mini-series that incurs a ~~minimum of \$25,000~~ cumulative amount of \$50,000 in a calendar year in direct production expenditures and post-production expenditures, ~~as defined by this subsection,~~ in West Virginia or any combination of projects not previously claimed that would qualify for the credit except for cost, and that combined meets or exceeds the cumulative amount of \$50,000 in a calendar year. The term excludes news or current affairs programming, a weather or market program, ~~an interview or a~~ talk show, a sporting event or show, an awards show, a gala, a production that solicits funds, a home shopping program, a program that primarily markets a product or service, political advertising, or a concert production.

A qualified project may be produced on any single media or multimedia program that:

(A) Is fixed on film, digital medium, videotape, computer disk, laser disc, or other similar delivery medium;

(B) Can be viewed or reproduced;

(C) Is not intended to and does not violate §61-8C-1 *et seq.* of this code;

(D) Does not contain obscene matter or sexually explicit conduct, as defined by §61-8A-1 *et seq.* of this code;

(E) Is intended for reasonable commercial exploitation for the delivery medium used whether delivery is in state or multi-state distribution; and

(F) Does not contain content that, in the sole discretion of the Office of Economic Development, negatively portrays the state of West Virginia. ~~in a significantly derogatory manner~~

~~(9)~~ "Tax Commissioner" means the West Virginia State Tax Commissioner or his or her designee.

#### **§11-13X-4. Creation of the tax credit.**

(a) An eligible company may apply for, and the Tax Commissioner shall allow, a nonrefundable tax credit in an amount equal to the percentage specified in §11-13X-5 of this code of:

(1) Direct production expenditures incurred in West Virginia that are directly attributable to the production in West Virginia of a qualified project ~~and that~~ which expenditures occur in West Virginia or with a West Virginia vendor; and

(2) Postproduction expenditures incurred in West Virginia that are:

(A) Directly attributable to the production of a qualified project; and

(B) For services performed in West Virginia.

(b) Expenditures utilized by an eligible company for purposes of calculating the tax credit authorized by this article shall in no event be utilized by the eligible company for the purpose of calculating or qualifying investment for claiming the economic opportunity tax credit authorized by §11-13Q-1 *et seq.* of this code or the manufacturing investment tax credit authorized by §11-13S-1 *et seq.* of this code.

#### **§11-13X-5. Amount of credit allowed; limitation of the credits.**

(a) *Base allowance.* — The amount of credit allowed to every eligible company, except as provided in subsection (b) of this section, is 27 percent.

(b) *Extra allowance for hiring of local workers.* — Any amount allowed in subsection (a) of this section shall be increased by an additional four percent if the eligible company, or its authorized payroll service company, employs 10 or more West Virginia residents as part of its full-time employees working in the state or as apprentices working in the state.

(c) *Application of the credits.* — The tax credit allowed under this section shall be applied to the eligible company's state tax liability as provided in §11-13X-7 of this code.

~~(d) *Limitation of the credits.* — No more than \$5 million of the tax credits may be allocated by the film office in any given West Virginia state fiscal year office shall allocate the tax credits in the order the applications therefor are received.~~

#### **§11-13X-6. Requirements for credit.**

(a) In order for any eligible company to claim a tax credit under this article, it shall comply with the following requirements:

(1) If the qualified project contains production credits, the eligible company shall agree, upon request by the ~~film office~~ Office of Economic Development, to recognize the State of West Virginia with the following acknowledgment in the end credit roll: "Filmed in West Virginia with assistance of the West Virginia Film Industry Investment Act";

(2) Apply to the ~~film office~~ Office of Economic Development on forms and in the manner the ~~film office~~ Office of Economic Development may prescribe; and

~~(3) If an eligible company submits a proposal to perform a qualified project for a state agency, the eligible company shall indicate its intention to claim the tax credit provided by this article; and~~

~~(3)~~ (4) Submit to the ~~film office~~ Office of Economic Development information required by the ~~film office~~ to demonstrate conformity with the requirements of this section and shall agree in writing:

(A) To pay all obligations the eligible company has incurred in West Virginia; and

(B) To delay filing of a claim for the tax credit authorized by this article until the ~~film office~~ Office of Economic Development delivers written notification to the Tax Commissioner that the eligible company has fulfilled all requirements for the credit.

The ~~film office~~ Office of Economic Development shall determine the eligibility of the company and the qualification of each project, and shall report this information to the Tax Commissioner in a manner and at times the ~~film office~~ Office of Economic Development and the Tax Commissioner shall agree upon.

(b) Upon completion of a qualified project:

(1) An eligible company shall have filed all required West Virginia tax reports and returns and paid any balance of West Virginia tax due on those returns;

(2) All claims for the tax credit shall be filed with an expense verification report prepared by an independent certified public accountant, utilizing "agreed upon procedures" which are prescribed by the ~~film office~~ Office of Economic Development in accordance with generally accepted auditing standards in the United States. The certified public accountant will render a report as to the qualification of the credits, consistent with guidelines to be determined by the ~~film office~~ Office of Economic Development and approved by the Tax Commissioner; and

(3) An eligible company claiming an extra allowance for employing local workers shall submit to the ~~film office~~ Office of Economic Development documentation verifying West Virginia residency for all individuals claimed to qualify for the extra allowance. The documentation shall include the name, home address, and telephone number for all individuals used to qualify for the extra allowance.

(c) If the requirements of this section have been complied with, the ~~film office~~ Office of Economic Development shall approve the film tax credit and issue a document granting the appropriate tax credit to the eligible company and shall report this information to the Tax Commissioner.

#### **§11-13X-7. Application of credit to state taxes.**

(a) *Credit allowed.* —

Beginning in the taxable year that the expenditures permitted under section four of this article are incurred, eligible companies and owners of eligible companies, as described in subsection (d) of this section, are permitted a credit, as described in section five of this article, against the taxes imposed by articles ~~twenty-three~~, twenty-four and twenty-one of this chapter, in that order, as specified in this section.

~~(b) *Business franchise tax.* —~~

~~The credit is first applied to reduce the taxes imposed by article twenty-three of this chapter for the taxable year, determined after application of the credits against tax provided in section seventeen of said article, but before application of any other allowable credits against tax.~~

~~(c) (b) *Corporation net income taxes.* —~~

After application of subsection (b) of this section, any unused credit is next applied to reduce the taxes imposed by article twenty-four of this chapter for the taxable year, determined before application of allowable credits against tax.

~~(d) (c) *Personal income tax.* —~~

(1) If the eligible taxpayer is an electing small business corporation (as defined in Section 1361 of the United States Internal Revenue Code of 1986, as amended), a partnership, a limited liability company that is treated as a partnership for federal income tax purposes or a sole proprietorship, then any unused credit, after application of subsections (b) and (c) of this subsection, is allowed as a credit against the taxes imposed by article twenty-one of this chapter on the income from business or other activity subject to tax under article twenty-three of this chapter or on income of a sole proprietor attributable to the business.

(2) Electing small business corporations, limited liability companies, partnerships and other unincorporated organizations shall allocate the credit allowed by this article among its members in the same manner as profits and losses are allocated for the taxable year.

**§11-13X-8. Uses of credit; unused credit; carry forward; carry back prohibited; expiration and forfeiture of credit.**

(a) No credit is allowed under this section against any employer withholding taxes imposed by §11-21-1 *et seq.* of this code.

(b) If the tax credit allowed under this article in any taxable year exceeds the sum of the taxes enumerated in subsections (b), (c), or (d) of §11-13X-7 of this code, for that taxable year, the excess may be applied against those taxes, in the order and manner stated in §11-13X-7 of this code, for succeeding taxable years until the earlier of the following:

(1) The full amount of the excess tax credit is used;

(2) The expiration of the second taxable year after the taxable year in which the expenditures occurred. The tax credit remaining thereafter is forfeited; or

(3) The excess tax credit is transferred or sold.

(c) No carryback is allowed to a prior taxable year that does not have qualified expenditures for the amount of any unused portion of any annual credit allowance.

(d) The transfer or sale of this credit does not extend the time in which the credit can be used. The carry forward period for credit that is transferred or sold begins on the date on which the credit was originally issued by the ~~film office~~ Office of Economic Development.

(e) Any tax credit certificate issued in accordance with this article, which has been issued to an eligible company, and to the extent not previously claimed against the tax of the eligible company or the owner of the certificate, may be transferred or sold by such eligible company to another West Virginia taxpayer, subject to the following conditions:

(1) A single transfer or sale may involve one or more transferees, assignees or purchasers. A transfer or sale of the credits may involve multiple transfers to one or more transferees, assignees or purchasers;

(2) Transferors and sellers shall apply to the ~~film~~ office for approval of any transfer, sale, or assignment of the tax credit. Any amount of the tax credit that has been transferred or assigned shall be subject to the same limitations and conditions that apply to the eligible company's or seller's entitlement, use and application of the credit. The application for sale, transfer or assignment of the credit shall include the transferor's tax credit balance prior to transfer, the credit

certificate number, the name of the seller, the transferor's remaining tax credit balance after transfer, if any, all tax identification numbers for both transferor and transferee, the date of transfer, the amount transferred, a copy of the credit certificate and any other information required by the ~~film office~~ Office of Economic Development or the Tax Commissioner.

(3) The ~~film office~~ Office of Economic Development shall not approve the transfer or assignment of a tax credit if the seller or transferor has an outstanding tax obligation with the State of West Virginia for any prior taxable year.

(f) The transferee, assignee or purchaser shall apply such credits in the same manner and against the same taxes as specified in this article.

(g) For purposes of this chapter, any proceeds received by the eligible company or transferor for its assignment or sale of the tax credits allowed pursuant to this section are exempt from the West Virginia consumers sales and service tax, use tax, the corporate net income tax, and personal income tax.

(h) The Tax Commissioner shall not seek recourse against the transferee for any portion of the credit that may be subsequently disqualified.

Failure to comply with this section will result in the disallowance of the tax credit until the seller or transferor is in full compliance.

#### **§11-13X-11. TAX CREDIT REVIEW AND ACCOUNTABILITY.**

(a) Beginning on the first day of the third taxable year after the passage of this article and every two years thereafter, the ~~film office~~ Office of Economic Development shall submit to the Governor, the President of the Senate and the Speaker of the House of Delegates a tax credit review and accountability report evaluating the cost effectiveness of the Film Industry Investment Act during the most recent two-year period for which information is available. The criteria to be evaluated shall include, but not be limited to, for each year of the two-year period:

- (1) The number of eligible companies claiming the credit;
- (2) The dollar amount of tax credit certificates issued to taxpayers;
- (3) The number of new businesses created by the tax credit;
- (4) The number of new jobs, if any, created by the tax credit;
- (5) The amount of direct expenditures made on qualified projects; and
- (6) The cost of the credit.

(b) Eligible companies claiming the credit shall provide any information the Tax Commissioner and the ~~film office~~ Office of Economic Development may require to prepare the report: *Provided*, That the information provided is subject to the confidentiality and disclosure provisions of §11-10-5d and §11-10-5s of this code. ~~However;~~ *Provided, however,* That notwithstanding the provisions of §11-10-5d and §11-10-5s of this code, the Tax Department is hereby authorized to disclose to the ~~film and to the development office~~ Office of Economic Development such tax information as



may be necessary to compile the report required by this section and the report required by §11-13X-12 of this code.

**§11-13X-12. Economic development; utilization of state locations, talent, and production companies.**

(a) ~~The West Virginia Development Office~~ Office of Economic Development , in consultation and coordination with the appropriate public and private entities, shall promote, foster, encourage, and monitor the development of the film industry in this state as part of its comprehensive economic development strategy for West Virginia and report recommendations for expanding the industry in the state to the Governor and the Joint Committee on Government and Finance annually on or before December 1.

(b) The West Virginia Office of Economic Development shall coordinate with property owners, musicians and other performers, and other managers of resources suitable for film production to develop a database of locations, music, and other resources available for incorporation into film projects. To the greatest feasible extent, the Economic Development Office shall establish methods for interface with national and international databases of these resources that are available to, or used by, film and video production teams in the identification and selection of location, music, and other resources. The Economic Development Office shall also implement means for property owners and for staff in the field to connect to the state's database and to submit entries or nominations thereto.

**§11-13X-13. Effective date, elimination of film tax credits, preservation of film tax credits earned prior to the sunset date; cessation of the West Virginia Film Office.**

(a) The credit allowed by this article shall be allowed upon eligible expenditures occurring after December 31, 2007 and before January 16, 2018, and shall be allowed upon eligible expenditures occurring on and after the date specified in subsection (d) of this section and before the termination date specified therein.

~~(b) The amendments to this article enacted in the year 2009 shall apply to all taxable years beginning after December 31, 2007, and shall apply with retroactive effect with relation to taxable years beginning prior to the date of passage of such amendments.~~

~~(c) No tax credits authorized under this article shall be issued following the effective date of legislation establishing this subsection, §11-13X-13(d), and §11-13X-13(e) of this code in the year 2018. Notwithstanding any provision of this article to the contrary, no entitlement to any tax credit under this article may result from, and no credit is available to any person for, expenditures incurred following the effective date of this subsection~~

(d) ~~(b)~~ Notwithstanding the provisions of §11-13X-13(c) of this code, film Film tax credits to which a taxpayer has gained lawful entitlement prior to the effective date of this subsection, after December 31, 2007, and before January 16, 2018 may continue to be applied against tax liabilities, subject to the conditions, limitations, and constraints applicable to such credit under this article, until exhausted or otherwise terminated in accordance with the terms of this article and this code. Film tax credits to which a taxpayer has gained lawful entitlement prior to the effective date of this subsection may be transferred in accordance with §11-13X-8 of this code, subject to the conditions, limitations, and constraints applicable to such credit under this article, until exhausted or otherwise terminated in accordance with the terms of this article and this code.

(e) (c) Effective July 1, 2018, all operations of the West Virginia Film Office shall cease. To the extent necessary to settle, finalize, and conclude business relating to outstanding film tax credits issued prior to the effective date of the bill, the Division of Tourism is hereby authorized to administer such duties for that limited purpose.

(d) The amendments to this article enacted in the year 2022 shall apply to all taxable years beginning on or after July 1, 2022: Provided, That, unless sooner terminated by law, the film investment tax credit will terminate on December 31, 2027. No entitlement to any tax credit authorized by this article may result from, and no credit is available to any person for, expenditures incurred subsequent to December 31, 2027. Film tax credits to which a taxpayer has gained lawful entitlement on or after July 1, 2022, and on or before December 31, 2027, may continue to be applied against tax liabilities, subject to the conditions, limitations, and constraints applicable to such credit under this article, until exhausted or otherwise terminated in accordance with the terms of this article and this code. Film tax credits to which a taxpayer has gained lawful entitlement on or after July 1, 2022, and on or before December 31, 2027, may be transferred in accordance with §11-13X-8 of this code, subject to the conditions, limitations, and constraints applicable to such credit under this article, until exhausted or otherwise terminated in accordance with the terms of this article and this code.

And,

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

**Com. Sub. for H. B. 2096** – “A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §11-13X-7; §11-13X-8, §11-13X-11, §11-13X-12, and §11-13X-13 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry Investment Act; reinstating the film investment tax credit; providing the coordination and management by the West Virginia Office of Economic Development; defining terms; excluding commercials and promotional videos from the definition of qualified project; excluding short-term depreciation from credit; raising the minimum threshold of cumulative annual expenditures necessary to qualify for credit; eliminating limitation of credit; requiring the Economic Development Office to develop a database of locations, music, and other resources to be made available to film production teams; providing Economic Development Office discretion to determine if project negatively portrays West Virginia; providing and clarifying effective date; eliminating reference to business franchise tax; providing sunset provision; and making technical corrections.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 541**), and there were—yeas 92, nays 7, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Foster, J. Jeffries, Maynard, Paynter, Pinson, Pritt and Steele.

Absent and Not Voting: Honaker.

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 H. B. 2096) passed.

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

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

**Com. Sub. for H. B. 4567**, Relating to business and occupation or privilege tax.

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

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

**“ARTICLE 13. TAXATION AND FINANCE.**

**§8-13-5. Business and occupation or privilege tax; limitation on rates; effective date of tax; exemptions; activity in two or more municipalities; administrative provisions.**

(a) *Authorization to impose tax.* — (1) Whenever any business activity or occupation, for which the state imposed its annual business and occupation or privilege tax under article thirteen, chapter eleven of this code, prior to July 1, 1987, is engaged in or carried on within the corporate limits of any municipality, the governing body thereof shall have plenary power and authority, unless prohibited by general law, to impose a similar business and occupation tax thereon for the use of the municipality.

(2) Municipalities may impose a business and occupation or privilege tax upon every person engaging or continuing within the municipality in the business of aircraft repair, remodeling, maintenance, modification and refurbishing services to any aircraft or to an engine or other component part of any aircraft as a separate business activity.

(b) *Maximum tax rates.* — In no case shall the rate of such municipal business and occupation or privilege tax on a particular activity exceed the maximum rate imposed by the state, exclusive of surtaxes, upon any business activities or privileges taxed under sections two-a, two-b, two-c, two-d, two-e, two-g, two-h, two-i and two-j, article thirteen of said chapter eleven, as such rates were in effect under said article thirteen, on January 1, 1959, or in excess of one percent of gross income under section two-k of said article thirteen, or in excess of three tenths of one percent of gross value or gross proceeds of sale under section two-m of said article thirteen. The rate of municipal business and occupation or privilege tax on the activity described in subdivision (2), subsection (a) of this section shall be ten one-hundredths of one percent. The rate of municipal business and occupation or privilege tax on the activity of a health maintenance organization holding a certificate of authority under the provisions of article twenty-five-a, chapter thirty-three of this code, shall not exceed one half of one percent to be applied solely to that portion of gross income received from the Medicaid program pursuant to Title XIX of the Social Security Act, the state employee programs administered by the Public Employees Insurance Agency pursuant to article sixteen, chapter five of this code, and other federal programs, for health care items or services provided directly or indirectly by the health maintenance organization, that is expended for administrative expenses; and shall not exceed one half of one percent to be applied to the gross income received from enrollees, or from employers on behalf of enrollees, from sources other than Medicaid, state employee programs administered by the Public Employees Insurance Agency and other federal programs for health care items or services provided directly or indirectly by the health maintenance organization: *Provided*, That this tax rate limitation shall not extend to that part of the gross income of health maintenance organizations which is received from the use

of real property other than property in which any such company maintains its office or offices in this state, whether such income is in the form of rentals or royalties. This provision concerning the maximum municipal business and occupation tax rate on the activities of health maintenance organizations is effective beginning after December 31, 1996. Any payments of business and occupation tax made by a health maintenance organization to a municipality for calendar year 1997 shall not be subject to recovery by the health maintenance organization. Administrative expenses shall include all expenditures made by a health maintenance organization other than expenses paid for claims incurred or payments made to providers for the benefits received by enrollees.

(c) *Effective date of local tax.* — Any taxes levied pursuant to the authority of this section may be made operative as of the first day of the then current fiscal year or any date thereafter: *Provided*, That any new imposition of tax or any increase in the rate of tax upon any business, occupation or privilege taxed under section two-e of said article thirteen shall apply only to gross income derived from contracts entered into after the effective date of such imposition of tax or rate increase, and which effective date shall not be retroactive in any respect: *Provided, however*, That no tax imposed or revised under this section upon public utility services may be effective unless and until the municipality provides written notice of the same by certified mail to said public utility at least sixty days prior to the effective date of said tax or revision thereof.

(d) *Exemptions.* —

(1) A municipality shall not impose its business and occupation or privilege tax on any activity that was exempt from the state's business and occupation tax under the provisions of section three, article thirteen of said chapter eleven, prior to July 1, 1987, and determined without regard to any annual or monthly monetary exemption also specified therein: *Provided*, That on and after July 1, 2007, a municipality may impose its business and occupation or privilege tax on any activity of a corporation, association or society organized and operated exclusively for religious or charitable purposes that was exempt from the state's business and occupation tax under the provisions of section three, article thirteen of chapter eleven, prior to July 1, 1987, but only to the extent that the income generated by the activity is subject to taxation under the provisions of section 511 of the Internal Revenue Code of 1986, as amended.

(2) Effective July 1, 2023, the municipal business and occupation or privilege tax on the sale of new automobiles that have never been registered in the name of an individual shall be reduced by 50% percent of the total amount of the tax: *Provided*, That, effective July 1, 2024, the remaining municipal business and occupation or privilege tax on the sale of new automobiles that have never been registered in the name of an individual shall be reduced by an additional 50% of the total amount of the tax: *Provided, however*, That effective July 1, 2025, the municipal business and occupation or privilege tax on the sale of new automobiles that have never been registered in the name of an individual shall be completely eliminated. For the purposes of this section an automobile is a self-propelled vehicle used primarily for the transportation of passengers and their effects and operated on the roads and highways by the use of motor vehicle fuel or propelled by one or more electric motors using energy stored in batteries or a combination thereof. An automobile shall include a light-duty truck with an enclosed cabin and an open loading area at the rear and a sport utility vehicle. An automobile does not include a motorcycle.

(e) *Activity in two or more municipalities.* — Whenever the business activity or occupation of the taxpayer is engaged in or carried on in two or more municipalities of this state, the amount of gross income, or gross proceeds of sales, taxable by each municipality shall be determined in accordance with such legislative regulations as the Tax Commissioner may prescribe. It being the

intent of the Legislature that multiple taxation of the same gross income, or gross proceeds of sale, under the same classification by two or more municipalities shall not be allowed, and that gross income, or gross proceeds of sales, derived from activity engaged in or carried on within this state, that is presently subject to state tax under section two-c or two-h, article thirteen, chapter eleven of this code, which is not taxed or taxable by any other municipality of this state, may be included in the measure of tax for any municipality in this state, from which the activity was directed, or in the absence thereof, the municipality in this state in which the principal office of the taxpayer is located. Nothing in this subsection shall be construed as permitting any municipality to tax gross income or gross proceeds of sales in violation of the Constitution and laws of this state or the United States, or as permitting a municipality to tax any activity that has a definite situs outside its taxing jurisdiction.

(f) Where the governing body of a municipality imposes a tax authorized by this section, such governing body shall have the authority to offer tax credits from such tax as incentives for new and expanding businesses located within the corporate limits of the municipality.

(g) *Administrative provisions.* — The ordinance of a municipality imposing a business and occupation or privilege tax shall provide procedures for the assessment and collection of such tax, which shall be similar to those procedures in article thirteen, chapter eleven of this code, as in existence on June 30, 1978, or to those procedures in article ten, chapter eleven of this code, and shall conform with such provisions as they relate to waiver of penalties and additions to tax.”

And,

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

**Com. Sub. for H. B. 4567** – “A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating the limiting of the imposition of the municipal business and occupation or privilege tax on the business of selling automobiles; providing for a decreasing reduction in the tax on new automobiles that have never been registered in the name of an individual over a three year period; providing for complete elimination of the tax on new automobiles that have never been registered in the name of an individual; and defining terms.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 542**), and there were—yeas 88, nays 11, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barach, Griffith, Hornbuckle, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Young and Zukoff.

Absent and Not Voting: Capito.

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 H. B. 4567) passed.

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

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

**H. C. R. 13**, The Doctor Enrique Aguilar Memorial Bridge.

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

**H. C. R. 17**, Daniel Okey Cunningham Memorial Bridge.

A message from the Senate, by  
The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 25**, SP5 Terry Lee McClanahan Memorial Bridge.

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

On page two, in the Resolved clause, line twenty-eight, by striking out the word "SP5" and inserting in lieu thereof the words "U.S. Army SP5";

On page two, in the first Further Resolved clause, line thirty-one, by striking out the word "SP5" and inserting in lieu thereof the words "U.S. Army SP5";

And,

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

**H. C. R. 25** – "Requesting the Division of Highways name bridge number 20-061/00-016.01 (20A184), (38.23939, -81.5576) locally known as Lens Creek Temporary Bridge, carrying WV 61 over Lens Creek in Kanawha County, the "U.S. Army SP5 Terry Lee McClanahan Memorial Bridge".

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

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

A message from the Senate, by  
The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 26**, Charleston Police Officer Cassie Johnson - Fallen Heroes Memorial Bridge.

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

On page two, in the Resolved clause, lines forty-one and forty-two, by striking out the words "-Fallen Heroes";

On page two, in the second Further Resolved clause, lines forty-four and forty-five, by striking the words “-Fallen Heroes”;

And,

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

**H. C. R. 26** – “Requesting the Division of Highways name bridge number: 20-060/00-005.59 (WB) (20A336), (38.35826, -81.63989) locally known as US 60 Washington Street Bridge, carrying US 60 over Elk River in Kanawha county, the “Charleston Police Officer Cassie Johnson Memorial Bridge”.

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

On this question, the yeas were taken (**Roll No. 543**), 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: Brown and Capito.

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

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

A message from the Senate, by

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

**H. C. R. 35**, David Allen Drake, Sr. Memorial Bridge.

A message from the Senate, by

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

**H. C. R. 36**, John Calvin “J.C.” Baker Memorial Bridge.

A message from the Senate, by

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

**H. C. R. 38**, “Dale Shaheen and George H. Hooker Memorial Bridge.”

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

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

On page two, in the Resolved clause, lines thirty-seven and thirty-eight, by striking out the words “23-44-9.12 on Route 44 in Logan County, West Virginia, the ‘Warrant’” and inserting in

lieu thereof the words “23-044/00-009.12 () (23A109), (37.75907,-81.99690) locally known as Warrant Officer Dale Shaheen Memorial Bridge, carrying WV 44 over Island Creek in Logan County, West Virginia, the “U.S. Army Warrant”;

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

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

**H. C. R. 38** – “Requesting the Division of Highways name a bridge bearing bridge number 23-044/00-009.12 (23A109), (37.75907,-81.99690) locally known as Warrant Officer Dale Shaheen Memorial Bridge, carrying WV 44 over Island Creek in Logan County, West Virginia, the “U.S. Army Warrant Officer Dale Shaheen and U. S. Army Pvt George H. Hooker Memorial Bridge”.

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

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

A message from the Senate, by

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

**H. C. R. 61**, Timothy Wayne Farley Memorial Bridge.

A message from the Senate, by

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

**H. C. R. 74**, Judge Les Fury Memorial Bridge.

On motion of Delegate he House concurred in the following amendment of the resolution by the Senate:

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

On page two, in the first Further Resolved clause, line eighteen, by striking out the word “Judge” and inserting in lieu thereof the words “U.S. Army Captain”;

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

**H. C. R. 74** – “Requesting the Division of Highways name bridge number 21-033/00-018.34 (21A215), locally known as Hardees Boxbeam, carrying US Route 33 over Stonecoal Creek in Lewis County, the “U.S. Army Captain Les Fury Memorial Bridge”.

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



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

A message from the Senate, by

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

**H. C. R. 82**, Alleen Ledson Memorial Bridge.

A message from the Senate, by

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

**H. C. R. 83**, U.S. Army SGT Charles L. Toppings Memorial Road.

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

On page two, in the Resolved clause, lines twenty-seven through twenty-nine, by striking out the words “a portion of County Route 30/1, beginning at (38.239066), (-82.192876) and ending at (38.239066), (-82.200978), locally known as Sheridan Road, in Lincoln County, the “U.S. Army SGT Charles L. Toppings Memorial Road”” and inserting in lieu thereof the words “bridge number 22-026/00-000.20 () (22A145), (38.25506,-82.17864) locally known as Onemile Creek Box Beam, carrying CR 26 over Onemile Creek in Lincoln County, the “U.S. Army SGT Charles L. Toppings Memorial Bridge””;

On page two, in the first Further Resolved clause, lines thirty-two and thirty-three, by striking out the words “portion of road as the “U.S. Army SGT Charles L. Toppings Memorial Road”” and inserting in lieu thereof the words “bridge as the “U.S. Army SGT Charles L. Toppings Memorial Bridge””;

And,

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

**H. C. R. 83** – “Requesting the Division of Highways name bridge number 22-026/00-000.20 (22A145), (38.25506,-82.17864) locally known as Onemile Creek Box Beam, carrying CR 26 over Onemile Creek in Lincoln County, the ‘U.S. Army SGT Charles L. Toppings Memorial Road’.”

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

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

A message from the Senate, by

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

**Com. Sub. for S. B. 694**, Relating to oil and gas conservation.

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. 25** – “REQUESTING THE DIVISION OF HIGHWAYS NAME BRIDGE NUMBER 35-43-0.01 (35A054), 40.04402, -80.55134, LOCALLY KNOWN AS MIDDLE CREEK SCHOOL BRIDGE, CARRYING COUNTY ROUTE 43 OVER MIDDLE WHEELING CREEK IN OHIO COUNTY, THE ‘FIREFIGHTER MARVIN LAYTON HUGHES MEMORIAL BRIDGE’.”

Whereas, Marvin Layton Hughes was born on October 12, 1924, in Dallas, Marshall County, West Virginia; and

Whereas, Marvin Layton Hughes took a job at the railroad during World War II getting coal to steel mills for the war effort. He later worked for years as a security guard at the Division of Highways in Triadelphia, West Virginia; and

Whereas, Marvin Layton Hughes was known in Dallas, West Virginia as the “unofficial mayor” and served as a member of the Dallas Volunteer Fire Department for 44 years prior to his death on July 27, 1998; and

Whereas, Marvin Layton Hughes loved serving his community and walked the roads picking up trash to better serve his community; and

Whereas, Marvin Layton Hughes raised two daughters who followed his example of community service and are part of the Dallas Volunteer Fire Department; and

Whereas, It is fitting that an enduring memorial be established to commemorate Marvin Layton Hughes and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 35-43-0.01 (35A054), 40.04402, - 80.55134, locally known as Middle Creek School Bridge, carrying County Route 43 over Middle Wheeling Creek in Ohio County, the “Firefighter Marvin Layton Hughes Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Firefighter Marvin Layton Hughes Memorial Bridge”; and, be it

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

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. 32** - “Requesting the Division of Highways name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying Route 152 over the West Fork

of Twelvepole Creek in Wayne County, the 'Curtis 'Pap' and Millie 'Mammie' Asbury Memorial Bridge'."

Whereas, Curtis Asbury was born on September 24, 1917, in Wayne, West Virginia, and his devoted wife, Millie Ferguson, was born on April 24, 1924. They were married in 1939; and

Whereas, Curtis and Millie Asbury established, owned, and operated Asbury's Grocery, located at the entrance to Cabwaylingo Park Road for 52 years. The grocery store became a vital resource for community members. For five decades, the store not only provided necessary food and other goods but, was also a meeting place for community members to gather and discuss everything from politics to family life. The bus stop was outside and when the school children would go inside the store they would be met with a smile, a hug, and a piece of fruit or candy; and

Whereas, Almost every person in the community of Dunlow, West Virginia, has been touched by Curtis and Millie Asbury's kindness and generosity. The love they both had for their community was displayed by their hardworking, gentle, and giving spirits. They were devoted to making their small community a better place to live by always extending a helping hand, providing jobs, caring for the elderly, and encouraging and guiding the youth. They helped develop and organize their area by creating local churches, directing Sunday school classes, and working to fulfill the needs of the entire community. They treated everyone as their own family and were lovingly referred to as everyone's "Mammie" and "Pap"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Curtis and Millie Asbury and their contributions to their community and our state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying Route 152 over the West Fork of Twelvepole Creek, in Wayne County, the "Curtis 'Pap' and Mille 'Mammie' Asbury Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Curtis 'Pap' and Mille 'Mammie' Asbury Memorial Bridge"; and, be it

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

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. 41** - "Requesting the Division of Highways name bridge number 08-011/00-023.08 (08A108), locally known as NEW DILLE BR 23.03, carrying CR 11 over Strange Creek in Clay County, the 'Henry Preston Hickman Memorial Bridge'."

Whereas, Henry Preston Hickman was a beloved community leader in Dille, West Virginia. He was a source of guidance and wisdom affectionately known as "Grandpa" to all who knew and loved him; and

Whereas, Henry Preston Hickman filled out an "Old Man's Draft" registration card during WWII when he was 59 years old. However, he was never called to active duty, but served in critical industrial and civilian roles in both WWII, as well as the Korean War providing important materials for the war effort; and

Whereas, Henry Preston Hickman operated three sawmills, employing nearly 80 men and opened a coal mine and coal tipple on his property, providing additional jobs for the community, including creating jobs for troubled youth. He served on the Clay County Draft Board during the Korean War; and

Whereas, Henry Preston Hickman served as the Buffalo District Representative on the Clay County Board of Education for 33 years, several as board president; and

Whereas, Henry Preston Hickman, donated a large piece of property for the construction of the Dille Grade School. He helped build and maintain a neighborhood community center, providing a place for basketball, roller skating and movies, as well as a place where the Boy Scouts and other social clubs could meet. He led a Community Action Group which installed an outdoor concrete basketball court, erected cemetery signs, and provided first-aid and CPR classes; and

Whereas, Henry Preston Hickman served as Sunday School Superintendent of the Big Union Baptist Church, Dill, WV, for 70 years, also serving as deacon and as a Sunday school teacher; and

Whereas, Henry Preston Hickman died at age 93 after serving the community in many different capacities such as storekeeper, postmaster, and self-trained veterinarian all of which were to the great benefit of his community; and

Whereas, It is fitting that an enduring memorial be established to commemorate Henry Preston Hickman and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 08-011/00-023.08 (08A108), locally known as NEW DILLE BR 23.03, carrying CR 11 over Strange Creek in Clay County, the "Henry Preston Hickman Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Henry Preston Hickman Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the commissioner of the Division of Highways and forward a copy to his great granddaughter, Merry Cogar."

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. 51** - "Requesting the Division of Highways name bridge number 11351 (located at 38°46'52"N 82°04'13"W), carrying Route 35 over Lower Five-mile Creek in Mason County, the

‘Deputy Kenneth ‘Kenny’ Ward Love, Sheriff Elvin Eugene ‘Pete’ Wedge, and Jailer Ernest Ray ‘Ernie’ Hesson Memorial Bridge’.”

Whereas, Mason County suffered a devastating tragedy on March 2, 1976, when three local law-enforcement officers lost their lives in the line of duty due to a bombing inside the Mason County Courthouse on Sixth Street in Point Pleasant, West Virginia; and

Whereas, Deputy Kenneth “Kenny” Ward Love was born in Point Pleasant, Mason County, West Virginia on April 14, 1940; and

Whereas, Deputy Kenneth “Kenny” Ward Love was a member of the Fraternal Order of Police – Tue-Endie-Wei #102 and Sheriffs Association of West Virginia. He was a Mason County Sheriff from 1974 to 1976; and

Whereas, Deputy Kenneth “Kenny” Ward Love was killed instantly in the line of duty during the Mason County Courthouse bombing on March 2, 1976; and

Whereas, Sheriff Elvin Eugene “Pete” Wedge was born June 19, 1927, in Point Pleasant, Mason County, West Virginia; and

Whereas, Sheriff Elvin Eugene “Pete” Wedge was a member of the Fraternal Order of Police – Tue-Endie-Wei #102 and Sheriffs Association of West Virginia. He was a Mason County Sheriff from 1974 to 1976; and

Whereas, Sheriff Elvin Eugene “Pete” Wedge convinced the Mason County bomber to release an inmate from her jail cell prior to the bombing, saving her life; and

Whereas, Sheriff Elvin Eugene “Pete” Wedge, in an adjoining cell at the time of the explosion, ultimately died from his injuries resulting from the blast on March 3, 1976; and

Whereas, Jailer Ernest Ray “Ernie” Hesson was born in Glenwood, Mason County, West Virginia on December 4, 1904. He devoted his life to a career in law enforcement, serving under several sheriffs and ultimately winning election as sheriff himself; and

Whereas, Jailer Ernest Ray “Ernie” Hesson was a member of the Fraternal Order of Police – Tue-Endie-Wei #102 and Sheriffs Association of West Virginia, and the United Brothers of Carpenters and Joiners of America; and

Whereas, Jailer Ernest Ray “Ernie” Hesson was serving as a county jailer on March 2, 1976, the day of the bombing. He was locked in a jail cell with the bomber at the time of the blast; and

Whereas, Jailer Ernest Ray “Ernie” Hesson ultimately died from injuries he sustained in the blast on March 9, 1976, after a week in intensive care; and

Whereas, All three men were honorable law-enforcement officers taken too soon due to this unfathomable tragedy; and

Whereas, It is fitting that an enduring memorial be established to commemorate these three men, their family, their sacrifice, and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 11351 (located at 38°46'52"N 82°04'13"W), carrying Route 35 over Lower Five-mile Creek in Mason County the "Deputy Kenneth 'Kenny' Ward Love, Sheriff Elvin Eugene 'Pete' Wedge, and Jailer Ernest Ray 'Ernie' Hesson Memorial Bridge".; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Deputy Kenneth 'Kenny' Ward Love, Sheriff Elvin Eugene 'Pete' Wedge, and Jailer Ernest Ray 'Ernie' Hesson Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways and to the families of these three men."

### **Resolutions Introduced**

Delegates Toney, Dean, Haynes, Brown, Bridges, Holstein, Paynter, Evans and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 102** - "Requesting the Joint Committee on Government and Finance study the benefits of creating a West Virginia State Bank to facilitate access to capital for returning veterans, low-income entrepreneurs and for underserved communities, to facilitate access to capital for developing sustainable agricultural and community investment projects, and to study the best practices and management structures necessary to create a successful West Virginia State Bank."

Whereas, Having access to financial services and capital is necessary to facilitate investments across this state from developing opportunities for returning veterans and low-income individuals including opportunities for first-time farmers to community investment and reinvestment where a State Bank can play a vital role in providing access to capital by partnering with financial institutions to stimulate and facilitate investment in this state; and

Whereas, Cities and municipalities across this state are wrestling with blighted and dilapidated buildings and abandoned mining sites and citizens in these communities have limited resources to address these problems and revitalize communities that have experienced significant job loss due to the cessation of mining operations and various other types of economic loss, without access to financial services and capital to invest to improve our communities; and

Whereas, The impacts of the COVID pandemic has negatively impacted small businesses, driving them out of business and/or substantially hindering their access to employees and capital, and eroding economic growth in local communities; and

Whereas, West Virginia has a consistent food import, export deficit of approximately \$6 billion because we import more than \$7 billion in agricultural consumer products and produce less than \$1 billion for export in agricultural consumer products annually; and

Whereas, A State Bank that invests in state residents and promotes state agriculture has the potential to create jobs and provide for developing a wide range of local agricultural projects, community reinvestment and future farming opportunities; and

Whereas, A West Virginia State Bank with a mission to facilitate access to capital for resident small businesses and entrepreneurial individuals would provide greater access to capital by

partnering with local banks, thereby increasing local lending through measures such as guaranteeing larger loans and backing smaller, riskier loans, thereby enabling entrepreneurs to continue operations, expand their businesses, and start up new ventures, all of which provide economic benefit to this state and our citizens; and

Whereas, West Virginia should strive to learn from the highly successful Bank of North Dakota and create a prudent state bank management structure that is insulated from political influence with an advisory board that consists of finance experts and executives who are experienced bankers to promote state bank operations and lending decisions that are made by professionals for the explicit purpose of making investments in this state for the benefit of our citizens; and

Whereas, Small businesses represent the largest block of employers in this state (and country) and loans for small business are consistently about half of the national average and without access to capital, businesses cannot begin to operate, small business startups don't start up, and local entrepreneurship gets curtailed, and growth is hindered; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance study the benefits of creating a West Virginia State Bank to facilitate access to capital for returning veterans, low-income entrepreneurs and for underserved communities, to promote access to capital for developing sustainable agricultural and community investment projects and to study the best practices and management structures necessary to create a successful West Virginia State Bank; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance contract with the Political Science Department at Marshall University and the Department of Public Administration at West Virginia University as joint partners, and at a total cost of up to \$50,000, to prepare a report regarding the design and implementation of a State Bank of West Virginia, including possible funding mechanisms, structural components (i.e., the Bank Board of Directors), and target lending clients and entrepreneurial purposes, and the ways the State Bank will benefit and support the people and communities of this state, and to report to the Legislature on or before December 31, 2022, on their findings, conclusions and recommendations, together with any drafts of legislation necessary to effectuate any recommendations; 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 any drafts of legislation necessary to effectuate any recommendations; and, be it

*Further Resolved,* That the State Treasurer, the West Virginia Division of Financial Institutions, the West Virginia Development Office, and the Division of Tourism shall cooperate with the Legislature and provide information requested for this study; and, be it

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

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

**H. C. R. 103** - "Requesting the Joint Committee on Government and Finance conduct an interim study on how the State of West Virginia can work with municipalities to find solutions for recycling in the state."

Whereas, Current state law provides that county and solid waste authorities provide for innovative incentives to promote recycling; and

Whereas, Current recycling programs within counties are not meeting the recycling needs of the communities they serve; and

Whereas, Adequate recycling programs in the State of West Virginia have the potential to be an effective and innovative method of disposal of waste; and

Whereas, Adequate recycling programs can be acquired by the improvement of current programs or the implementation of new programs; and

Whereas, The combined efforts towards recycling from both the state and municipalities could provide for effective recycling programs across the state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance conduct an interim study on how the State of West Virginia can work with municipalities to find solutions for recycling in the state; and, be it

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

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

### **Petitions**

Delegates Pushkin, Hornbuckle and Walker presented a petition from over 400 citizens in opposition to S. B. 498; which was referred to the Committee on Education.

At 11:15 a.m., on motion of Delegate Summers, the House of Delegates recessed for ten minutes.

### **Reordering of the Calendar**

Delegate Summers announced that Com. Sub. for S. B. 659 on Second Reading, Special Calendar, had been transferred to the House Calendar; S. B. 228, Com. Sub. for S. B. 246 and Com. Sub. for S. B. 424 on Third Reading, House Calendar, had been transferred to the Special Calendar; and Com. Sub. for S. B. 656 and S. B. 685 on Second Reading, House Calendar, had been transferred to the Special Calendar.

### **Special Calendar**

#### **Third Reading**

**S. B. 1**, Creating Mining Mutual Insurance Company; on third reading, coming up in regular order, with amendments pending and the right to amend, was reported by the Clerk.



An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page 2, section 2, beginning on line 30, after the word “in” by striking the words “managing the actual and potential liability of the state to the private sector and”;

On page 4, section 4, on line 17, after the word “code” and before the period by inserting the words “to the extent applicable”;

On page 4, section 5, on line 4, after the first word “and” by inserting the words “all of”;

On page 4, section 5, on line 4, after the word “this” by striking the words “chapter and chapter 31 of this”;

And;

On page 8, section 10, on line 2, after the number “31” and before the “and” by inserting a comma and the following “31D, 31E,”.

Delegate Hansen move to amend the bill on page 7, section 8, lines 15 and 16 by striking out the words “paid back as credits as reclamation activities are accomplished.” and insert in lieu thereof, the following:

“conditioned upon the repayment thereof and subject to the terms of a surplus note or other loan arrangement. The terms of any such surplus note or other loan arrangement must be approved by the State Auditor. Payments received by the Treasurer from the company in repayment of any outstanding surplus note or other loan arrangement made pursuant to this subsection shall be deposited in the treasury of the state.”

And,

On page 8, section 8, lines 29 and 30, following the words “noninterest loan” by inserting a period and deleting the remainder of the sentence.

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

The yeas and nays having been ordered, they were taken (**Roll No. 544**), and there were— yeas 23, nays 77, absent and not voting none, with the yeas being as follows:

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

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

Delegate Skaff moved to amend the bill page 8, line 30, following the period at the end of Section 8, by adding a new subsection (f) that reads as follows:

“(f) As a condition of receiving state funding as either capital or surplus, the company nor its executive officers may engage in political activity including campaign contributions or funding of political related organizations such as state or federal political action committees and separate

segregated funds, nonconnected committees, hybrid political action committees or leadership political action committees or similar entities. If the company does engage in political activities all state monies provided to the company shall be repaid to the state within 365 days."

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

The yeas and nays having been ordered, they were taken (**Roll No. 545**), and there were—yeas 27, nays 72, absent and not voting 1, with the yeas and the absent and not voting being as follows:

Yeas: Barach, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Graves, Griffith, Hansen, Hornbuckle, Kimes, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Statler, Steele, Thompson, Walker, Williams, Young, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Pinson.

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

The being no further amendments, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 546**), and there were—yeas 61, nays 36, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Nays: Barach, Bates, Booth, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Gearheart, Griffith, Hansen, Hornbuckle, D. Jeffries, Jennings, Kimes, Longanacre, Lovejoy, Martin, McGeehan, Pack, Pushkin, Reed, Riley, Rohrbach, Rowe, Skaff, Storch, Summers, Thompson, Walker, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Bridges, Howell and J. Jeffries.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 1) passed.

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

On this question, the yeas and nays were taken (**Roll No. 547**), and there were—yeas 73, nays 24, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Nays: Barach, Booth, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Gearheart, Griffith, Hansen, Longanacre, McGeehan, Pack, Reed, Riley, Rowe, Skaff, Storch, Walker, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Bridges, Howell and J. Jeffries.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1) 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. 10**, Relating to WVU Rifle Team electronic application donation program; 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. 548**), 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: J. Kelly and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 10) 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. 205**, Expanding PEIA Finance Board membership; 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. 549**), and there were—yeas 89, nays 2, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Linville and Rowe.

Absent and Not Voting: Conley, Ferrell, Fluharty, Graves, Hardy, McGeehan, Pinson, Pritt and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 205) passed.

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

**S. B. 228**, Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV; 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. 550**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Ferrell, Fluharty, Hardy, Pack, Pinson, Reed, Westfall and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 228) passed.

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

**Com. Sub. for S. B. 230**, Relating generally to public employees grievance procedure; 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. 551**), and there were—yeas 39, nays 61, absent and not voting none, with the yeas being as follows:

Yeas: Burkhammer, Capito, Conley, Criss, Crouse, Ellington, Espinosa, Forsht, Foster, Gearheart, Graves, Hamrick, Hanna, Hardy, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, Kessinger, Kimes, Linville, Mallow, Martin, Maynard, Maynor, Pack, Pinson, Queen, Reed, Riley, Smith, Summers, Tully, B. Ward, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 230) rejected.

*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. 231**, Relating generally to broadband connectivity; on second reading, coming up in regular order, with the right to amend, was reported by the Clerk.

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

At 1:40 p.m., on motion of Delegate Summers, the House of Delegates recessed until 3:00 p.m.

\* \* \* \* \*

### Afternoon Session

\* \* \* \* \*

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

### Reordering of the Calendar

During the recess, Com. Sub. for S. B. 264 and S. B. 486 on Third Reading, House Calendar, were transferred to the Special Calendar; and Com. Sub. for S. B. 533, S. B. 536, S. B. 548, Com. Sub. for S. B. 552, S. B. 568, S. B. 573, S. B. 582, S. B. 588, S. B. 590 and S. B. 606, Com. Sub. for S. B. 609, S. B. 610, S. B. 611, S. B. 617, Com. Sub. for S. B. 647, S. B. 653, S. B. 662, S. B. 686, S. B. 711, S. B. 714, S. B. 726 on Second Reading, House Calendar, were transferred to the Special Calendar, by the Committee on Rules.

### Special Calendar

#### Third Reading

- continued -

**Com. Sub. for S. B. 232**, Relating to punishment for third offense felony; 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. 552**), and there were—yeas 86, nays 5, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Fleischauer, Hornbuckle, Pushkin, Rowe and Walker.

Absent and Not Voting: Dean, Foster, Griffith, Hamrick, D. Jeffries, Martin, McGeehan, Smith and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 232) passed.

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

**Com. Sub. for S. B. 242**, Restricting authority to prevent or limit owner's use of natural resources or real property in certain agricultural operations; 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. 553**), and there were—yeas 89, nays 4, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Doyle, Hansen, Miller and Rowe.

Absent and Not Voting: Dean, Foster, Griffith, Hamrick, Martin, McGeehan and Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 242) passed.

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

**Com. Sub. for S. B. 246**, Requiring newly constructed public schools and public schools with major improvements to have water bottle filling stations; 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. 554**), and there were—yeas 83, nays 10, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Gearheart, Householder, Keaton, Kimes, Linville, Longanacre, Miller, Pack, Paynter and Pushkin.

Absent and Not Voting: Dean, Foster, Griffith, Hamrick, Martin, McGeehan and Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 246) passed.

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

**Com. Sub. for S. B. 246** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-9G-1, §18-9G-2, and §18-9G-3, all relating to imposing water bottle filling station requirements for newly constructed public school buildings and existing public school buildings undergoing a major improvement; purpose; defining terms; requiring State Board of Education rules; setting forth requirements for any water bottle filling

station installed in a public school building; and requiring county boards to adopt polices to permit students in schools with water bottle filling stations to carry water bottles.”

*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. 262**, Relating generally to financial institutions engaged in boycotts of energy companies; 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. 555**), and there were—yeas 80, nays 14, absent and not voting 6, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Bates, Dean, Fleischauer, Hamrick, Smith and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 262) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

**Com. Sub. for S. B. 262** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-1C-1, §12-1C-2, §12-1C-3, §12-1C-4, §12-1C-5, §12-1C-6, and §12-1C-7, all relating generally to financial institutions engaged in boycotts of energy companies; defining terms; authorizing the State Treasurer to publish a list of financial institutions engaged in boycotts of energy companies; requiring the Treasurer to publicly post the list and submit the list to certain public officials; requiring the list to contain certain information; requiring the Treasurer to send written notice to a financial institution prior to its inclusion on the list; establishing required content of said written notice; requiring the Treasurer to remove a financial institution from the list if it presents information demonstrating that it is not engaged in a boycott of energy companies; preventing financial institutions from being compelled to produce certain information; setting forth sources of information on which the Treasurer may rely in preparing the list; authorizing the Treasurer to exclude financial institutions on the list from the selection process for state banking contracts; authorizing the Treasurer to refuse to enter into a banking contract with a financial institution on the list; authorizing the Treasurer to require, as a term of a banking contract, an agreement by the financial institution not to engage in a boycott of energy companies; limiting liability for actions taken in compliance with the new article; and exempting the Investment Management Board from the new article.”

*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. 264**, Relating to conservation districts law of WV; 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. 556**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Dean, Hamrick, Smith and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 264) passed.

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

**Com. Sub. for S. B. 268**, Creating exemption from compulsory school attendance for child who participates in learning pod or micro school; 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. 557**), and there were—yeas 56, nays 41, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Brown, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, D. Kelly, J. Kelly, Lovejoy, Miller, Pack, Pethtel, Pushkin, Reed, Reynolds, Riley, Rowan, Rowe, Skaff, Statler, Storch, Thompson, Toney, Walker, Wamsley, Westfall, Williams, Young and Zukoff.

Absent and Not Voting: Dean, Hamrick and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 268) passed.

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

**Com. Sub. for S. B. 268** - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to creating a new exemption from compulsory school attendance for a child who participates in a learning pod or microschool; defining learning pod and microschool; requiring parent or custodian to present to the county superintendent or county board a notice of intent to participate in the learning pod or microschool; establishing qualifications for person or persons providing instruction; requiring annual academic assessment of the child in one of four specified ways; requiring the results of the annual academic assessment of the child to be submitted to the county superintendent; allowing the results of the annual academic assessment to be submitted as composite results; requiring the county board upon request to notify the parents or legal guardian of the services available to assist in the assessment of the child’s eligibility for special education services; requiring the county superintendent to offer such assistance as may assist the person or persons providing instruction; allowing any child participating in a learning pod or microschool to attend any class offered by the county board under certain conditions; providing that no learning pod or microschool is subject to any other provision of law relating to education other than the law pertaining to placement of video cameras in certain special education classrooms; and clarifying that learning pods and microschools are not the same as homeschooling.”

*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. 312**, Authorization for Department of Revenue to promulgate legislative rules; 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. 558**), and there were—yeas 88, nays 7, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Fast, D. Jeffries, Jennings, Mazzocchi, Pinson and B. Ward.

Absent and Not Voting: Bridges, Dean, Hamrick, Pack and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 312) passed.

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

**Com. Sub. for S. B. 312** – “A Bill to amend and reenact §64-7-1 et. seq. of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to bailment policies and procedures; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to nonintoxicating beer licensing and operations procedures; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to continuing education for individual insurance producers and individual insurance providers; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to the adoption of the valuation manual; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to term and universal life insurance reserve financing; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to bail bondsmen in criminal cases; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to the West Virginia Lottery State Lottery Rules; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery Limited Video Lottery Rule; relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to pari-mutuel wagering; relating to not authorizing the Tax Department to promulgate a legislative rule relating to the valuation of producing and reserve oil, natural gas liquids, and natural gas for ad valorem property tax purposes; relating to authorizing the Tax Department to promulgate a legislative rule relating to the West Virginia tax credit for Federal Excise Tax imposed upon small arms and ammunition manufacturers; relating to authorizing the Tax Department to promulgate a legislative rule relating to the Sales Tax Holiday; relating to authorizing the Tax Department to promulgate a legislative rule relating to the exemption for repair, remodeling, and maintenance of an aircraft; relating to authorizing the Tax Department to promulgate a legislative rule relating to vendor absorption or assumption of Sales and Use tax; and relating to authorizing the Tax Department to promulgate a legislative rule relating to on-line bingo and raffles; and relating to authorizing the Tax Department to promulgate a legislative rule to the corporation net income tax.”

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

On this question, the yeas and nays were taken (**Roll No. 559**), and there were—yeas 87, nays 7, absent and not voting 6, with the nays and the absent and not voting being as follows:



Nays: Burkhammer, Fast, D. Jeffries, Jennings, Mazzocchi, Pinson and B. Ward.

Absent and Not Voting: Bridges, Dean, Hamrick, Pack, Paynter and Steele.

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. 312) takes effect July 1, 2022.

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

**Com. Sub. for S. B. 334**, Authorizing miscellaneous agencies and boards to promulgate rules; 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. 560**), and there were—yeas 81, nays 14, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Diserio, Doyle, Fleischauer, Fluharty, Garcia, Gearheart, Hansen, Hornbuckle, Pushkin, Rowe, Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Dean, Griffith, Hamrick, Hardy and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 334) passed.

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

**Com. Sub. for S. B. 334** – “A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules, as filed, as modified, and as amended by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to feeding of untreated garbage to swine; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to commercial feed; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to enrichment of flour and bread law regulations; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to fruits and vegetables: certification for potatoes for seedling purposes; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to Fresh Food Act; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers; to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to hemp products; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the Rural Rehabilitation Program; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the Farm-to-Food Bank Tax Credit; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farmers markets; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to seed certification; authorizing the State Auditor to promulgate a legislative rule relating to the procedure for local levying bodies to apply for permission to extend time to meet as levying body; authorizing the State Auditor to promulgate a legislative rule relating to accountability requirements for state funds and grants; authorizing the West Virginia Board of Chiropractic Examiners to promulgate a legislative rule relating to fees; authorizing the West Virginia Board of Chiropractic Examiners to

promulgate a legislative rule relating to chiropractic telehealth practices; authorizing the Contractor Licensing Board to promulgate a legislative rule relating to the Contractor Licensing Act; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to licensure; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselors fees; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist licensing; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist fees; authorizing the Dangerous Wild Animal Board to promulgate a legislative rule relating to dangerous wild animals; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the West Virginia Board of Dentistry; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the formation and approval of professional limited liability companies; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to fees; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the formation and approval of dental corporation and dental practice ownership; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to continuing education requirements; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the administration of anesthesia by dentists; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the expanded duties of dental hygienists and dental assistants; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to teledentistry; authorizing the West Virginia Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements; authorizing the West Virginia Board of Professional Engineers to promulgate a legislative rule relating to examination, licensure, and practice of professional engineers and the fee schedule; authorizing the West Virginia Board of Funeral Service Examiners to promulgate a legislative rule relating to the fee schedule; authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to general provisions; authorizing the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners relating to medical imaging technologists; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures for physicians, podiatric physicians, and surgeons; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to licensure, practice requirements disciplinary and complaint procedures, continuing education, and physician assistants; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to dispensing of prescription drugs by practitioners; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substances Monitoring Program Database; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to the establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to registration to practice during a declared State of Emergency; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to telehealth and interstate telehealth registration for physicians, podiatric physicians, and physician assistants; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to Osteopathic Physicians Assistants; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to practitioner requirements for controlled substances licensure and Accessing the West Virginia Controlled Substances Monitoring Program Database; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to telehealth practice and

interstate telehealth registration for osteopathic physicians and physician assistants; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy care; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to the Controlled Substance Monitoring Program; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacists; authorizing the West Virginia Board of Psychologists to promulgate a legislative rule relating to fees; authorizing the Public Service Commission to promulgate a legislative rule relating to rules governing the occupancy of customer-provided conduit; authorizing the West Virginia Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure or certification; authorizing the West Virginia Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to the renewal of licensure and certification; authorizing the West Virginia Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for registration and renewal of appraisal management companies; authorizing the West Virginia Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; authorizing the West Virginia Board of Examiners of Registered Professional Nurses to promulgate a legislative rule relating to telehealth practice; authorizing the Secretary of State to promulgate a legislative rule relating to voter registration at the Division of Motor Vehicles; authorizing the Secretary of State to promulgate a legislative rule relating to voter registration list maintenance by the Secretary of State; authorizing the Secretary of State to promulgate a legislative rule relating to the combined Voter Registration and Driver Licensing Fund; authorizing the Secretary of State to promulgate a legislative rule relating to the use of digital signatures; authorizing the Secretary of State to promulgate a legislative rule relating to regulation of political party headquarters finances; authorizing the Secretary of State to promulgate a legislative rule relating to standards and guidelines for electronic notarization, remote online notarization, and remote ink notarization; authorizing the Secretary of State to promulgate a legislative rule relating to real property electronic recording standards and regulations; authorizing the West Virginia Board of Social Work Examiners to promulgate a legislative rule relating to qualifications for the profession of social work; authorizing the West Virginia Board of Social Work Examiners to promulgate a legislative rule relating to the fee schedule; authorizing the West Virginia Board of Social Work Examiners to promulgate a legislative rule relating to continuing education for social workers and providers; authorizing the West Virginia Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology; authorizing the State Treasurer to promulgate a legislative rule relating to Substitute Checks- Exceptional Items Fund; authorizing the State Treasurer to promulgate a legislative rule relating to procedures for deposit of monies with the State Treasurer's Office by state agencies; authorizing the State Treasurer to promulgate a legislative rule relating to the selection of state depositories for disbursement accounts through competitive bidding; authorizing the State Treasurer to promulgate a legislative rule relating to the selection of state depositories for receipt accounts; authorizing the State Treasurer to promulgate a legislative rule relating to procedures for processing payments from the State Treasury; authorizing the State Treasurer to promulgate a legislative rule relating to reporting debt; authorizing the State Treasurer to promulgate a legislative rule relating to procedures for fees in collections by charge, credit, or debit card or by electronic payment; and authorizing the State Treasurer to promulgate a legislative rule relating to procedures for providing services to political subdivisions.”

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

On this question, the yeas and nays were taken (**Roll No. 561**), and there were—yeas 94, nays 1, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Nays: Fleischauer.

Absent and Not Voting: Dean, Griffith, Hamrick, Hardy and Riley.

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. 334) takes effect from its passage.

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

**Com. Sub. for S. B. 424**, Relating generally to 2022 Farm Bill; 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. 562**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Dean, Griffith, Hamrick, Hardy, Hott, Mandt, Riley and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 424) passed.

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

**Com. Sub. for S. B. 424** – “A Bill to repeal §19-1-10, and §19-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-13DD-3 of said code; to amend and reenact §19-1-4a and §19-1-11 of said code; to amend said code by adding thereto one new section, designated §19-1-13; to amend and reenact §19-9-7a of said code; to amend and reenact §19-12E-4 and §19-12E-5 of said code; to amend and reenact §19-15A-4 of said code; to amend and reenact §19-16-6 of said code; to amend and reenact §19-16A-21 of said code; to amend and reenact §19-20C-3 of said code; to amend and reenact §19-36-5 of said code, all relating generally to the 2022 Farm Bill; increasing the West Virginia Farm-to-Food bank tax credit; allowing for retroactive application of the tax credit; allowing the Commissioner of Agriculture to accept certain funds and property from federal agencies, individuals, and certain businesses; repealing requirement for Social Security numbers on applications; removing requirement that commissioner file annual report on rural rehabilitation loan program with Joint Committee; requiring commissioner to file annual report detailing department activities with President of the Senate, Speaker of the House, and Joint Committee on Government and Finance and sending copy to archives and history; requiring license from state to produce industrial hemp; changing the National Animal Identification System to the Animal Disease Traceability Program; requiring license from state to produce industrial hemp; allowing commissioner to recognize hemp license issued by the USDA; repealing publication requirement for fertilizer law; removing requirement that commissioner publish annual report on the liming material law; removing requirement that commissioner publish and distribute annual report on the law; allowing commissioner to deny, suspend, modify, or revoke license or application for license for violation, conviction, or penalty assessment under a certain federal act; removing requirement that commissioner file annual spay and neuter report; providing that agritourism on land classified as agricultural does not change use of land for zoning purposes; providing that agritourism business may use certain facilities for certain events without complying with fire codes.”

*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. 434**, Updating authority to airports for current operations; 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. 563**), and there were—yeas 81, nays 8, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Anderson, J. Jeffries, J. Kelly, Kimble, Mallow, Paynter, Queen and Summers.

Absent and Not Voting: Burkhammer, Dean, Griffith, Hamrick, Hardy, Honaker, Hott, Longanacre, Mandt, Riley and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 434) passed.

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

**Com. Sub. for S. B. 438**, Relating generally to WV Security for Public Deposits Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 564**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Crouse, Dean, Graves, Griffith, Hamrick, Hanna, Hott, Mandt, Riley and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 438) 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. 441**, Providing confidentiality of video and other records of correctional juvenile facilities; on third reading, coming up in regular order, was reported by the Clerk.

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

**S. B. 442**, Relating to WV Public Employee Retirement 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. 565**), 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: Burkhammer, Crouse, Dean and Hamrick.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 442) 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. 463**, Best Interests of Child Protection Act of 2022; 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. 566**), and there were—yeas 75, nays 22, absent and not voting 3, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Dean, Hamrick and Mandt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 463) 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. 486**, Allowing PERS retirees to designate special needs trust as beneficiary; 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. 567**), 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: Dean, Hamrick and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 486) passed.

On motion of Delegates Householder and Capito, the title of the bill was amended to read as follows:

**Com. Sub. for S. B. 486** – “A Bill to amend and reenact §5-10-2 and §5-10-24 of the Code of West Virginia, 1931, as amended, all relating to the Public Employees Retirement System; allowing retirees in the Public Employees Retirement System to designate an irrevocable special needs trust as beneficiary; defining terms; including a deliberate act as employer error; updating required beginning date to conform with federal law; and providing for substitution of irrevocable special needs trust as beneficiary post retirement in certain circumstances.”

*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. 498**, Creating Anti-Racism Act of 2022; 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. 568**), and there were—yeas 75, nays 24, absent and not voting 1, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 498) passed.

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

**Com. Sub. for S. B. 498** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9b; all relating to prohibiting a school district, a public charter school, the West Virginia Board of Education, the West Virginia Department of Education, or any employee of the aforementioned entities, within the scope of his or her employment, from requiring or otherwise compelling a student, teacher, administrator, or other employee to affirm, adopt or adhere to certain specified concepts; limiting prohibitions; providing that complaints may be filed pursuant to current state board policy; requiring reports of substantiated complaints to the Legislative Oversight Commission on Education Accountability annually; and allowing the state board to promulgate rules.”

*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. 530**, Encouraging public-private partnerships in transportation; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 569**), 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: Hamrick and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 530) passed.

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

**S. B. 729**, Relating to funding for infrastructure and economic development projects in WV; 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. 570**), 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: Graves, Hamrick and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 729) passed.

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

On this question, the yeas and nays were taken (**Roll No. 571**), 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: Forsht, Hamrick and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 729) 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.

### **Messages from the Senate**

A message from the Senate, by

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

**H. B. 2631**, Provide for WVDNR officers to be able to work “off duty”.

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

**H. B. 2631** – “A Bill to amend and reenact §20-1-7e of the Code of West Virginia, 1931, as amended, relating to allowing off duty Natural Resources Police Officers to contract to work for a private person or entity during off duty hours if work does not violate Division of Natural Resources law or rules regarding location or nature; expanding authority of chief natural resources police office to enter contract for certain services with quasi-public entities; and requiring Division of Natural Resources contracts with public and private entities for certain services provide liability immunity for Natural Resources Police Officers.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 572**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Hamrick, Thompson, Westfall and Williams.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2631) passed.



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

A message from the Senate, by

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

**Com. Sub. for H. B. 4050**, Defining terms related to livestock trespassing.

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

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

**“ARTICLE 18. GENERAL STOCK LAW.**

**§19-18-1. Livestock trespassing on property of another; damages for injuries to person or property; notice to livestock owner; containment of livestock; costs for containment.**

(a) If livestock enters the property of a landowner without that landowner's consent, the owner of the livestock is liable for damages for personal injury or property damage in a civil action in magistrate or circuit court.

(b) The landowner must attempt to contact the owner of the trespassing livestock within 48 hours of the trespass. If the owner cannot be contacted within 48 hours, the landowner shall notify the county sheriff.

(c) The landowner may contain the trespassing livestock on his or her property, but is not required to do so. If the landowner is able to contact the owner of the trespassing livestock pursuant to subsection (a) of this section, he or she shall also inform the owner of the costs of containment and shall allow the owner to retrieve the livestock.

(d) The owner of the trespassing livestock and the landowner shall attempt to mutually agree upon a fair cost for any containment. A fair cost for containment is an amount which would be allowed for the sheriff for containing similar livestock. If the negotiation fails, or if the landowner is not otherwise reimbursed for the costs for containment, the landowner may seek monetary damages in a civil action for these costs.

(e) 'Livestock' is defined as an animal of the bovine, equine, porcine, ovine or caprine specie, domestic poultry, peafowl, guineafowl, leporidae, camelid, emu, and captive cervid as defined in §19-2H-2 of this code.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 573**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Capito, Hamrick, Westfall and Williams.

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 H. B. 4050) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**H. B. 4097**, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission.

The message further announced that the Senate had appointed the following conferees:

Senators Weld, Azinger and Woelfel.

On motion of Delegate Summers, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Steele, Holstein and Diserio.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4311**, Creating criminal penalties for illegal voting activity.

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

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

**“ARTICLE 7. CONTESTED ELECTIONS.**

**§3-9-17. Illegal voting; deceiving voters; penalties.**

(a) Any person who knowingly and willfully votes or attempts to vote more than once at the same election held in this state; in more than one county in this state at the same or equivalent election; or, in this state and another state or territory at the same or equivalent election, irrespective of different offices, questions, or candidates on the ballot, knowing the same to be illegal, is guilty of a felony and, on conviction thereof, shall be imprisoned for not less than one

year but not more than 10 years, or fined not more than \$10,000, or both, in the discretion of the court.

(b) If any Any person who knowingly and willfully votes or attempts to vote when the person knows he or she is not legally entitled to do so; or votes more than once in the same election; or knowingly votes or attempts to vote more than one ballot for the same office, or on the same question or procures or assists in procuring an illegal vote to be admitted, or received, at an election, knowing the same to be illegal; or causes or assists in causing a legal vote to be rejected, knowing the same to be legal; or, is guilty of a felony and, on conviction thereof, shall be imprisoned for not less than one year but not more than 10 years, or fined not more than \$10,000, or both, in the discretion of the court.

(c) Any person who knowingly and willfully, with intent to deceive, alters the ballot of a voter by marking out the name of any person for whom such voter desires to vote; or, with like intent, writes the name of any person on such ballot other than those directed by the voter; or with like intent, makes any alteration thereof, whether such ballot be voted or not; or defrauds any voter at any election, by deceiving and causing him or her to vote for a different person for any office than he or she intended or desired to vote for, he shall be guilty of a misdemeanor, and, on conviction thereof, shall for each offense be fined not more than \$1,000 or confined in the county jail for not more than one year, is guilty of a felony and, on conviction thereof, shall be imprisoned for not less than one year but not more than 10 years, or fined not more than \$10,000, or both, in the discretion of the court.

And,

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

**Com. Sub. for H. B. 4311-** “A Bill to amend and reenact §3-9-17 of the Code of West Virginia, 1931, as amended, relating to unlawfully voting generally; creating certain crimes of illegal voting and deceiving voters; prohibiting knowingly and willfully voting or attempting to vote multiple times in the same or equivalent elections as a felony offense and establishing penalties therefor; prohibiting voting or attempting to vote when not entitled to do so as a felony offense and establishing penalties therefor; prohibiting knowingly and willfully procuring or assisting in procuring the acceptance of illegal votes or rejection of legal votes as a felony offense and establishing penalties therefor; and prohibiting knowing and willfully altering ballots or defrauding voters as a felony offense and establishing penalties therefor.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 574**), 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: Cooper, Hamrick and Westfall.

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 H. B. 4311) passed.

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

A message from the Senate, by  
The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

**H. B. 4331**, West Virginia's Urban Mass Transportation Authority Act.

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

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

**“ARTICLE 27. INTERGOVERNMENTAL RELATIONS — URBAN MASS TRANSPORTATION SYSTEMS.**

**§8-27-21a. Federal grants; wage deductions.**

Notwithstanding any provision of this code to the contrary, the term “deductions”, as defined in §21-5-1 of this code and applied to the wages of an employee of an urban mass transportation authority under this article which is a direct or indirect recipient of federal funding from the Federal Transit Administration pursuant to the Urban Mass Transportation Act of 1964, as amended, includes amounts authorized for union or labor organization dues or fees. This section applies only to urban mass transportation authorities under this article.”

And,

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

**H. B. 4331** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-27-21a, relating to allowing union or labor organization dues or fees to be deducted from the wages of employees of an urban mass transportation authority which receives federal funding from the Federal Transit Administration.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 575**), and there were—yeas 87, nays 10, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Foster, Graves, Hanna, Kessinger, Kimes, Martin, Paynter, Steele and G. Ward.

Absent and Not Voting: Cooper, Hamrick and Westfall.

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

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

On this question, the yeas and nays were taken (**Roll No. 576**), and there were—yeas 89, nays 7, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Foster, Hanna, Kessinger, Martin, Steele and G. Ward.

Absent and Not Voting: Cooper, Hamrick, Thompson and Westfall.

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

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

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

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

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

**“ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-5k. Use of air rifles to hunt.**

(a) Notwithstanding any other provision of this code to the contrary, any person lawfully entitled to hunt may hunt with an air rifle during small game and big game firearms season: *Provided*, That air rifles may only be used for deer hunting in counties open to firearm deer hunting.

(b) An air rifle may not be substituted for a muzzleloader during any muzzleloader season or during the Mountaineer Heritage season.

(c) No person may be afield with an air rifle and bow, or with an air rifle or any arrow at the same time.

(d) No person may hunt with an air bow at any time.

(e) Any person hunting with an air rifle is subject to all other rifle and firearm hunting regulations according to this chapter and rules promulgated thereunder.

(f) Only air rifles meeting the following specifications may be used for hunting big game:

(1) No person may hunt big game with an air rifle of less than .45 caliber and with a bullet of less than 200 grains, except that wild turkey may be hunted with an air rifle of .22 caliber or larger.

(2) No person may hunt small game with an air rifle of less than .22 caliber.

(g) Air rifles may be shot within 500 feet of a dwelling.”

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

**Com. Sub. for H. B. 4441** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5k relating to permitting the use of air rifles when hunting; permitting a person use an air rifle to hunt when properly authorized to hunt under an existing stamp; setting forth criteria for when an air rifle may be used to hunt game in this state; setting caliber limits for air rifles when hunting certain types of game; and providing limitations on air rifle use.”

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

On passage of the bill, the yeas and nays were taken (**Roll No. 577**), 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: Criss.

Absent and Not Voting: Cooper, Hamrick and Westfall.

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

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

On this question, the yeas and nays were taken (**Roll No. 578**), 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: Cooper, Hamrick and Westfall.

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

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

A message from the Senate, by

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

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

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

On page eight, section fifteen, lines one hundred sixty-five through one hundred eighty, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision (2), to read as follows:

“(2) A county board may apply to the authority for funding under this article as a part of the county’s bond finance plan for a proposed capital improvement bond levy to be submitted to the voters of that county. The county board shall first submit a request for the funding to the executive director of the authority prior to the county board’s proposed bond levy election. After initial consultation with the executive director, the county board shall prepare a written outline of the bond finance plan, the capital improvements to be made with levy funds, and the amount and timing of funding requested from the authority. The county board shall then present its request at a meeting of the members of the authority.

Grants of financial assistance that have received initial approval under this section are contingent upon passage of the bond levy and final approval by the School Building Authority of the county’s bond finance plan. Any materials produced by the county or its county board that refer to the authority shall include a statement of this contingency and terms. Notwithstanding any other provision of this subsection, financial assistance to be provided by the authority may only be used to pay costs of capital improvements and may not be pledged as security for or repayment of any bonds issued by the county board.

Upon passage of bond levy, the county board shall have four years to finalize the project: *Provided*, That the authority may grant an extension to the four years in extenuating circumstances.

The provisions of this subsection do not apply to any proposed capital improvement bond levy that is scheduled to be submitted to the voters on or before December 31, 2022.”

And,

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

**Com. Sub. for H. B. 4466** – “A Bill to amend and reenact §18-9D-15 of the Code of West Virginia, 1931, as amended, relating to seeking contribution of School Building Authority funds to support a local capital improvement bond finance plan; providing for application to the School Building Authority; requiring initial approval prior to conducting bond levy election; requiring conditional language in materials referencing School Building Authority; limiting use of financial assistance provided; establishing time limit for project completion; allowing extension to the time limit in extenuating circumstances; exempting new provisions from applying to any proposed capital improvement bond levy scheduled to be submitted to the voters on or before December 31, 2022; and deleting obsolete provisions.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 579**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Gearheart, Hanna and J. Jeffries.

Absent and Not Voting: Cooper, Hamrick and Westfall.

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 H. B. 4466) passed.

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

A message from the Senate, by

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

**H. B. 4535**, Repeal section relating to school attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle.

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

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

**“CHAPTER 17B. MOTOR VEHICLE DRIVER’S LICENSE.**

**ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION, AND RENEWAL.**

**§17B-2-3a. Graduated driver’s license.**

(a) A person under the age of 18 may not operate a motor vehicle unless he or she has obtained a graduated driver’s license in accordance with the three-level graduated driver’s license system described in the following provisions.

(b) Any person under the age of 21, regardless of class or level of licensure, who operates a motor vehicle with any measurable alcohol in his or her system is subject to §17C-5-2 and §17C-5A-2 of this code. Any person under the age of ~~18~~<sup>17</sup>, regardless of class or licensure level, is subject to the mandatory school attendance and satisfactory academic progress provisions of §18-8-11 of this code: Provided, That a person may otherwise be eligible for a restricted license or instruction permit pursuant to §18-8-11.

(c) *Level one instruction permit.* — An applicant who is 15 years or older meeting all other requirements prescribed in this code may be issued a level one instruction permit.

(1) *Eligibility.* — The division may not issue a level one instruction permit unless the applicant:

(A) Presents a completed application, as prescribed by §17B-2-6 of this code, which is accompanied by a writing, duly acknowledged, consenting to the issuance of the graduated driver’s license, and executed by a parent or guardian entitled to custody of the applicant;

(B) Presents a certified copy of a birth certificate issued by a state or other governmental entity responsible for vital records unexpired, or a valid passport issued by the United States government evidencing that the applicant meets the minimum age requirement and is of verifiable identity;

(C) Passes the vision and written knowledge examination and completes the driving under the influence awareness program, as prescribed in §17B-2-7 of this code; and



~~(D) Presents a driver's eligibility certificate or otherwise shows compliance with §18-8-11 of this code; and~~

~~(E)~~ (D) Pays a fee of \$7.50, which permits the applicant one attempt at the written knowledge test. The Division of Motor Vehicles may adjust this fee every five years on September 1, based on the U.S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index: *Provided*, That an increase in the fee may not exceed 10 percent of the total fee amount in a single year.

(2) *Terms and conditions of instruction permit.* — A level one instruction permit issued under this section is valid until 30 days after the date the applicant attains the age of 18 and is not renewable: *Provided*, That for an applicant who is an active member of any branch of the United States military, a level one instruction permit issued under the provisions of this section is valid until 180 days after the date the applicant attains the age of 18. However, any permit holder who allows his or her permit to expire prior to successfully passing the road skills portion of the driver examination, and who has not committed any offense which requires the suspension, revocation, or cancellation of the instruction permit, may reapply for a new instruction permit under §17B-2-6 of this code. The division shall immediately revoke the permit upon receipt of a second conviction for a moving violation of traffic regulations and laws of the road or violation of the terms and conditions of a level one instruction permit, which convictions have become final unless a greater penalty is required by this section or any other provision of this code. Any person whose instruction permit has been revoked is disqualified from retesting for a period of 90 days. However, after the expiration of 90 days, the person may retest if otherwise eligible. A holder of a level one instruction permit who is under the age of 18 years may not use a wireless communication device while operating a motor vehicle, unless the use of the wireless communication device is for contacting a 9-1-1 system. In addition to all other provisions of this code for which a driver's license may be restricted, suspended, revoked, or canceled, the holder of a level one instruction permit may only operate a motor vehicle under the following conditions:

(A) The permit holder is under the direct supervision of a licensed driver, 21 years of age or older, or a driver's education or driving school instructor who is acting in an official capacity as an instructor, who is fully alert and unimpaired, and the only other occupant of the front seat. The vehicle may be operated with no more than two additional passengers, unless the passengers are family members;

(B) The permit holder is operating the vehicle between the hours of 5 a.m. and 10 p.m.;

(C) All occupants use safety belts in accordance with §17C-15-49 of this code;

(D) The permit holder is operating the vehicle without any measurable blood alcohol content, in accordance with §17C-5-2(h) of this code; and

(E) The permit holder maintains current school enrollment and is making satisfactory academic progress or otherwise shows compliance with §18-8-11 of this code: *Provided, That a person may otherwise be eligible for a restricted license or instruction permit pursuant to §18-8-11.*

(d) *Level two intermediate driver's license.* — An applicant 16 years of age or older, meeting all other requirements of this code, may be issued a level two intermediate driver's license.

(1) *Eligibility.* — The division may not issue a level two intermediate driver's license unless the applicant:

(A) Presents a completed application as prescribed in §17B-2-6 of this code;

(B) Has held the level one instruction permit conviction-free for the 180 days immediately preceding the date of application for a level two intermediate license;

(C) Has completed either a driver's education course approved by the State Department of Education or 50 hours of behind-the-wheel driving experience, including a minimum of 10 hours of night time driving, certified by a parent or legal guardian or other responsible adult over the age of 21 as indicated on the form prescribed by the division: *Provided*, That nothing in this paragraph may be construed to require any school or any county board of education to provide any particular number of driver's education courses or to provide driver's education training to any student;

~~(D) Presents a driver's eligibility certificate or otherwise shows compliance with §18-8-11 of this code~~

~~(E)~~ (D) Passes the road skills examination as prescribed by §17B-2-7 of this code; and

(F) Pays a fee of \$7.50 for one attempt. The Division of Motor Vehicles may adjust this fee every five years on September 1, based on the U.S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index: *Provided*, That an increase in the fee may not exceed 10 percent of the total fee amount in a single year.

(2) *Terms and conditions of a level two intermediate driver's license.* — A level two intermediate driver's license issued under the provisions of this section expires 30 days after the applicant attains the age of 18, or until the licensee qualifies for a level three full Class E license, whichever comes first. A holder of a level two intermediate driver's license who is under the age of 18 years shall not use a wireless communication device while operating a motor vehicle, unless the use of the wireless communication device is for contacting a 9-1-1 system. In addition to all other provisions of this code for which a driver's license may be restricted, suspended, revoked, or canceled, the holder of a level two intermediate driver's license may only operate a motor vehicle under the following conditions:

(A) The licensee operates a vehicle unsupervised between the hours of 5 a.m. and 10 p.m.;

(B) The licensee operates a vehicle only under the direct supervision of a licensed driver, age 21 years or older, between the hours of 10 p.m. and 5 a.m. except when the licensee is going to or returning from:

(i) Lawful employment;

(ii) A school-sanctioned activity;

(iii) A religious event; or

(iv) An emergency situation that requires the licensee to operate a motor vehicle to prevent bodily injury or death of another;

(C) All occupants of the vehicle use safety belts in accordance with §17C-15-49 of this code;

(D) For the first six months after issuance of a level two intermediate driver's license, the licensee may not operate a motor vehicle carrying any passengers less than 20 years old, unless these passengers are family members of the licensee; for the second six months after issuance of a level two intermediate driver's license, the licensee may not operate a motor vehicle carrying more than one passenger less than 20 years old, unless these passengers are family members of the licensee;

(E) The licensee operates a vehicle without any measurable blood alcohol content in accordance with §17C-5-2(h) of this code;

(F) The licensee maintains current school enrollment and is making satisfactory academic progress or otherwise shows compliance with §18-8-11 of this code; Provided, That a person may otherwise be eligible for a restricted license or instruction permit pursuant to §18-8-11.

(G) Upon the first conviction for a moving traffic violation or a violation of §17B-2-3a(d)(2) of this code of the terms and conditions of a level two intermediate driver's license, the licensee shall enroll in an approved driver improvement program unless a greater penalty is required by this section or by any other provision of this code; and

At the discretion of the commissioner, completion of an approved driver improvement program may be used to negate the effect of a minor traffic violation as defined by the commissioner against the one year conviction-free driving criteria for early eligibility for a level three driver's license and may also negate the effect of one minor traffic violation for purposes of avoiding a second conviction under ~~§17B-2-3a(d)(2)(H)~~ §17B-2-3a(d)(2)(G) of this code; and

(H) Upon the second conviction for a moving traffic violation or a violation of the terms and conditions of the level two intermediate driver's license, the Division of Motor Vehicles shall revoke or suspend the licensee's privilege to operate a motor vehicle for the applicable statutory period or until the licensee's 18th birthday, whichever is longer, unless a greater penalty is required by this section or any other provision of this code. Any person whose driver's license has been revoked as a level two intermediate driver, upon reaching the age of 18 years and if otherwise eligible, may reapply for an instruction permit, then a driver's license in accordance with §17B-2-5, §17B-2-6 and §17B-2-7 of this code.

(e) *Level three, full Class E license.* — The level three license is valid until 30 days after the date the licensee attains his or her 21st birthday. A holder of a level three driver's license who is under the age of 18 years shall not use a wireless communication device while operating a motor vehicle, unless the use of the wireless communication device is for contacting a 9-1-1 system. Unless otherwise provided in this section or any other section of this code, the holder of a level three full Class E license is subject to the same terms and conditions as the holder of a regular Class E driver's license.

A level two intermediate licensee whose privilege to operate a motor vehicle has not been suspended, revoked, or otherwise canceled and who meets all other requirements of the code may be issued a level three full Class E license without further examination or road skills testing if the licensee:

(1) Has reached the age of 17 years; and

~~(A)~~ (2) Presents a completed application as prescribed by §17B-2-6 of this code;

~~(B) (3)~~ Has held the level two intermediate license conviction free for the 12-month period immediately preceding the date of the application;

~~(C) (4)~~ Has completed any driver improvement program required under §17B-2-3a(d)(2)(G) of this code; and

~~(D) (5)~~ Pays a fee of \$2.50 for each year the license is valid. An additional fee of 50 cents shall be collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund established in §3-2-12 of this code.

~~(E) Presents a driver's eligibility certificate or otherwise shows compliance with §18-8-11 of this code; or~~

~~(2) Reaches the age of 18 years; and~~

~~(A) Presents a completed application as prescribed by §17B-2-6 of this code; and~~

~~(B) Pays a fee of \$5 for each year the license is valid. The Division of Motor Vehicles may adjust this fee every five years on September 1, based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index. *Provided*, That an increase in the fee may not exceed 10 percent of the total fee amount in a single year. An additional fee of 50 cents shall be collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund established in §3-2-12 of this code~~

(f) A person violating the provisions of the terms and conditions of a level one instruction permit, level two intermediate driver's license, or level three license is guilty of a misdemeanor and, upon conviction thereof, shall for the first offense be fined \$25; for a second offense be fined \$50; and for a third or subsequent offense be fined \$75.

### **ARTICLE 3. CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSES.**

#### **§17B-3-6. Authority of division to suspend, restrict, or revoke license; hearing.**

(a) The division is hereby authorized to suspend, restrict, or revoke the driver's license of any person without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation of a driver's license is required upon conviction;

(2) Has by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in the death or personal injury of another or property damage;

(3) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(4) Is an habitually reckless or negligent driver of a motor vehicle;

(5) Is incompetent to drive a motor vehicle;

(6) Has committed an offense in another state which if committed in this state would be a ground for suspension or revocation;

(7) Has failed to pay or has defaulted on a plan for the payment of all costs, fines, forfeitures, or penalties imposed by a magistrate court or municipal court within 90 days, as required by ~~section two-a, article three, chapter fifty~~ §50-3-2a of this code or ~~section two-a, article ten, chapter eight~~ §8-10-2a of this code;

(8) Has failed to appear or otherwise respond before a magistrate court or municipal court when charged with a motor vehicle violation as defined in section three-a of this article;

(9) Is under the age of ~~eighteen~~ 17 and has withdrawn either voluntarily or involuntarily due to misconduct from a secondary school or has failed to maintain satisfactory academic progress, as provided in ~~section eleven, article eight, chapter eighteen~~ §18-8-11 of this code; or

(10) Has failed to pay overdue child support or comply with subpoenas or warrants relating to paternity or child support proceedings, if a circuit court has ordered the suspension of the license as provided in ~~article five-a, chapter forty-eight-a~~ §48A-5A-1 et seq. of this code and the Child Support Enforcement Division has forwarded to the division a copy of the court order suspending the license, or has forwarded its certification that the licensee has failed to comply with a new or modified order that stayed the suspension and provided for the payment of current support and any arrearage due.

(b) The driver's license of any person having his or her license suspended shall be reinstated if:

(1) The license was suspended under the provisions of subdivision (7), subsection (a) of this section and the payment of costs, fines, forfeitures, or penalties imposed by the applicable court has been made;

(2) The license was suspended under the provisions of subdivision (8), subsection (a) of this section and the person having his or her license suspended has appeared in court and has prevailed against the motor vehicle violations charged; or

(3) The license was suspended under the provisions of subdivision (10), subsection (a) of this section and the division has received a court order restoring the license or a certification by the Child Support Enforcement Division that the licensee is complying with the original support order or a new or modified order that provides for the payment of current support and any arrearage due.

(c) Any reinstatement of a license under subdivision (1), (2) or (3), subsection (b) of this section shall be subject to a reinstatement fee designated in section nine of this article.

(d) Upon suspending, or restricting the driver's license of any person as hereinbefore in this section authorized, the division shall immediately notify the licensee in writing, sent by certified mail, return receipt requested, to the address given by the licensee in applying for license, and upon his or her request shall afford him or her an opportunity for a hearing as early as practical within not to exceed 20 days after receipt of such request in the county wherein the licensee resides unless the division and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner or his or her duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant

books and papers and may require a reexamination of the licensee. Upon such hearing the division shall either rescind its order of suspension, or restriction or, good cause appearing therefor, may extend the suspension, or restriction of such license or revoke such license. The provisions of this subsection providing for notice and hearing are not applicable to a suspension under subdivision (10), subsection (a) of this section. Any person whose driver's license is suspended, restricted, or revoked after hearing with the commissioner may seek judicial review of the final order or decision in accordance with §29A-5-4 of this code.

(e) Notwithstanding the provisions of legislative rule 91 CSR 5, the division may, upon completion of an approved defensive driving course, deduct three points from a licensee's point accumulation provided the licensee has not reached 14 points. If a licensee has been notified of a pending 30-day driver's license suspension based on the accumulation of 12 or 13 points, the licensee may submit proof of completion of an approved defensive driving course to deduct three points and rescind the pending license suspension: *Provided*, That the licensee submits proof of prior completion of the course and payment of the reinstatement fee in accordance with section nine, article three of this chapter to the division prior to the effective date of the suspension.

## CHAPTER 18. EDUCATION.

### ARTICLE 18. COMPULSORY SCHOOL ATTENDANCE.

#### §18-8-11. School attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle.

~~(a) In accordance with the provisions of §17B-2-3a and §17B-2-5 of this code, the Division of Motor Vehicles shall deny a license or instruction permit for the operation of a motor vehicle to any person under the age of 18 who does not at the time of application present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a general education development certificate (GED) from a state-approved institution or organization or has obtained the certificate; (2) is enrolled and is making satisfactory academic progress in a secondary school of this state or any other state; (3) is excused from the requirement due to circumstances beyond his or her control; or (4) is enrolled in an institution of higher education as a full-time student in this state or any other state.~~

~~(b) The attendance director or chief administrator shall, upon request, provide a driver's eligibility certificate on a form approved by the Department of Education to any student at least 15 but less than 18 years of age who is properly enrolled and is making satisfactory academic progress in a school under the jurisdiction of the official for presentation to the Division of Motor Vehicles on application for or reinstatement of an instruction permit or license to operate a motor vehicle: *Provided*, That a parent or legal guardian of a child who is being educated pursuant to §18-8-1(c) of this code may provide a signed statement in lieu of a driver's eligibility certificate issued by the attendance director or chief administrator affirming that the child is being educated in accordance with law, is making satisfactory academic progress, and meets the conditions to be eligible to obtain any permit or license under this section. The Division of Motor Vehicles may accept from a county board of education electronic notice of a student's compliance with the provisions of this section in lieu of any written form or written statement otherwise required from an applicant for an instruction permit or driver's license.~~

~~(c) (a) Whenever a student at least 15 but less than 18~~ 17 years of age, except as provided in subsection ~~(g)~~ (e) of this section, withdraws from school, the attendance director or chief

administrator shall notify the Division of Motor Vehicles of the student's withdrawal no later than five days from the date of the withdrawal. Within five days of receipt of the notice, the Division of Motor Vehicles shall send notice to the student that the student's instruction permit or license to operate a motor vehicle will be ~~suspended~~ restricted to driving for work or medical purposes or educational or religious pursuits under the provisions of §17B-3-6 of this code on the 30th day following the date the notice was sent unless documentation of compliance with the provisions of this section is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that he or she is entitled to a hearing before the county superintendent of schools or his or her designee or before the appropriate private school official concerning whether the student's withdrawal from school was due to a circumstance or circumstances beyond the control of the student. If ~~suspended~~ restricted, the division may not reinstate an instruction permit or license until the student returns to school and shows satisfactory academic progress or until the student attains ~~48~~ 17 years of age.

~~(d)~~ (b) Whenever a student at least 15 but less than ~~48~~ 17 years of age is enrolled in a secondary school and fails to maintain satisfactory academic progress, the attendance director or chief administrator shall follow the procedures set out in subsection ~~(e)~~ (a) of this section to notify the Division of Motor Vehicles. Within five days of receipt of the notice, the Division of Motor Vehicles shall send notice to the student that the student's instruction permit or license will be ~~suspended~~ restricted to driving for work or medical purposes or educational or religious pursuits under the provisions of §17B-3-6 of this code on the 30th day following the date the notice was sent unless documentation of compliance with the provisions of this section is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that he or she is entitled to a hearing before the county superintendent of schools or his or her designee or before the appropriate private school official concerning whether the student's failure to make satisfactory academic progress was due to a circumstance or circumstances beyond the control of the student. Once ~~suspension~~ the restriction is ordered, the division may not reinstate an instruction permit or license until the student shows satisfactory academic progress or until the student attains ~~48~~ 17 years of age.

~~(e)~~ (c) Upon written request of a student, within 10 days of receipt of a notice of ~~suspension~~ restriction as provided by this section, the Division of Motor Vehicles shall afford the student the opportunity for an administrative hearing. The scope of the hearing shall be limited to determining if there is a question of improper identity, incorrect age, or some other clerical error.

~~(f)~~ (d) For the purposes of this section:

(1) "Withdrawal" is defined as more than 10 consecutive or 15 total days unexcused absences during a school year, or suspension pursuant to §18A-5-1a(a) and §18A-5-1a(b) of this code.

(2) "Satisfactory academic progress" means the attaining and maintaining of grades sufficient to allow for graduation and course work in an amount sufficient to allow graduation in five years or by age 19, whichever is earlier.

(3) "Circumstances outside the control of the student" shall include, but not be limited to, medical reasons, familial responsibilities, and the necessity of supporting oneself or another.

(4) Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the student.

(g) (e) Whenever the withdrawal from school of the student, the student's failure to enroll in a course leading to or to obtain a GED or high school diploma, or the student's failure to make satisfactory academic progress is due to a circumstance or circumstances beyond the control of the student, or the withdrawal from school is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian, no notice shall be sent to the Division of Motor Vehicles to ~~suspend~~ restrict the student's motor vehicle operator's license and if the student is applying for a license, the attendance director or chief administrator shall provide the student with documentation to present to the Division of Motor Vehicles to excuse the student from the provisions of this section. The school district superintendent (or the appropriate school official of any private secondary school) with the assistance of the county attendance director and any other staff or school personnel shall be the sole judge of whether any of the grounds for ~~denial or suspension~~ restriction of a license as provided by this section are due to a circumstance or circumstances beyond the control of the student.

(h) (f) The state board shall promulgate rules necessary for uniform implementation of this section among the counties and as may otherwise be necessary for the implementation of this section. The rule may not include attainment by a student of any certain grade point average as a measure of satisfactory progress toward graduation.

And,

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

**H. B. 4535** – “A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-6 of said code; and to amend and reenact §18-8-11 of said code, all relating to motor vehicle licensing; modifying requirements for a graduated driver's license; granting Division of Motor Vehicles authority to restrict and revoke a driver's license for certain reasons; allowing any person whose driver's license is suspended, restricted, or revoked after hearing with the Commissioner of the Division of Motor Vehicles to seek judicial review; removing requirement to deny a license or instruction permit to any person under 18 who does not meet one of certain academic related requirements; removing provisions pertaining to the provision of a driver's eligibility certificate; and replacing suspension of license with requiring restriction of license to driving for work or medical purposes or educational or religious pursuits whenever a student at least 15 but less than 17 years of age withdraws from school or fails to maintain satisfactory academic progress.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 580**), and there were—yeas 90, nays 7, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Crouse, Diserio, Fluharty, Miller, Pethtel, Worrell and Zukoff.

Absent and Not Voting: Cooper, Statler and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4535) passed.

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



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

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

On motion of Delegate Kessinger, the House concurred in the following Senate title amendment:

**Com. Sub. for H. B. 4779** – “A Bill to amend and reenact §7-6-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-13-22a of said code; to amend and reenact §12-1-4 of said code; and to amend and reenact §18-9-6 of said code, all relating to county, municipal, state, and county Board of Education public depositories; and giving those public depositories which redeposit public monies to ensure they are federally insured the discretion on whether or not to accept a reciprocal deposit.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 581**), 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: Miller.

Absent and Not Voting: Cooper, Dean, Statler and Westfall.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4779) passed.

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

A message from the Senate, by

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

**H. C. R. 4**, John B. Short Memorial Bridge.

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

On page one, in the Resolved clause, line eighteen, by striking out the words “John B. Short” and inserting in lieu thereof the words “U.S. Army Air Corps Sergeant John B. Short”;

On page one, in the first Further Resolved clause, line twenty, by striking out the words “John B. Short” and inserting in lieu thereof the words “U.S. Army Air Corps Sergeant John B. Short”;

And,

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

**H. C. R. 4** – “Requesting the Division of Highways name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, the “U.S. Army Air Corps Sergeant John B. Short Memorial Bridge”.

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

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

A message from the Senate, by

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

**H. C. R. 7**, Daniel Edward Kolhton “Red” Haney Memorial Bridge.

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

On page one, in the first Whereas clause, line four, by striking out the words “Kolhton “Red””;

On page one, in the second Whereas clause, line six, by striking out the words “Kolhton “Red””;

On page one, in the second Whereas clause, line six, after the word “Red” by inserting the words “ and “Kolhton””;

On page one, in the third Whereas clause, line eight, by striking out the words “Kolhton “Red””;

On page one, in the fourth Whereas clause, line ten, by striking out the words “Kolhton “Red””;

On page one, in the fifth Whereas clause, line twelve, by striking out the words “Kolhton “Red””;

On page one, in the sixth Whereas clause, line sixteen, by striking out the words “Kolhton “Red””;

On page two, in the Resolved clause, line twenty, by striking out the words “Daniel Edward Kolhton “Red”” and inserting in lieu thereof the words “Daniel Edward “Kolhton””;

On page two, in the first Further Resolved clause, line twenty-three, by striking out the words “Daniel Edward Kolhton ‘Red’” and inserting in lieu thereof the words “Daniel Edward “Kolhton””;

And,

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

**H. C. R. 7** – “Requesting the Division of Highways name bridge number: 03-005/00-017.66 (03A042), (38.63616, -81.62303) locally known as Seth Bridge, carrying CR 5 over Big Coal River in Boone County, the “Daniel Edward ‘Kolhton’ Haney Memorial Bridge”.

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

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

A message from the Senate, by

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

**H. C. R. 8**, U.S. Army Private Elmo Davis Memorial Road.

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

On page one, in the third Whereas clause, line thirteen, by striking out the words "Bronze Star" and inserting in lieu thereof the words "Bronze Service Star".

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

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

A message from the Senate, by

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

**H. C. R. 14**, Colonel Ronald John "Ron" Chiccehitto Memorial Road.

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

On page on page three, in the Resolved clause, line sixty-three, by striking out the word "Colonel" and inserting in lieu thereof the words "U.S. Army Colonel";

On page two, in the first Further Resolved Clause, line sixty-seven, by striking out the word "Colonel" and inserting in lieu thereof the words "U.S. Army Colonel";

And,

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

**H. C. R. 14** - "Requesting the Division of Highways name a stretch of road on WV 46 in Mineral County, east of Keyser between Lime Stone Rd, CR 14 (WV 46, 39.428520472667465, - 78.95480521741753) and Fountain Rd (46/11) as the "U.S. Army Colonel Ronald John "Ron" Chiccehitto Memorial Road".

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

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

A message from the Senate, by

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

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

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

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

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

And,

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

**H. C. R. 39** – "Requesting the Division of Highways name the bridge bearing Identification Number 42-219/86-003.18 (42A228), located in Randolph County, West Virginia, carrying County Route 219 over Stalnaker Run, Latitude 38.988821, Longitude -79.83132, locally known as Stalnaker Run Bridge, the "U.S. Army PFC Donald L. Stuckey Memorial Bridge."

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

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

A message from the Senate, by

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

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

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

On page two, in the Resolved clause, lines forty and forty-one, by striking out the words "Roy Lee Shamblin" and inserting in lieu thereof the words "U.S. Army T/5 Roy Lee Shamblin";

Page two, in the first Further Resolved clause, line forty-four, by striking out the words "Roy Lee Shamblin" and inserting in lieu thereof the words "U.S. Army T/5 Roy Lee Shamblin";

And,

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

**H. C. R. 56** - "Requesting the Division of Highways name a bridge bearing the bridge number: 08-036/01-000.04 (08A063), (38.55377,-81.12988) locally known as Laurel Fork Bridge, carrying CR 36/1 over Laurel Fork of Camp Run in Clay County, West Virginia, as the "U.S. Army T/5 Roy Lee Shamblin Memorial Bridge."

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

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

A message from the Senate, by

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

**H. C. R. 60**, Fire Chief Lee Thomas Bridge.

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

On page one, in the first Whereas clause, line four, by striking out the words “Fire Chief”;

On page one, in the second Whereas clause, line six, by striking out the word “Chief”;

On page one, in the third Whereas clause, line eight, by striking out the word “Chief” and inserting in lieu thereof the word “SP4”;

On page one, in the Resolved clause, line fifteen, by striking out the words “Fire Chief” and inserting in lieu thereof the words “U.S. Army SP4”;

On page one, in the first Further Resolved clause, line seventeen, by striking out the words “Fire Chief” and inserting in lieu thereof the words “U.S. Army SP4”;

And,

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

**H. C. R. 60** – “Requesting the Division of Highways name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB bridges, carrying I-77 over Sandy Creek in Jackson County, the “U.S. Army SP4 Lee Thomas Memorial Bridge”.

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

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

A message from the Senate, by

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

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

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

On page two, in the Resolved clause, lines forty-two and forty-three, by striking out the words “Hajash Brothers Memorial Bridge” and inserting in lieu thereof “Hajash Brothers WWII Veterans Memorial Bridge”;

On page two, in the first Further Resolved clause, line forty-five, by striking out the words “Hajash Brothers Memorial Bridge” and inserting in lieu thereof the words “Hajash Brothers WWII Veterans Memorial Bridge”;

And,

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

**H. C. R. 89** – “Requesting the Division of Highways name Bridge Numbers 41-077/00-040.83 (NB & SB) (41A221, 41A228), (37.74329, -81.20788) locally known as I-77 OVER PINEY CR (NB & SB), carrying IS 77 over PINEY CREEK and CSX RR in Raleigh County, the “Hajash Brothers WWII Veterans Memorial Bridge”.

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

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate 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. 12** “Requesting the Division of Highways name a portion of road, beginning at Dingess Branch Road at Liberty High School in Beckley to the unincorporated sign in Naoma in Raleigh County, as the ‘Raymond Jarrell, Jr., Memorial Road’.”

Whereas, Raymond Jarrell, Jr., was born on February 15, 1959, to Raymond and Ruth Jarrell; and

Whereas, Raymond Jarrell, Jr., was raised by his grandparents, Carl and Sylvia Jarrell, in Raleigh County, West Virginia, and he attended Raleigh County schools; and

Whereas, Raymond Jarrell, Jr., later became an employee of Raleigh County schools as a bus driver for 28 years and also ran Jarrell Backwoods Towing for 38 years; and

Whereas, Raymond Jarrell, Jr., was a member of the Naoma Methodist Church, was a bookkeeper for the Liberty High School Raiders basketball team, and was known for philanthropic acts to benefit his community that he provided personally and through his business; and

Whereas, Raymond Jarrell, Jr., gained fame from an early age as an expert in marble games, achieving his first national championship in New Jersey in 1972 at the age of 13, for which he was recognized in the New York Times; and

Whereas, Raymond Jarrell, Jr., went on to play for the Marble King team sponsored by the famous Marble King company of Paden City, West Virginia, and eventually won the title of World Marble Champion five times in competitions held in Tinsley Green, England;

Whereas, Raymond Jarrell, Jr., passed away August 10, 2019, and was buried at Adkins Cemetery in his home community of Naoma, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate Raymond Jarrell, Jr., and his contributions to his community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of road, beginning at Dingess Branch Road at Liberty High School in Beckley to the unincorporated sign in Naoma in Raleigh County, as the "Raymond Jarrell, Jr., Memorial Road"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the portion of road as the "Raymond Jarrell, Jr., Memorial Road"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs reading "Home of Raymond Jarrell, Jr., Five-Time World Marble Champion" to be placed with the present signs identifying the unincorporated community of Naoma, Raleigh County, 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 Commissioner of the Division of Highways.

A message from the Senate, by

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

**Com. Sub. for S. C. R. 16** - "Requesting the Division of Highways name bridge numbers 40A180 and 40A181, locally known as Buffalo Interchange Bridges on U.S. Rt. 35 near Buffalo, Putnam County, the 'William Gregory 'Greg' White, P.E., Memorial Bridges'."

Whereas, William Gregory "Greg" White, P.E., was born February 21, 1959, in Charleston, West Virginia, the son of Maralu White Craven and William Clifford White. He graduated in 1977 from Parkersburg South High School and continued his education at West Virginia Tech, where he received a bachelor's degree in civil engineering; and

Whereas, William Gregory "Greg" White, P.E., loved his work as a licensed professional civil engineer and owned his own business, White Brothers Consulting, a partnership he shared with his brother Tim; and

Whereas, Some of the projects William Gregory "Greg" White, P.E., was involved in as a structural engineer for the design and detail of various bridges include, but are not limited to: The Wolfe Valley Girder Bridge in Mason County; the East Fork Beam Span Bridge in Mingo County; the Buzzard Creek Bridge in Putnam County; the Capehart Bridge in Mason County; the Central Station Bridge in Doddridge County; the Monongahela River Bridge and Approaches in Marion County; the I-40 Widening Project in North Little Rock, Arkansas; the Sam Houston Tollway Widening in Houston, Texas; the Witcher Creek Bridge in Kanawha County; the Virginia Hybrid Energy Center in Virginia City, Virginia; two of the West Virginia Turnpike bridges over U.S. Rt. 60 in Kanawha County; the Upper Sleith Fork Bridge in Braxton County; the South Branch Potomac Bridge in Hardy County; and the Gypsy Bridge in Harrison County; and

Whereas, William Gregory “Greg” White, P.E., was an avid supporter of local youth soccer leagues and the Ripley High School marching band. He was also an ordained deacon at Witcher Baptist Church in Belle, West Virginia, and a member of the West Ripley Baptist Church; and

Whereas, Sadly, William Gregory “Greg” White, P.E., passed away on Sunday, December 16, 2018; and

Whereas, The bridges being named in honor of William Gregory “Greg” White, P.E., were the last ones that he designed and stamped with his license before he passed away; and

Whereas, It is fitting that an enduring memorial be established to commemorate William Gregory “Greg” White, P.E., and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge numbers 40A180 and 40A181, locally known as Buffalo Interchange Bridges on U.S. Rt. 35 near Buffalo, Putnam County, the “William Gregory ‘Greg’ White, P.E., Memorial Bridges”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridges as the “William Gregory ‘Greg’ White, P.E., Memorial Bridges”; and, be it

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

A message from the Senate, by

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

**Com. Sub. for S. C. R. 18** - “Requesting the Division of Highways name bridge number 03-020/00-002.94 (03A058), (37.9898,-81.852), locally known as SIXMILE CK BR NO 2.94, carrying CR 20 over Sixmile Creek in Boone County, as the ‘U.S. Army SSGT Fred E. Duty Memorial Bridge’.”

Whereas, Fred E. Duty was born November 4, 1922, in Ramage, Boone County, West Virginia, the only son to Hugh and Mary Bell Duty. He had two sisters, Nancy and Joyce. Fred grew up in Boone County, where he also found the love of his life and married Doris Burton Duty. Fred E. Duty graduated from Scott High School in Boone County, West Virginia, and attended Morris Harvey College in Charleston, West Virginia; and

Whereas, SSGT Fred E. Duty was inducted into the U.S. Army on January 5, 1943, and received basic combat training, US Army 12-week ordinance school, and 41C20 fire control artillery repairman training. SSGT Fred E. Duty was a member of the HQ Co 1134th Engineers as a light truck driver for combat engineers and served in battles in Northern France, Ardennes, Rhineland, and Central Europe and was wounded in battle in Germany on March 27, 1945. He was awarded the Purple Heart, American Theater Service Ribbon, European Theater Service Ribbon, African Theater Service Ribbon, Middle Eastern Theater Service Ribbon, World War II Victory Medal, and Good Conduct Medal; and



Whereas, Except for SSGT Fred E. Duty's time serving his country in the military, he lived in Madison his entire life, attended vocational school, and became an electrician. This led to his employment as an electrician for 34 years in the coal mines of Armco Steel where he was a member of the United Mine Workers of America. SSGT Fred E. Duty was a loyal and faithful member of the Madison United Methodist Church where he served as a lay speaker, showing his faith, and leading by example. SSGT Fred E. Duty could regularly be seen quietly performing work for and supporting members of his community in various public service programs both organized and on his own merits. SSGT Fred E. Duty became a dedicated and long serving member of the Veterans of Foreign Wars Post 5578 in Madison, West Virginia. SSGT Fred E. Duty could always be seen serving his community with many activities of the VFW and performing the final rites to fallen comrades at their gravesides on a regular basis until he passed away on August 19, 2019, having served his fellow citizens for over 96 years; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSGT Fred E. Duty and his contributions to our state, country, community, and Boone County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 03-020/00-002.94 (03A058), (37.9898,-81.852), locally known as SIXMILE CK BR NO 2.94, carrying CR 20 over Sixmile Creek in Boone County, as the "U.S. Army SSGT Fred E. Duty Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army SSGT Fred E. Duty Memorial Bridge"; and, be it

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

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. 20** - "Requesting the Division of Highways name a portion of WV17, beginning at (38.05727) (-81.82520), and ending at (38.05264) (-81.83461), in Madison, Boone County, the 'U.S. Air Force LT COL Robert J. Hill Memorial Road'."

Whereas, Robert J. Hill was born September 24, 1936, son of the late Wallace Alvin Hill and Mattie Varney Hill. Robert grew up in Boone County, West Virginia in an area known as the North Fork of Big Creek; and

Whereas, Robert J. Hill graduated in 1953 from Scott High School. He attended Marshall University, and after two years, he received an emergency teacher certificate which allowed him to teach at a two-room public school at the North Fork of Big Creek; and

Whereas, Robert J. Hill had an Uncle Edsel Carl Varney who was a World War II Navy pilot [Pacific Theatre], then a local pilot, and who was a major influence in his life. Although his parents

wanted him to become a teacher, Robert J. Hill was enthralled with the idea and strongly desired to become a pilot from his awareness of his Uncle Varney's history; and

Whereas, On September 27, 1956, LT COL Robert J. Hill entered the United States Air Force and in 1958, he became a commissioned officer. LT COL Robert J. Hill's eyesight would prohibit him from becoming a pilot, so instead he became a navigator that would define his Air Force career; and

Whereas, In his over 22 years of Air Force service, LT COL Robert J. Hill would spend most that time in the Strategic Air Command [SAC], where he witnessed many new innovations. Trained in electronic warfare and electronic counter measures equipment, his initial assignment was a B-52; and

Whereas, In 1963, LT COL Robert J. Hill was assigned to a B-58, often used for reconnaissance using aerial photography which he had been trained to perform. On March 27, 1964, his aircraft was assigned to fly over the Alaskan earthquake area to photograph the damage. Those photographs were rapidly developed and provided to the Department of Defense and to President Lyndon B. Johnson. In September 1967, he received a call from President Johnson requesting another mission to photograph the damage of Hurricane Beulah; and

Whereas, From 1969-1970, LT COL Robert J. Hill was reassigned to become a Navigator qualified in the air refueling aircraft, the KC-135. In 1972, LT COL Robert J. Hill was assigned to Maxwell Air Force Base to participate in the Air Force's Command Staff College and concurrently entered Troy State University, where, in 1973, he earned a Bachelor of Science degree; and

Whereas, With his exemplary navigator skills, the Air Force was engaging with the linked electronic radar bombing site technology. From 1973-1974, LT COL Robert J. Hill completed the Skyport training and became an active Combat Controller in Ubon, Thailand in support of the Vietnam conflict. In late 1974, having exemplary electronic radar bombing site technology, LT COL Robert J. Hill would soon become the Operations Officer, and then Detachment Commander; and

Whereas, On October 31, 1978, LT COL Robert J. Hill retired from the United States Air Force with over 22 years of service. As a result of his service with the Strategic Air Command and other assignments involving secret missions, top secret equipment, and his high security clearance, LT COL Robert J. Hill's full history can never be told; and

Whereas, Many service awards bestowed upon LT COL Robert J. Hill were not allowed public view. However, many of his awards are known: December 15, 1958-January 10, 1963: Air Force Commendation Medal; March 28-29, 1964: The Air Medal [Alaska Earthquake]; January 25, 1963-November 15, 1969: Air Force Commendation Medal; First Oak Leaf Cluster [meritorious service]; March 15, 1971-July 7, 1972: The Air Medal; First Oak Leaf Cluster; January 30, 1977-October 31, 1978: Air Force Commendation Medal; Second Oak Leaf Cluster [meritorious service]; the Vietnam Service, and the Armed Services Expeditionary Medals; and

Whereas, In 1958, LT COL Robert J. Hill married his sweetheart, Mary Frances Craddock, and they have two children, Susan Hill Keller and Steven A. Hill; and

Whereas, Following retirement in 1978, LT COL Robert J. Hill remained in Bismarck, North Dakota until 1989 when he and his family returned to Boone County; and

Whereas, LT COL Robert J. Hill was a member of two Madison-based Boone County veterans organizations: the American Legion, Post 87 and the VFW, Post 5578; and

Whereas, LT COL Robert J. Hill died on November 13, 2020, at his home in Jeffrey; he was preceded in death by his wife, Mary Frances Craddock Hill. He is survived by his daughter, Susan Keller (Terry) of Grayson, KY; son, Steven A. Hill of Ramage, two grandchildren, three great-grandchildren, and sister, Linda Marcum; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Air Force LT COL Robert J. Hill and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of WV17, beginning at (38.05727) (-81.82520), and ending at (38.05264) (-81.83461), in Madison, Boone County, the "U.S. Air Force LT COL Robert J. Hill Memorial Road"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U.S. Air Force LT COL Robert J. Hill Memorial Road"; and, be it

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

A message from the Senate, by

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

**Com. Sub. for S. C. R. 24** - "Requesting the Division of Highways name a portion of Route 85, beginning at the southern end of Dunlap Brothers Road at Uneeda and ending one-mile south near Quinland in Boone County, as the 'U.S. Marine Corps CPL Roger Lee Boothe Memorial Road'."

Whereas, Roger Lee Boothe was born in Logan County on August 20, 1947, and moved to Uneeda in Boone County at the age of three and was raised there; and

Whereas, CPL Roger Lee Boothe graduated from Scott High School and, at age 18, he entered the Marine Corps; and

Whereas, While at Quang Tri, Vietnam, with only eight days left until his deployment home, the bunker to which CPL Roger Lee Boothe was assigned was shelled, leaving him paralyzed from the waist down; and

Whereas, When CPL Roger Lee Boothe returned home, he enrolled at the West Virginia Rehab Center, studied accounting, and played on their wheelchair basketball team; and

Whereas, CPL Roger Lee Boothe went on to earn a chemistry degree from West Virginia State University and then successfully completed the pharmacy program at West Virginia University; and

Whereas, CPL Roger Lee Boothe returned to Uneeda to help his mother who was ill. He opened a pharmacy there in 1976 to help his community; and

Whereas, CPL Roger Lee Boothe was always a guiding light for his community who never turned down the opportunity to help someone in need, whether it was loaning money for food, medicine, or just being there to listen when someone was going through a difficult time; and

Whereas, CPL Roger Lee Boothe always had an interest in sports. He played basketball and baseball as a left-handed pitcher in high school; and

Whereas, Later, CPL Roger Lee Boothe played wheelchair basketball, participated in the Charleston Distance Run, and supported athletic teams in Madison County and the surrounding areas; and

Whereas, CPL Roger Lee Boothe also became interested in flying, learned to fly ultralight planes, and even built his own airplane and customized it with hand controls; and

Whereas, CPL Roger Lee Boothe has selflessly helped several students get their college degrees and much more; and

Whereas, CPL Roger Lee Boothe was a very humble, private person. He did not speak of his many outreach and assistance efforts on his own, and this information was gathered by family and friends who love and appreciate him; and

Whereas, Sadly, on Sunday, August 11, 2019, CPL Roger Lee Boothe passed away. He was preceded in death by his parents, Bill and Mary (Green) Boothe; his brother, Ralph; his sister, RoseMary (Boothe) McCray; and nephew, Bill Church; and

Whereas, CPL Roger Lee Boothe is survived by his companion and love of his life of 25 years, Nada Baldwin; his brother, Dale Boothe; sister, Rita Boothe Church; nieces, Wendy Miller, London Gibson, and Dee-Dee Seagraves; nephews, Tom, Jim, and Joe Boothe; a special friend, Brock Loftis; a special granddaughter, Brittany Baldwin; and a 12-year-old granddaughter, Azriella Baldwin; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Roger Lee Boothe and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion Route 85, beginning at the southern end of Dunlap Brothers Road at Uneeda and ending one-mile south near Quinland in Boone County, the "U.S. Marine Corps CPL Roger Lee Boothe Memorial Road"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U.S. Marine Corps CPL Roger Lee Boothe Memorial Road"; and, be it

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

A message from the Senate, by

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

**Com. Sub. for S. C. R. 30** - "Requesting the Division of Highways name bridge number 13-017/02-000.34 (13A250), (37.94358, -80.47152), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the 'McClintic Family Veterans Memorial Bridge'."

Whereas, Five of the McClintic family served in the United States Army overseas from 1957-1979; and

Whereas, Levi McDonald McClintic was born in 1934 and attended Potomac State and West Virginia University, earning a Bachelor of Science degree in Agriculture. He joined the United States Army in 1957 and was stationed in Fort Benning, Georgia and Bamberg, Germany. He returned to Greenbrier County and was employed as a meat inspector from 1966-1992. He and his wife Ramona Hanna have five children, eight grandchildren, and six great-grandchildren. His grandson, Christopher Wiseman, served 12 years in the United States Navy. Levi and Ramona McClintic operate the McClintic farm today; and

Whereas, Patrick Wallace McClintic was born in 1935 and attended Potomac State and West Virginia University, earning a degree in Agriculture. He joined the United States Army in 1958 and retired in 1985. Patrick "Pat" Wallace McClintic rose to the rank of Colonel and completed assignments in Fort Dix, New Jersey, Korea, Germany, Fort Leavenworth, Kansas, Virginia, Florida, Pennsylvania, and the Pentagon in Washington, D.C. Colonel Patrick "Pat" Wallace McClintic also served two tours in Vietnam. He later served as a professor of Military Science at West Virginia University. Colonel McClintic, who died in 1995, was a recipient of the Bronze Star, and is buried at the Arlington National Cemetery in Washington, D.C. He and his wife Bobbie Ann Cole have two children and three grandchildren; and

Whereas, James Alan McClintic was born in 1937 and joined the United States Army in 1961 after graduating from Potomac State and West Virginia University, earning a degree in Physical Education. He was stationed in Fort Benning, Georgia and Fort Sill, Oklahoma for two years. He returned to Greenbrier County and taught until his retirement from Renick Junior High School/Greenbrier County public schools in 1989. James "Alan" McClintic and Frances Spencer divorced but have four children and 11 grandchildren. Son, Kevin McClintic, retired from the United States Army, and grandson Trevor Weikle has 12 years' service in the United States Army and continues today to serve in the United States Army Reserves. James "Alan" McClintic and his wife, Dora Whitt, have two children and four grandchildren, and continue to live on and operate part of the McClintic farm; and

Whereas, Wayne Leonard McClintic was born in 1943 and was a ROTC Army cadet at West Virginia University. Upon completing a master's degree in Agricultural Engineering in 1967, Wayne joined the United States Army and was stationed at Fort Belvoir, Virginia, Saudi Arabia, and Fort Leonard Wood, Missouri as Second Lieutenant of the Corps of Engineers. Wayne and his wife, Thomasine Michael, have four children and eight grandchildren; and

Whereas, Bedford Rader McClintic was born in 1946 and was a ROTC Army cadet at West Virginia University. He graduated with degrees in Physical Education in 1968, and from the University of Kentucky in 1969. He entered the United States Army and served assignments in Indiana, Georgia, and overseas in Germany and Vietnam. He continued to serve in the United

States Army Reserves until 1979. He served as principal of Frankford School, his alma mater, from 1978-2017, when he retired from the Greenbrier County public school system. He and his wife, Patricia Dodson, have two children and three grandchildren. His daughter, Debbie, and her husband Jason were married on the bridge in 2009. Bedford Rader McClintic and Patricia Dodson have a “camp” along the creek that borders the old Boy Scout camp, part of the original McClintic homestead; and

Whereas, It is fitting that an enduring memorial be established to commemorate the military service of the McClintic family and contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 13-017/02-000.34 (13A250), (37.94358, -80.47152), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the “McClintic Family Veterans Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “McClintic Family Veterans Memorial Bridge”; and, be it

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

A message from the Senate, by

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

**Com. Sub. for S. C. R. 33** - “Requesting the Division of Highways name bridge number 20-077/00-089.68 (20A625), (38.24249,-81.56771), locally known as MARMET BR, carrying I-77 over 98th Street in Marmet in Kanawha County, the ‘U. S. Army SGT Lewis M. ‘Mike’ Totten Memorial Bridge’.”

Whereas, Lewis Malcolm “Mike” Totten was born on August 25, 1949, the son of the late Charlotte and Roy Totten; and

Whereas, Lewis M. “Mike” Totten, a native of Marmet, was a graduate of East Bank High School and earned a Bachelor of Arts in Social Studies Education from the University of Charleston, taking courses at night over a ten-year period while working full time at E.I. DuPont in Belle; and

Whereas, SGT Lewis M. “Mike” Totten served in the U.S. Army from 1969 to 1971, rising to the rank of E5 Sergeant. SGT Lewis M. “Mike” Totten served in combat in Vietnam from March 1970 to March 1971, as part of the “air cavalry,” 2nd Battalion, 7th Cavalry Regiment, until wounded in combat, for which he has reportedly received the Purple Heart. He then served in the corps-level U.S. Army Republic of Vietnam (USARV) and was part of the intelligence-counterintelligence Phoenix Program; and

Whereas, After returning home from military service, SGT Lewis M. “Mike” Totten was a bridge inspector for the State of West Virginia; and

Whereas, SGT Lewis M. “Mike” Totten was also a certified public school teacher, master electrician, pipefitter, and boilermaker; and

Whereas, Collaborating with former Senator Tod Kaufman, SGT Lewis M. “Mike” Totten advocated for the successful Senate resolution that led to the creation of what later became the West Virginia Veterans Memorial at the State Capitol Complex. Both met with and secured the support of Governor Arch Moore, Jr. on the issue of a state Vietnam Veterans Memorial, which later became an all-wars memorial. He later helped secure one of the largest corporate donations to the state’s Veterans Memorial Commission; and

Whereas, SGT Lewis M. “Mike” Totten participated in E. I. DuPont’s volunteer team for “Project Teach,” a semester-long effort to cover instruction in public school classrooms while regular teachers received first-generation computer training at a time when technology first entered the classroom. SGT Lewis M. “Mike” Totten designed the instructional program for E. I. DuPont’s volunteer team, training and coaching the company’s contributors; and

Whereas, While at E. I. DuPont and working in coordination with the Belle Works’ Human Resources Department, SGT Lewis M. “Mike” Totten provided counseling to veterans with PTSD. He also trained employees on the first substance-abuse and smoking policy program in the global DuPont system; and

Whereas, SGT Lewis M. “Mike” Totten retired from E.I. DuPont in Belle as an electrical-instrument mechanic after 39 years of service. He developed multiple safety devices for the chemical industry and received multiple safety awards; and

Whereas, At the time of his death, SGT Lewis M. “Mike” Totten was president of the Marmet Hospital Foundation, having served on its board for several decades. His final project with the foundation created the first ADA wheelchair-accessible playground in the West Virginia State Parks system, in Kanawha State Forest; and

Whereas, SGT Lewis M. “Mike” Totten was also a former president of the Charleston Chapter of the Vietnam Veterans of America, a member of the American Legion, and taught map-reading classes for local Boy Scout troops in the Kanawha Valley; and

Whereas, SGT Lewis M. “Mike” Totten, 71, of Belle, died unexpectedly on November 16, 2020, at the Cleveland Clinic, suffering cardiac arrest after contracting COVID-19 following a long-awaited kidney transplant. He is survived by his wife, Mary Martha Totten and his son, Mark Leslie Totten. Also surviving are his sister, Debbie; brother, George Totten; sister, Marie Leavens Dawson, as well as many other extended family members; and

Whereas, It is fitting that an enduring memorial be established to commemorate SGT Lewis M. “Mike” Totten and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-077/00-089.68 (20A625), (38.24249,-81.56771), locally known as MARMET BR, carrying I-77 over 98th Street in Marmet in Kanawha County, the “U. S. Army SGT Lewis M. ‘Mike’ Totten Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the “U. S. Army SGT Lewis M. “Mike” Totten Memorial Bridge”; and, be it

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

A message from the Senate, by

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

**Com. Sub. for S. C. R. 39** - “Requesting the Division of Highways to name bridge number 20-079/00-019.22 (NB and SB) (20A514-20A515), locally known as I-79 CLENDENIN I/C NB, carrying I-79 over CR 53 in Kanawha County, the ‘Walker Brothers Veterans Memorial Bridge’.”

Whereas, All five of the Walker men volunteered for military service during the Vietnam War with three experiencing injuries while on active duty; and

Whereas, Albert J.L. Walker served as a civil engineer in the U.S. Air Force at the Eielson Air Force Base in Alaska when the Great Alaskan Earthquake struck in 1964. He was active in rescue efforts and recovery of the dead following the strongest earthquake in North American history; and

Whereas, Allie Melton Walker served in the U.S. Air Force at the Kaden Air Force Base, Okinawa, Japan, as an aircraft mechanic. He deployed to Vietnam for three months at a time as the crew chief on the C130 aircraft delivering cargo and picking up the wounded and the dead. He earned a Good Conduct Medal (AFGCM w/1BR OLC), Special Ops, and marksmanship; and

Whereas, Ray Milton Walker served in the U.S. Army at the Dong Tam Base Camp where he was a part of the ground recon team for the 1st Aviation Brigade. He was awarded the Combat Infantryman Badge (CIB), Bronze Star, National Defense Service Medal with two bronze stars, and Marksman Badge with Rifle Bar; and

Whereas, Roger Bill Walker served in the U.S. Air Force at Udorn Airbase, Thailand, as a radar operator and air traffic controller assisting with the bombing of North Vietnam. He received the National Defense Service Medal, Vietnam Service Medal, Air Force Good Conduct, and Special Ops; and

Whereas, David Allen Walker joined the WV Army National Guard while he was still a senior in high school, serving as a Green Beret with the 19th S.F. Group Airborne as a combat engineer. He was injured during paratrooper trainer when his plane caught on fire and forced him to jump onto the tarmac wearing full combat gear. He continued to serve in supply and transport. David Allen Walker also served the State of West Virginia as a WV Delegate from the 33rd District from 2009 to 2015; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Walker brothers and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*



That the Division of Highways is hereby requested to name bridge number 20-079/00-019.22 (NB and SB) (20A514-20A515), locally known as I-79 CLENDENIN I/C NB, carrying I-79 over CR 53 in Kanawha County, the "Walker Brothers Veterans Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Walker Brothers Veterans Memorial Bridge"; and, be it

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

A message from the Senate, by

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

**Com. Sub. for S. C. R. 40** - "Requesting the Division of Highways name bridge number 17-034/00-000.01 (17A296), (39.23653, -80.39654), locally known as Laurel Park Truss, carrying CR 34 over West Fork River in Harrison County, the 'Frye Brothers Veterans Memorial Bridge'."

Whereas, Three of the four Frye brothers served in World War II, with one brother killed in action; and

Whereas, The Frye brothers' father was killed in a coal mining accident, forcing their mother to send them to group homes until she found a job and was able to support her four boys and two girls who were all under the age of 12; and

Whereas, The oldest Frye brother, Thomas, was not allowed to enlist because he worked in the defense industry and would have been his widowed mother's sole source of support if his younger brothers were killed; and

Whereas, Kermit C. Frye was drafted in 1940 and served as a Navy Seaman Second Class; and

Whereas, Kermit C. Frye was killed in action with his body "lost at sea" after the East Indian motor merchant ship was torpedoed and sunk off the Coast of South Africa on November 3, 1942; and

Whereas, Kermit C. Frye was awarded a posthumous Purple Heart and memorialized with a cross at the North Africa American Cemetery in Carthage, Tunisia; and

Whereas, Richard G. Frye was drafted in 1942 and served as Army Private First Class, fighting in both Africa and Germany combat campaigns; and

Whereas, Harold Q. Frye, known as "Red", due to the color of his hair, was drafted in 1942 and served as a Private First Class cannoner in the 119th Field Artillery Division of the 9th Army; and

Whereas, Harold Q. Frye, jumped into the icy waters off Normandy, surrounded by the bodies of dead comrades, making it safely to shore despite carrying a 90-pound pack and having a severe asthma attack, while fellow soldier Dale Crim shouted, "Swim Frye! Swim Dammit". Dale Crim later told Frye's daughter that the experience was so haunting many soldiers never talked

about it, but he wanted her to know the bravery of her father and how they encouraged each other to survive; and

Whereas, Harold Q. Frye, operated a “Long Tom” gun during the Battle of the Bulge with a commendation from the XIX Corps Artillery headquarters for helping to protect aircraft, armor, and infantry as they made their rapid run through Germany in pursuit of enemy troops; and

Whereas, Harold Q. Frye received an additional commendation from Lieutenant General W. H. Simpson for taking part in the six-week bloody battle. Approximately 19,000 American troops were killed before the crushing defeat of the German Army was completed; and

Whereas, Harold Q. Frye returned to Clarksburg after the war and served as a nursing assistant at the Veterans Hospital for more than 20 years. He was recognized for saving the life of a patient who became choked on a piece of meat; and

Whereas, it is fitting that an enduring memorial be established to commemorate the Frye brothers for the contributions of Thomas Frye, Kermit C. Frye, Richard G. Frye, and Harold Q. Frye to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name Bridge Number 17-034/00-000.01 (17A296), (39.23653, -80.39654), locally known as Laurel Park Truss, carrying CR 34 over West Fork River in Harrison County, the “Frye Brothers Veterans Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Frye Brothers Veterans Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways and to forward four copies of the resolution to family members.

A message from the Senate, by

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

**Com. Sub. for S. C. R. 42** - “Requesting the Division of Highways name bridge number 17A361 (17-025/99-000.34), locally known as Camden Street Bridge, over the West Fork River in Harrison County, the ‘U.S.M.C. SSGT Herbert ‘Herbie’ D. Barnes Memorial Bridge’.”

Whereas, Herbert “Herbie” D. Barnes was born May 15, 1927, to alcoholic parents and raised in extreme poverty in West Virginia. He enlisted in the U.S. Marine Corps at age 19, writing in his journal that the Marine Corps became his family and his home for two decades where he “slept in warm barracks, had three warm meals a day, had nice clothes, shoes, and a hot shower every day”; and

Whereas, SSGT Herbert “Herbie” D. Barnes left training in Quantico, Virginia, to board the troop ship USS President Adams headed for Trinidad in 1947 when the ship was caught in a typhoon that nearly capsized the vessel, causing him to remember that “I was scared to death that the ship was going to sink”; and

Whereas, SSGT Herbert “Herbie” D. Barnes helped guard the amphibious base in Trinidad where he watched PBV seaplanes land and take off on the water as part of their mission to hunt enemy submarines. He took his next ocean voyage, headed to South Korea, where he fought on the beaches in and around Incheon Harbor. SSGT Herbert “Herbie” D. Barnes and his unit fought their way to Korea’s capital of Seoul where they were targeted by snipers during a 10-day battle; and

Whereas, SSGT Herbert “Herbie” D. Barnes and his fellow Marines dug in for an extremely bloody battle with Red Chinese soldiers in temperatures that dropped as low as 35 degrees below zero. They used sandbags and frozen bodies since it was too cold to dig foxholes for which he and his fellow troops were dubbed the “Frozen Chosen”; and

Whereas, SSGT Herbert “Herbie” D. Barnes served as a drill instructor during the Vietnam War, a time he rarely discussed with his family. His son remembers his father somberly describing it as the spookiest place he had ever been. SSGT Herbert “Herbie” D. Barnes retired after 20 years in the U.S. Marine Corps earning a WW II Victory Medal, Good Conduct Medal with three stars, Presidential Unit Citation with one-star, Korean Service Medal with three stars, and National Defense Service Medal with one star; and

Whereas, SSGT Herbert “Herbie” D. Barnes was a member of the VFW, Post 573, and past commander of the Elks and Moose. He died on October 29, 2017, at age 90; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSGT Herbert “Herbie” D. Barnes and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17A361 (17-025/99-000.34), locally known as Camden Street Bridge, over the West Fork River in Harrison County, the “U.S.M.C. SSGT Herbert ‘Herbie’ D. Barnes Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S.M.C SSGT Herbert ‘Herbie’ D. Barnes Memorial Bridge”; and, be it

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

A message from the Senate, by

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

**Com. Sub. for S. C. R. 50** - “Requesting the Division of Highways name bridge number 13-060/29-000.01 (13A271), (37.99398, -80.74791), locally known as Reese Bridge, carrying County Route 60/29 over Meadow River in Greenbrier County, the ‘U. S. Army T/5 John William (J.W.) Cruse Jr. Memorial Bridge’.”

Whereas, John William (J.W.) Cruse Jr. was born on March 30, 1924, in Oak Hill, West Virginia to John William and Anna Cruse; and

Whereas, Technician Fifth Grade (T/5) John William (J.W.) Cruse Jr. served in the US Army during World War II from July 13th, 1944, to December 18, 1945, when he was honorably discharged. During his service, he was a T/5 under George Patton with the 2nd Armored Division nicknamed "Hell on Wheels". While T/5 John William (J.W.) Cruse Jr. was serving, he had four brothers also deployed for active duty during WWII; and

Whereas, T/5 John William (J.W.) Cruse Jr. received a Purple Heart after being wounded in action on the Rhine River. He was also awarded the Bronze Star; and

Whereas, In a picture taken during his service, T/5 John William (J.W.) Cruse Jr. is seen cracking a smile after learning that Germany had surrendered and the war was over; in that moment, he and his unit were 10 miles outside of Berlin; and

Whereas, T/5 John William (J.W.) Cruse Jr. married Margaret Dollie Gipson Cruse in 1951, and they had four children; and

Whereas, T/5 John William (J.W.) Cruse Jr. raised his family in McRoss, which is just across the bridge proposed to be named in his honor herein; and

Whereas, According to his children, T/5 John William (J.W.) Cruse Jr. was a family man who valued Christianity and education, and he was often a quiet man unless he had an opinion, in which case he would let you know what he thought; and

Whereas, T/5 John William (J.W.) Cruse Jr. passed away on June 5, 2003. He was survived by his wife, Margaret Dolly Cruse, and his children, Rev. Bill Cruse, Judy Cruse Dean, Don Cruse, and John Melvin Cruse (d.2004); and

Whereas, It is fitting that an enduring memorial be established to commemorate T/5 John William (J.W.) Cruse Jr. and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 13-060/29-000.01 (13A271), (37.99398, -80.74791), locally known as Reese Bridge, carrying County Route 60/29 over Meadow River in Greenbrier County, the "U. S. Army T/5 John William (J.W.) Cruse Jr. Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army T/5 John William (J.W.) Cruse Jr. Memorial Bridge"; and, be it

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

### **Special Calendar**

### **Second Reading**

**Com. Sub. for S. B. 468**, Creating Unborn Child with Down Syndrome Protection and Education Act; on second reading, coming up in regular order, was read a second time.

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

**Com. Sub. for S. B. 533**, Relating to funding for health sciences and medical schools in state; on second reading, coming up in regular order, was read a second time.

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

**Com. Sub. for S. B. 536**, Relating generally to controlled substance criminal offenses; on second reading, coming up in regular order, was read a second time.

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

**S. B. 548**, Authorizing Workforce WV employers to obtain employment classifications and work locations; on second reading, coming up in regular order, was read a second time.

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

**Com. Sub. for S. B. 552**, Relating to tax sale process; on second reading, coming up in regular order, was read a second time.

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

**Com. Sub. for S. B. 568**, Relating to health insurance loss ratio information; on second reading, coming up in regular order, was read a second time.

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

**Com. Sub. for S. B. 573**, Providing system where magistrates shall preside in certain instances outside normal court hours; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 582**), 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: Cooper and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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. 583**), and there were—yeas 89, nays 9, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Boggs, Brown, D. Kelly, Miller, Nestor, Pethtel, Pushkin, B. Ward and Zukoff.

Absent and Not Voting: Cooper and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 573) passed.

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

**Com. Sub. for S. B. 582**, Creating WV Workforce Resiliency Act; on second reading, coming up in regular order, was read a second time.

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

**Com. Sub. for S. B. 588**, Relating to WV Rails to Trails Program; on second reading, coming up in regular order, was read a second time.

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

**Com. Sub. for S. B. 590**, Clarifying that tenancy includes persons who reside in sober living home; on second reading, coming up in regular order, was read a second time.

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

**Com. Sub. for S. B. 606**, Relating to WV Medical Practice Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 584**), 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: Cooper and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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. 585**), 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: Cooper and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 606) passed.

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

**Com. Sub. for S. B. 609**, Allowing DOH Commissioner to accept ownership of rented and leased equipment; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

The bill was then read a third time.

On this question, the yeas and nays were taken (**Roll No. 586**), 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: Cooper, Longanacre and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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. 587**), 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: Cooper and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 609) passed.

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

**Com. Sub. for S. B. 610**, Relating to duties, powers and responsibilities of DOT Secretary; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 611**, Removing cap on bidder's contract bond; on second reading, coming up in regular order, was read a second time.

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

**S. B. 617**, Relating to qualifications for members of boards, commissions, and other entities; on second reading, coming up in regular order, was read a second time.

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

**Com. Sub. for S. B. 647**, Prohibiting discrimination in organ donation process; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 588**), 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: Cooper and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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. 589**), 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: Cooper and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 647) passed.

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

**Com. Sub. for S. B. 653**, Relating to public higher education governance; on second reading, coming up in regular order, was read a second time.

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

**Com. Sub. for S. B. 656**, Providing tax credit for certain corporations with child-care facilities for employees; on second reading, coming up in regular order, was read a second time.



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

**Com. Sub. for S. B. 662**, Relating to creation, expansion, and authority of resort area district; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 590**), 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: Cooper and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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. 591**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Hanna, Keaton, Kimes, Miller, Pack, Pinson and Young.

Absent and Not Voting: Cooper and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 662) passed.

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

**S. B. 685**, Relating to WV Real Estate License Act; on second reading, coming up in regular order, was read a second time.

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

**S. B. 686**, Clarifying use of notes and bonds of WV Housing Development Fund; on second reading, coming up in regular order, was read a second time.

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

**S. B. 693**, Clarifying meeting voting requirements for political party executive committees; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 711**, Establishing alternative educational opportunities for elective course credit; on second reading, coming up in regular order, was read a second time.

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

**S. B. 714**, Relating to tie votes by Coal Mine Safety and Technical Review Committee; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 592**), 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: Capito, Cooper and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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. 593**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Foster, Graves, Kimes, Maynard, Pack and Steele.

Absent and Not Voting: Cooper and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 714) passed.

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

On this question, the yeas and nays were taken (**Roll No. 594**), 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: Burkhammer, Foster and Steele.

Absent and Not Voting: Cooper and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 714) 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. 726**, Relating to pre-trial diversion agreements and deferred prosecution agreements; on second reading, coming up in regular order, was read a second time.

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

### **Messages from the Senate**

A message from the Senate, by  
The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

**Com. Sub. for S. B. 250**, Budget Bill.

This message was received but not acted upon and will be on Unfinished Business on tomorrow.

### **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:

- Delegate Zatezalo regarding Com. Sub. for S. B. 262
- Delegates Gearheart and Pack regarding S. B. 1
- Delegates Crouse and Steele regarding the amendment offered by Delegate Evans to Com. Sub. for S. B. 268 on yesterday
- Delegates Hornbuckle, Lovejoy, Storch and Walker regarding Com. Sub. for S. B. 498

Delegate Espinosa noted to the Clerk that he was absent when the votes were taken on Roll Nos. 317 through 377, and had he been present, he would have voted "Yea" thereon, except for Roll Nos. 320, 349, 358 and 364, on which he would have voted "Nay".

Delegate Howell noted to the Clerk that he was absent when the vote was taken on the passage of S. B. 1, and had he been present, he would have voted "Yea" thereon.

At 9:40 p.m., the House of Delegates adjourned until 10:00 a.m., Saturday, March 12, 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 12, 2022**

**60<sup>th</sup> Day**

**10:00 A. M.**

**UNFINISHED BUSINESS**

**ACTION ON SENATE MESSAGE**

Com. Sub. for S. B. 250 - Budget Bill

**UNFINISHED BUSINESS**

**[Continued]**

S. C. R. 4 - US Army SP4 Warner Ray Osborne Memorial Bridge

S. C. R. 10 - US Air Force TSGT Franklin A. Bradford Bridge

S. C. R. 14 - US Army SSGT Elson M Kuhn Memorial Bridge

S. C. R. 19 - US Army PVT Thomas D. Beckett, Sr., Memorial Bridge

S. C. R. 22 - US Army PFC Clifford O. Eckard Memorial Bridge

S. C. R. 26 - US Army TEC5 William "Bill" Thurman King Memorial Bridge

S. C. R. 36 - USMC CPL Harry Edward Dean, Jr., Memorial Bridge

S. C. R. 48 - US Army PFC Ronald Lee Berry Memorial Bridge

S. C. R. 49 - Establishing Honor Guard in each National Guard unit

S. C. R. 55 - Respectfully urging current presidential administration to open federal lease sales onshore and offshore

H. C. R. 101 - Urging Congress to pass "Share the Savings" legislation

H. R. 7 - Urging the United States Congress to increase sustainable forest harvesting on public lands in the state of West Virginia and more specifically, the Monongahela National Forest

H. R. 19 - A resolution urging Congress and the President to pass federal legislation to speed up the environmental permitting process on new wells and mines

### THIRD READING

- Com. Sub. for S. B. 231 - Relating generally to broadband connectivity (CAPITO) (REGULAR) [RIGHT TO AMEND]
- Com. Sub. for S. B. 441 - Providing confidentiality of video and other records of correctional juvenile facilities (CAPITO) (REGULAR)
- Com. Sub. for S. B. 468 - Creating Unborn Child with Down Syndrome Protection and Education Act (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- Com. Sub. for S. B. 533 - Relating to funding for health sciences and medical schools in state (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- Com. Sub. for S. B. 536 - Relating generally to controlled substance criminal offenses (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- S. B. 548 - Authorizing Workforce WV employers to obtain employment classifications and work locations (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- Com. Sub. for S. B. 552 - Relating to tax sale process (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- Com. Sub. for S. B. 568 - Relating to health insurance loss ratio information (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- Com. Sub. for S. B. 582 - Creating WV Workforce Resiliency Act (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- Com. Sub. for S. B. 588 - Relating to WV Rails to Trails Program (STEELE) (REGULAR) [RIGHT TO AMEND]
- Com. Sub. for S. B. 590 - Clarifying that tenancy includes persons who reside in sober living home (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- Com. Sub. for S. B. 610 - Relating to duties, powers and responsibilities of DOT Secretary (CAPITO) (REGULAR)
- Com. Sub. for S. B. 611 - Removing cap on bidder's contract bond (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- S. B. 617 - Relating to qualifications for members of boards, commissions, and other entities (STEELE) (REGULAR) [RIGHT TO AMEND]

- Com. Sub. for S. B. 653 - Relating to public higher education governance (ELLINGTON) (EFFECTIVE FROM PASSAGE) [EDUCATION COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- Com. Sub. for S. B. 656 - Providing tax credit for certain corporations with child-care facilities for employees (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- S. B. 685 - Relating to WV Real Estate License Act (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- S. B. 686 - Clarifying use of notes and bonds of WV Housing Development Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) [FINANCE COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- S. B. 693 - Clarifying meeting voting requirements for political party executive committees (CAPITO) (REGULAR)
- S. B. 711 - Establishing alternative educational opportunities for elective course credit (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]
- S. B. 726 - Relating to pre-trial diversion agreements and deferred prosecution agreements (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING] [RIGHT TO AMEND]

## HOUSE CALENDAR

Saturday, March 12, 2022

60<sup>th</sup> 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 S. B. 2 - Relating to unemployment benefits program (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 138 - Relating to Board of Medicine composition (STEELE) (REGULAR)
- Com. Sub. for S. B. 247 - Relating to certified community behavioral health clinics (HOUSEHOLDER) (REGULAR)
- 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. 7 - Relating to damages for medical monitoring (CAPITO) (REGULAR)
- Com. Sub. for S. B. 71 - Prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, or other legal requirements (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 550 - Relating to funding for higher education institutions (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 574 - Relating to WV PEIA (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 659 - Relating to nonintoxicating beer, wine, and liquor licenses and requirements (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 668 - Clarifying eligibility for probation and parole conditions for sex offenses (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2092 - Requiring each high school student to complete a full credit course of study in personal finance (STEELE) (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**

- S. B. 728 - Requiring registered sex offenders pay annual fee (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- 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 12, 2022**

---

**HOUSE CONVENES AT 10:00 A.M.**

---

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

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