

JOURNAL
OF THE
HOUSE OF DELEGATES
EIGHTY-FIFTH
LEGISLATURE
OF
WEST VIRGINIA



VOLUME I
REGULAR SESSION, 2021

WEST VIRGINIA HOUSE OF DELEGATES
HONORABLE ROGER HANSHAW
SPEAKER OF THE HOUSE

COMPILED AND PUBLISHED
UNDER THE DIRECTION
OF

STEPHEN J. HARRISON
CLERK OF THE HOUSE



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MEMBERS OF THE HOUSE

REGULAR SESSION, 2021

OFFICERS

Speaker: Roger Hanshaw - Wallback
Clerk: Stephen J. Harrison - Cedar Grove
Sergeant-at-Arms: Marshall Clay - Fayetteville
Doorkeeper: Robert W. Stewart - Cross Lanes

Name	District	City	Occupation	Term
Anderson, Bill (R)	8th	Williamstown	Educator	71st - 85th
Barach, Jim (D)	36th	Charleston	Retired TV Meteorologist	85th
Barnhart, Trenton (R)	7th	St. Marys	Community Banker	Appt. 9/17/2019, 84th; 85th
¹ Barrett, Jason (R)	61st	Martinsburg	Restaurant owner	81st; 83rd - 85th
² Bates, Mick (R)	30th	Beckley	Physical therapist Small Business Owner	82nd - 85th
Boggs, Brent (D)	34th	Gassaway	Railroad Engineer	73rd - 85th
³ Booth, Josh (R)	19th	Ceredo	Officer Highway Safety Inc.	Appt. 1/27/2021, 85th
Bridges Jordan (R)	24th	Logan	Coal Miner	85th
Brown, Nathan (D)	20th	Williamson	Attorney	84th - 85th
Bruce, Barry L. (R)	42nd	Lewisburg		85th
Burkhammer, Adam (R)	46th	Horner	Business Owner	85th
Capito, Moore (R)	35th	Charleston	Attorney	83rd - 85th
Clark, Wayne (R)	65th	Charles Town	Business Owner	85th
Conley, Roger (R)	10th	Vienna	Business Owner	85th
Cooper, Roy (R)	28th	Wayside	Retired U. S. Navy	81st - 85th
Criss, Vernon (R)	10th	Parkersburg	Executive	69th; 83rd - 85th
Dean, Mark (R)	21st	Verner	Principal	83rd - 85th
Diserio, Phillip W. (D)	2nd	Follansbee	Retired Electrician	81st; 83rd - 85th
Doyle, John (D)	67th	Shepherdstown		66th; 71st - 80th; 84th - 85 th
Ellington, Joe (R)	27th	Princeton	Physician	80th - 85th
Espinosa, Paul (R)	66th	Charles Town	Public Affairs Manager	81st - 85th
Evans, Ed (D)	26th	Welch	Retired Science Teacher	83rd - 85th
Fast, Tom (R)	32nd	Fayetteville	Attorney	82nd - 85th
Ferrell, Dana (R)	39th	Sissonville	Business Owner	85th
Fleischauer, Barbara Evans (D)	51st	Morgantown	Attorney Small Business Owner	72nd - 76th; 78th - 85th
Fluharty, Shawn (D)	3rd	Wheeling	Attorney	82nd - 85th
Forsht, Don (R)	60th	Gerrardstown	Construction and Property Management	85th
Foster, Geoff (R)	15th	Winfield	Construction Supply	82nd - 85 th
Garcia, Joey (D)	50th	Fairmont	Attorney	85th
Gearheart, Marty (R)	27th	Bluefield	Businessman	80th - 83rd; 85th
Graves, Dianna (R)	38th	Cross Lanes	Auditor	Appt. 9/19/2017, 83rd; 84th - 85th
Griffith, Ric (D)	19th	Kenova	Pharmacist	85th
Hamrick, Danny (R)	48th	Lost Creek	Business Owner	81st - 85th
Hanna, Caleb (R)	44th	Richwood	Full-time Student	84th - 85th
Hansen, Evan (D)	51st	Morgantown	President, Downstream Strategies	84th - 85th
Hanshaw, Roger (R)	33rd	Wallback	Attorney	82nd - 85th
Hardy, John (R)	63rd	Shepherdstown	Businessman	84th - 85th
Haynes, Austin (R)	32nd	Oak Hill	Insurance Agent	85th
Higginbotham, Joshua (R)	13th	Poca	Business Owner	83rd - 85th
Holstein, Josh (R)	23rd	Ashford		85th
Hornbuckle, Sean (D)	16th	Huntington	Financial Advisor	82nd - 85th
Horst, Charles K. "Chuck" (R)	62nd	Falling Waters	Business Owner	85th
Hott II, John Paul (R)	54th	Petersburg	Insurance Disposal Service	84th - 85th
Householder, Eric L. (R)	64th	Martinsburg	Business Owner	80th - 85th
Howell, Gary G. (R)	56th	Keyser	Business Owner	80th - 85th
Jeffries, Dean (R)	40th	Elkview	Insurance Agent	Appt. 9/5/2018, 83 rd ; 84th - 85th

MEMBERS OF THE HOUSE OF DELEGATES - Continued

Jeffries, Joe (R)	22nd	Culloden	Maintenance Manager	84th - 85th
Jennings, D. "Buck" Roland (R)	53rd	Thornton	Self-Employed	Appt. 10/10/2017, 83rd; 84th - 85th
Keaton, N. Riley (R)	11th	Spencer	Youth Camping Ministry	85th
Kelly, David (R)	6th	Sistersville	Pastor	84th - 85th
Kelly, John R. (R)	10th	Parkersburg	Retired, Chemical Industry	82nd - 85th
Kessinger, Kayla (R)	32nd	Mount Hope	Director of Human Resources	82nd - 85th
Kimble, Laura (R)	48th	Bridgeport	Homemaker	85th
Kimes, D. "Shannon" (R)	9th	Rockport	Business Owner	85th
Linville, Daniel (R)	16th	Milton	Information Technology Officer	Appt. 8/1/2018, 83rd; 84th - 85th
Longanacre, Todd (R)	42nd	Caldwell	Retired Army	85th
Lovejoy, Chad (D)	17th	Huntington	Attorney	83rd - 85th
Mallow, Phil (R)	50th	Fairmont	Retired UPS Management	85th
Mandt, John Jr. (R)	16th	Huntington	Businessman	84 th , Resigned 10/7/2020; 85th
Martin, Carl "Robbie" (R)	45th	Buckhannon	Business Owner	84th - 85th
Maynard, Zack (R)	22nd	Harts	Self Employed	83rd - 85th
Mazzocchi, Margitta (R)	24th	Chapmanville	Business Owner	85th
McGeehan, Pat (R)	1st	Chester	Business Management/Author	79th; 82nd - 85th
Miller, George A. (R)	58th	Berkeley Springs	Retired Maintenance Supervisor	85th
Nestor, William "Ty" (R)	43rd	Elkins	Lawyer	85th
⁵ Pack, Jeffrey (R)	28th	Cool Ridge	Human Resources	Appt. 1/10/2018, 83rd; 84th - 85th
Pack, Larry (R)	35th	Charleston		85th
Paynter, Tony (R)	25th	Hanover	Truck Driver	83rd - 85th
Pethel, Dave (D)	5th	Hundred	Educator	69th - 71st; 74th - 85th
Phillips, Chris (R)	47th	Buckhannon	President, CGP Foods, Inc.	84th - 85th
Pinson, Jonathan Adam (R)	13th	Point Pleasant	Pastor	85th
Pritt, Chris (R)	36th	Charleston	Lawyer	85th
Pushkin, Mike (D)	37th	Charleston	Taxi Driver/Musician	82nd - 85th
Queen, Ben (R)	48th	Bridgeport	Media Entrepreneur Photography	83rd - 85th
Reed, Ken (R)	59th	Hedgesville	Pharmacist	85th
Reynolds, Charlie (R)	4th	Moundsville	Railroad Terminal Manager	85th
Riley, Clay (R)	48th	Shinston	Professional Engineer	85th
Rohrbach, Matthew (R)	17th	Huntington	Physician	82nd - 85th
Rowan, Ruth (R)	57th	Points	Retired Educator	77th - 85th
Rowe, Larry L. (D)	36th	Charleston	Attorney	73rd - 74th (House) 75th - 76th (Senate) 82nd - 85th (House)
Skaff, Doug (D)	35th	South Charleston	Business Owner	79th - 81st; 84th - 85th
Smith, Doug (R)	27th	Princeton	Retired Army	85th
Statler, Joe (R)	51st	Core	Retired	82nd - 83rd; 85th
Steele, Brandon (R)	29th	Beckley	Attorney	84th - 85th
Storch, Erika (R)	3rd	Wheeling	Financial Officer	80th - 85th
Summers, Amy (R)	49th	Flemington	Registered Nurse	82nd - 85th
Sypolt, Terri Funk (R)	52nd	Kingwood	Assessor	83rd - 85th
Thompson, Cody (D)	43rd	Elkins	Educator	84th - 85th
Toney, Christopher Wayne (R)	31st	Beckley	School Bus Operator	84th - 85th
Tully, Heather (R)	41st	Summersville	Family Nurse Practitioner	Appt. 6/17/2020, 84th; 85th
Walker, Danielle (D)	51st	Morgantown	Direct Care Worker	84th - 85th
Wamsley, Johnnie II (R)	14th	Point Pleasant	Entrepreneur	85th
Ward, Bryan C. (R)	56th	Fisher	Retired Sheriff	85th
Ward, Guy (R)	50th	White Hall	Material Analyst	83rd; 85th
Westfall, Steve (R)	12th	Ripley	Insurance Agents	81st - 85th
Williams, John (D)	51st	Morgantown	Insurance Sales	83rd - 85th
Worrell, Evan (R)	18th	Barboursville	Healthcare Data Analytics	84th - 85th
Young, Kayla (D)	36th	South Charleston	Entrepreneur	85th
Zatezalo, Mark (R)	1st	Weirton	Hydrogeologist	82nd - 83rd; 85th
Zukoff, Lisa (D)	4th	Moundsville	Business Owner	84th - 85th

¹Jason Barrett switched from Democrat to Republican in December 2020.

²Mick Bates switched from Democrat to Republican on May 12, 2021.

³Joshua Booth appointed January 27, 2021 to fill the vacancy created by the January 9, 2021 resignation of Derrick Evans.

⁴Zachary Perry appointed October 16, 2020 to fill the vacancy created by the October 7, 2020 resignation of John Mandt Jr. Mandt won election to a new term in November 2020.

⁵Jordan Maynor appointed August 19, 2021 to fill the vacancy created by the August 1, 2021 resignation of Jeffrey Pack.

MEMBERS OF THE SENATE

REGULAR SESSION, 2021

OFFICERS

President: Craig P. Blair - Martinsburg

Clerk: Bruce Lee Cassis, Jr. - Charleston

Sergeant-at-Arms: Joseph Allen Freedman - Charleston

Doorkeeper: Jeffrey L. Branham - Cross Lanes

Name	District	City	Occupation	Term
Azinger, Michael T. (R).....	3rd	Vienna	Manager	82nd (House); 83rd - 85th
Baldwin, Stephen (D).....	10th	Ronceverte	Minister	83rd (House); Appt. Oct. 16, 2017, 83rd; 84th- 85th
Beach, Robert D. (D).....	13th	Morgantown		Appt. April 24, 1998, 73rd (House); 75th - 79th (House); 80th- 85th
Blair, Craig (R).....	15th	Martinsburg	Businessman	76th - 79th (House); 81st - 85th
Boley, Donna J. (R).....	3rd	St. Marys	Retired	Appt. May 14, 1985, 67th; 68th - 85th
Caputo, Mike (D).....	13th	Rivesville	UMWA District 31 Vice President	73rd - 84th (House); 85th
Clements, Charles H. (R).....	2nd	New Martinsville	Retired	77th (House); Appt. Jan. 28, 2017, 83rd; 84th- 85th
Grady, Amy N. (R).....	4th	Leon	Teacher	85th
Hamilton, Bill (R).....	11th	Buckhannon	Retired	76th-83rd (House); 84th - 85th
Ihlenfeld, William (D).....	1st	Wheeling	U.S. Attorney	84th- 85th
Jeffries, Glenn D. (D).....	8th	Red House	Businessman	83rd - 85th
Kames, Robert L. (R).....	11th	Helvetia		82nd - 83rd; 85th
Lindsay, Richard D. (D).....	8th	Charleston	Attorney	84th - 85th
Maroney, Michael J. (R).....	2nd	Glen Dale	Physician	83rd - 85th
Martin, Patrick (R).....	12th	Weston	Business Owner	83rd - 84 ^B (House); 85th
Maynard, Mark R. (R).....	6th	Genoa	Automobile Dealer	82nd - 85th
Nelson, Eric (R).....	17th	Charleston	Financial Consultant	80th - 84th (House); 85th
Phillips, Rupert W., Jr. 7th	7th	Lorado	Sales Manager	80th - 83rd (House); 85th
Plymale, Robert H. (D).....	5th	Huntington	Businessman	71st - 85th
Roberts, Rollan (R).....	9th	Raleigh	Minister	84th - 85th
Romano, Michael J. (D).....	12th	Clarksburg	Attorney / CPA	82nd - 85th
Rucker, Patricia Puertas (R).....	16th	Harpers Ferry	Home Schooling Mother	83rd - 85th
Smith, Randy E. (R).....	14th	Davis	Coal Miner	81st - 82nd (House); 83rd - 85th
Stollings, Ron D. (D).....	7th	Madison	Physician	78th - 85th
Stover, David (R).....	9th	Mullens	Circuit Clerk	85th
Swope, Chandler (R).....	6th	Mercer	Retired	83rd-85th
Sypolt, Dave (R).....	14th	Kingwood	Professional Land Surveyor	78th - 85th
Takubo, Tom (R).....	17th	Charleston	Physician	82nd - 85th
Tarr, Eric J. (R).....	4th	Putnam		84th - 85th
Trump IV, Charles S. (R).....	15th	Berkeley Springs	Attorney	71st - 77th (House); 82nd - 85th
² Unger II, John R. (D).....	16th	Martinsburg	Businessman/Economic Development	74th - 85th
Weld, Ryan W. (R).....	1st	Wellsburg	Attorney	82nd (House); 83rd - 85th
Woelfel, Michael A. (D).....	5th	Huntington	Lawyer	82nd - 85th
Woodrum, Jack David (R).....	10th	Hinton	Funeral Director	85th

¹Owens Brown appointed October 7, 2021 to fill the vacancy created by the October 5, 2021 resignation of William J. Ihlenfeld, II.

²Hannah Geffert appointed September 29, 2021 to fill the vacancy created by the September 11, 2021 resignation of John R. Unger, II.

HOUSE OF DELEGATES COMMITTEES

COMMITTEES OF THE HOUSE OF DELEGATES
(As of March 22, 2021)

STANDING

AGRICULTURE AND NATURAL RESOURCES

Dean (Chair, *Natural Resources*), Phillips (Chair, *Agriculture*), Hamrick (Vice Chair, *Agriculture*), Paynter (Vice Chair, *Natural Resources*), Griffith (Minority Chair, *Agriculture*), Hansen (Minority Chair, *Natural Resources*), Evans (Minority Vice Chair, *Agriculture*), Young (Minority Vice Chair, *Natural Resources*), Anderson, Bridges, Brown, Burkhammer, Cooper, Doyle, Horst, Hott, J. Jeffries, D. Kelly, Longanacre, J. Pack, Pinson, Sypolt, B. Ward, Westfall, Worrell

BANKING AND INSURANCE

Westfall (Chair), Hott (Vice Chair), Bates (Minority Chair), Williams (Minority Vice Chair), Barnhart, Barrett, Brown, Capito, Criss, Espinosa, Garcia, Graves, Haynes, Householder, D. Jeffries, Keaton, Kimes, Lovejoy, McGeehan, Miller, L. Pack, Pritt, Reed, Rowe, Worrell

EDUCATION

Ellington (Chair), Higginbotham (Vice Chair), Hornbuckle (Minority Chair), Thompson (Minority Vice Chair), Bridges, Clark, Doyle, Evans, Griffith, Hamrick, Hanna, Horst, Jennings, J. Kelly, Kessinger, Kimble, Longanacre, Martin, Mazzocchi, Smith, Statler, Toney, Tully, Walker, Wamsley

ENERGY AND MANUFACTURING

Anderson (Chair), Kelly (Vice Chair), Evans (Minority Chair), Pethtel (Minority Vice Chair), Boggs, Bridges, Burkhammer, Cooper, Diserio, Ferrell, Graves, Hansen, Higginbotham, Hott, J. Jeffries, Mallow, Mandt, Maynard, Paynter, Phillips, Reynolds, Wamsley, Westfall, Young, Zatezalo

HOUSE OF DELEGATES COMMITTEES

ENROLLED BILLS

D. Jeffries (Chair), Westfall (Vice Chair), Barach, L. Pack, Pushkin

FINANCE

Householder (Chair), Criss (Vice Chair), Boggs (Minority Chair), Rowe (Minority Vice Chair), Anderson, Barrett, Ellington, Espinosa, Gearheart, Graves, Hardy, Hornbuckle, Hott, Howell, Linville, Maynard, J. Pack, Pethtel, Riley, Rohrbach, Rowan, Statler, Storch, Toney, Williams

FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES

Statler (Chair), J. Jeffries (Vice Chair), Pethtel (Minority Chair), Boggs (Minority Vice Chair), Bruce, Jennings, Lovejoy, J. Pack, Paynter, B. Ward, G. Ward

GOVERNMENT ORGANIZATION

Steele (Chair), Foster (Vice Chair), Diserio (Minority Chair), Barach (Minority Vice Chair), Barnhart, Booth, Conley, Cooper, Dean, Fleischauer, Forsht, Hamrick, Hansen, Holstein, D. Jeffries, J. Jeffries, Kimes, Martin, Mazzocchi, Reynolds, Skaff, Smith, Sypolt, Worrell, Young

HEALTH AND HUMAN RESOURCES

J. Pack (Chair), Rohrbach (Vice Chair), Pushkin (Minority Chair), Walker (Minority Vice Chair), Barach, Barnhart, Bates, Criss, Dean, Ferrell, Fleischauer, Forsht, Griffith, D. Jeffries, Jennings, Longanacre, Mallow, Miller, L. Pack, Reed, Rowan, Summers, Tully, G. Ward, Worrell

INTERSTATE COOPERATION

Storch (Chair), Howell (Vice Chair), Bates, Bruce, Capito, Fleischauer, Nestor

HOUSE OF DELEGATES COMMITTEES

JUDICIARY

Capito (Chair), Fast (Vice Chair), Lovejoy (Minority Chair), Brown (Minority Vice Chair), Bruce, Burkhammer, Fluharty, Garcia, Haynes, Keaton, D. Kelly, Kessinger, Kimble, McGeehan, Nestor, L. Pack, Phillips, Pinson, Pritt, Pushkin, Queen, B. Ward, Westfall, Zatezalo, Zukoff

PENSIONS AND RETIREMENT

Storch (Chair), Gearheart (Vice Chair), Pethtel (Minority Chair), Evans (Minority Vice Chair), Anderson, Graves, J. Pack

POLITICAL SUBDIVISIONS

Martin (Chair), Hardy (Vice Chair), Williams (Minority Chair), Doyle (Minority Vice Chair), Anderson, Barrett, Bruce, Fast, Fluharty, Forsht, Foster, Gearheart, Griffith, Hamrick, Hansen, J. Kelly, Kimes, Mazzocchi, Phillips, Riley, Storch, Thompson, Tully, B. Ward, G. Ward

PREVENTION AND TREATMENT OF SUBSTANCE ABUSE

D. Kelly (Chair), Hanna (Vice Chair), Walker (Minority Chair), Pushkin (Minority Vice Chair), Ellington, Holstein, Kessinger, Mandt, Reed, Rohrbach

RULES

Hanshaw (Chair), Summers (Vice Chair), Anderson, Capito, Criss, Ellington, Espinosa, Fluharty, Foster, Householder, Howell, J. Kelly, Kessinger, Lovejoy, J. Pack, Rowe, Skaff, Steele, Storch, Zukoff

SENIOR, CHILDREN, AND FAMILY ISSUES

Rowan (Chair), Sypolt (Vice Chair), Zukoff (Minority Chair), Boggs (Minority Vice Chair), Booth, Dean, Forsht, Graves, Hanna, Haynes, J. Kelly, Kessinger, Linville, Lovejoy, Mandt, Martin, Paynter, Pethtel, Pinson, Queen, Rohrbach, Smith, Toney, Walker, Young

HOUSE OF DELEGATES COMMITTEES

SMALL BUSINESS, ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT

Queen (Chair), Mandt (Vice Chair), Young (Minority Chair), Hornbuckle (Minority Vice Chair), Barach, Barnhart, Clark, Ferrell, Garcia, Griffith, Hardy, Higginbotham, Holstein, Horst, Keaton, Linville, Mallow, Martin, Miller, L. Pack, Phillips, Steele, Toney, Wamsley, Zukoff

TECHNOLOGY AND INFRASTRUCTURE

Linville (Chair), Maynard (Vice Chair), Thompson (Minority Chair), Garcia (Minority Vice Chair), Boggs, Booth, Capito, Criss, Espinosa, Fast, Gearheart, Hamrick, Hansen, Hardy, Howell, Keaton, Pritt, Reed, Riley, Rohrbach, Rowe, Statler, Storch, Tully

VETERANS' AFFAIRS AND HOMELAND SECURITY

Cooper (Chair, *Veterans' Affairs*), Jennings (Chair, *Homeland Security*), Toney (Vice Chair, *Veterans' Affairs*), Worrell (Vice Chair, *Homeland Security*), Fleischauer (Minority Chair, *Veterans' Affairs*), Pushkin (Minority Chair, *Homeland Security*), Griffith (Minority Vice Chair, *Veterans' Affairs*), Zukoff (Minority Vice Chair, *Homeland Security*), Boggs, Booth, Clark, Conley, Fluharty, Higginbotham, D. Jeffries, D. Kelly, J. Kelly, Kimble, Longanacre, Mazzocchi, Nestor, Reynolds, Rowan, Smith, Sypolt, Wamsley

WORKFORCE DEVELOPMENT

Zatezalo (Chair), Barnhart (Vice Chair), Fluharty (Minority Chair), Garcia (Minority Vice Chair), Barach, Bridges, Burkhammer, Conley, Dean, Diserio, Fast, Ferrell, Foster, Horst, Householder, D. Jeffries, Jennings, Kimble, Kimes, Mallow, Pushkin, Reynolds, Thompson, Wamsley, G. Ward

SENATE COMMITTEES

COMMITTEES OF THE SENATE

(As of March 10, 2021)

STANDING

AGRICULTURE AND RURAL DEVELOPMENT

Sypolt (Chair), Woodrum (Vice Chair), Baldwin, Beach, Grady, Martin, Maynard, Roberts, Rucker, Smith, Unger

BANKING AND INSURANCE

Azinger (Chair), Clements (Vice Chair), Beach, Boley, Hamilton, Ihlenfeld, Nelson, Romano, Rucker, Swope, Sypolt, Weld, Woelfel

CONFIRMATIONS

Boley (Chair), Takubo (Vice Chair), Azinger, Baldwin, Plymale, Rucker, Stollings, Tarr, Weld

ECONOMIC DEVELOPMENT

Swope (Chair), Martin (Vice Chair), Azinger, Hamilton, Ihlenfeld, Jeffries, Nelson, Roberts, Romano, Stollings, Stover, Tarr, Woelfel, Woodrum

EDUCATION

Rucker (Chair), Roberts (Vice Chair), Azinger, Beach, Boley, Clements, Grady, Plymale, Romano, Stollings, Tarr, Trump, Unger, Weld

ENERGY, INDUSTRY AND MINING

Smith (Chair), Phillips (Vice Chair), Boley, Caputo, Clements, Hamilton, Ihlenfeld, Jeffries, Martin, Nelson, Romano, Swope, Sypolt

SENATE COMMITTEES

ENROLLED BILLS

Maynard (Chair), Roberts (Vice Chair), Lindsay, Tarr, Woelfel

FINANCE

Tarr (Chair), Sypolt (Vice Chair), Baldwin, Boley, Clements, Hamilton, Ihlenfeld, Jeffries, Maroney, Martin, Nelson, Plymale, Roberts, Stollings, Swope, Takubo, Unger

GOVERNMENT ORGANIZATION

Maynard (Chair), Swope (Vice Chair), Caputo, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Nelson, Smith, Stover, Sypolt, Woelfel, Woodrum

HEALTH AND HUMAN RESOURCES

Maroney (Chair), Grady (Vice Chair), Azinger, Lindsay, Plymale, Roberts, Rucker, Stollings, Stover, Takubo, Unger, Weld, Woodrum

INTERSTATE COOPERATION

Woodrum (Chair), Stover (Vice Chair), Ihlenfeld, Martin, Maynard, Romano, Trump

JUDICIARY

Trump (Chair), Weld (Vice Chair), Azinger, Beach, Blair, Caputo, Grady, Lindsay, Maynard, Phillips, Romano, Rucker, Smith, Stover, Takubo, Woelfel, Woodrum

MILITARY

Weld (Chair), Phillips (Vice Chair), Caputo, Grady, Hamilton, Lindsay, Maroney, Romano, Smith

NATURAL RESOURCES

Hamilton (Chair), Stover (Vice Chair), Beach, Grady, Jeffries, Phillips, Roberts, Rucker, Smith, Stollings, Sypolt, Woelfel, Woodrum

SENATE COMMITTEES

PENSIONS

Nelson (Chair), Clements (Vice Chair), Azinger, Lindsay, Plymale, Swope, Trump

RULES

Blair (Chair), Takubo (Vice Chair), Azinger, Baldwin, Boley, Maroney, Plymale, Stollings, Tarr, Trump, Weld

TRANSPORTATION AND INFRASTRUCTURE

Clements (Chair), Swope (Vice Chair), Beach, Boley, Jeffries, Maynard, Plymale, Roberts, Woodrum

WORKFORCE

Roberts (Chair), Nelson (Vice Chair), Caputo, Jeffries, Maroney, Martin, Phillips, Smith, Tarr, Unger, Weld

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44th Day.....	Thursday.....	March 25.....	1621
45th Day.....	Friday	March 26.....	1679
48th Day.....	Monday	March 29.....	1775
49th Day.....	Tuesday	March 30	1889

50th Day	Wednesday	March 31	2357
51st Day	Thursday	April 1	2447
52nd Day	Friday	April 2	2527
55th Day	Monday	April 5	2585
56th Day	Tuesday	April 6	2655
57th Day	Wednesday	April 7	2829
58th Day	Thursday	April 8	2979
59th Day	Friday	April 9	3073
60th Day	Saturday	April 10	3673

FIRST EXTRAORDINARY SESSION

1st Day	Monday	June 7	4391
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SECOND EXTRAORDINARY SESSION

1st Day	Thursday	June 24	4421
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THIRD EXTRAORDINARY SESSION

1st Day	Monday	October 11	4508
2nd Day	Tuesday	October 12	4535
3rd Day	Wednesday	October 13	4543
4th Day	Thursday	October 14	4579
5th Day	Friday	October 15	4621
6th Day	Monday	October 18	Senate only
7th Day	Tuesday	October 19	Senate only
8th Day	Wednesday	October 20	4637



West Virginia Legislature
Journal
of the
House of Delegates

Eighty-Fifth Legislature
First Regular Session

Charleston, Wednesday, January 13, 2021

This being the day fixed by Section 18, Article VI of the Constitution of the State of West Virginia, for the annual assembly of the Legislature, Members elected to the House of Delegates met in their Chamber in the Capitol Building in the City of Charleston at 12:00 noon and the Clerk of the last House of Delegates, the Honorable Stephen J. Harrison, announced that the Honorable Bill Anderson, the Delegate from the 8th Delegate District, was the oldest member in point of continuous service and, in accordance with Section 18, Article VI of the Constitution, would preside over the organization of the House of Delegates until a Speaker was chosen and shall have taken his seat.

Delegate Anderson then assumed the Chair.

Prior to the Prayer a moment of silence was held in memory of Assistant Doorkeeper Robert Kees.

Prayer was offered by the Honorable Jonathan Pinson, a Delegate-elect from the 13th Delegate District.

The House of Delegates was then led in recitation of the Pledge of Allegiance by the Honorable Johnnie Wamsley, the Delegate-elect from the 14th District.

The Honorable Mac Warner, Secretary of State, presented a communication which was received and laid before the House, containing the official returns of the election held on the 3rd day of November, 2020, covering the 100 seats in the House of Delegates, which returns were accompanied by certificates for those appearing to have been elected by the voters of the 67 Delegate Districts.

Delegates Elected

The names of those whose credentials showed they were regularly elected members of the House of Delegates of the Eighty-fifth Legislature in accordance with the laws of West Virginia were as follows:

First District

Pat McGeehan

Mark P. Zatezalo

Second District

Phillip E. Diserio

Third District

Shawn Fluharty

Erikka Storch

Fourth District

Charlie Reynolds

Lisa Zukoff

Fifth District

Dave Pethtel

Sixth District

David Kelly

Seventh District

Trenton Barnhart

Eighth District

E. W. "Bill" Anderson, Jr.

Ninth District

Shannon Kimes	Eighteenth District
Tenth District	Evan Worrell
Roger Conley	Nineteenth District
Vernon Criss	Derrick Evans
John R. Kelly	Ric Griffith
Eleventh District	Twentieth District
Riley Keaton	Nathan Brown
Twelfth District	Twenty-first District
Steve Westfall	Mark Dean
Thirteenth District	Twenty-second District
Joshua Kurt Higginbotham	Joe Jeffries
Jonathan Pinson	Zach Maynard
Fourteenth District	Twenty-third District
Johnnie Wamsley	Josh Holstein
Fifteenth District	Twenty-fourth District
Geoff Foster	Jordan Bridges
Sixteenth District	Margitta Mazzocchi
Sean Hornbuckle	Twenty-fifth District
Daniel Linville	Tony Paynter
John Mandt	Twenty-sixth District
Seventeenth District	Ed Evans
Chad Lovejoy	Twenty-seventh District
Matthew Rohrbach	Joe Ellington

Marty Gearheart

Kayla Young

Doug Smith

Thirty-sixth District

Twenty-eighth District

Jim Barach

Roy G. Cooper

Chris Pritt

Jeff Pack

Larry Rowe

Twenty-ninth District

Thirty-seventh District

Brandon Steele

Mike Pushkin

Thirtieth District

Thirty-eighth District

Mick Bates

Dianna Graves

Thirty-first District

Thirty-ninth District

Chris Toney

Dana Ferrell

Thirty-second District

Fortieth District

Tom Fast

Dean Jeffries

Austin Haynes

Forty-first District

Kayla Kessinger

Heather Tully

Thirty-third District

Forty-second District

Roger Hanshaw

Barry Bruce

Thirty-fourth District

Todd Longanacre

Brent Boggs

Forty-third District

Thirty-fifth District

Ty Nestor

Moore Capito

Cody Thompson

Larry Pack

Forty-fourth District

Doug Skaff Jr.

Caleb Hanna

Forty-fifth District

Carl Martin

Forty-sixth District

Adam Burkhammer

Forty-seventh District

Chris Phillips

Forty-eighth District

Danny Hamrick

Laura Kimble

Ben Queen

Clay Riley

Forty-ninth District

Amy Summers

Fiftieth District

Joey Garcia

Phil Mallow

Guy Ward

Fifty-first District

Barbara Evans Fleischauer

Evan Hansen

Joe Statler

Daniel Walker

John Williams

Fifty-second District

Terri Funk Sypolt

Fifty-third District

Buck Jennings

Fifty-fourth District

John Paul Hott II

Fifty-fifth District

Bryan Ward

Fifty-sixth District

Gary G. Howell

Fifty-seventh District

Ruth Rowan

Fifty-eighth District

George Miller

Fifty-ninth District

Ken Reed

Sixtieth District

Don Forsht

Sixty-first District

Jason Barrett

Sixty-second District

Chuck Horst

Sixty-third District

John Hardy

Sixty-sixth District

Sixty-fourth District

Paul Espinosa

Eric L. Householder

Sixty-seventh District

Sixty-fifth District

John Doyle

Wayne Clark

In the absence of objection, the returns of the election of Delegates as presented by the Secretary of State were accepted and filed with the Clerk of the House.

Messages from the Executive and Other Communications

The following communication was read by the Clerk:

STATE OF WEST VIRGINIA
HOUSE OF DELEGATES
West Virginia Legislature

January 9, 2021

The Honorable Jim Justice
Governor, State of West Virginia
Office of the Governor
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

I hereby resign as a member of the West Virginia House of Delegates, effective immediately.

Sincerely,

Delegate Derrick Evans
19th District

* * * * *

The Clerk then called the roll (**Quorum Call**), and the following answered to their names:

Anderson	Forsht	Kimble	Rohrbach
Barach	Garcia	Kimes	Rowan
Barnhart	Gearheart	Linville	Rowe
Barrett	Graves	Longanacre	Skaff Jr.
Bates	Griffith	Lovejoy	Smith
Boggs	Hamrick	Mallow	Statler
Bridges	Hanna	Mandt	Steele
Brown	Hansen	Martin	Storch
Bruce	Hanshaw	Maynard	Summers
Burkhammer	Hardy	Mazzocchi	Sypolt
Capito	Haynes	McGeehan	Thompson
Clark	Higginbotham	Miller	Toney
Conley	Holstein	Nestor	Tully
Cooper	Hornbuckle	Pack, J.	Walker
Criss	Horst	Pack, L.	Wamsley
Dean	Hott	Paynter	Ward, B.
Diserio	Householder	Pethtel	Ward, G.
Doyle	Howell	Phillips	Westfall
Ellington	Jeffries, D.	Pinson	Williams
Espinosa	Jeffries, J.	Pritt	Worrell
Evans	Jennings	Pushkin	Young

Fast	Keaton	Queen	Zatezalo
Ferrell	Kelly, D.	Reed	Zukoff
Fleischauer	Kelly, J.	Reynolds	
Fluharty	Kessinger	Riley	

The roll call disclosing that 98 Delegates had answered to their names, the Presiding Officer declared the presence of a quorum.

All the Delegates present then took the several oaths of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia, which oaths of office were administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals.

ELECTION OF SPEAKER

The Presiding Officer announced that the next order of business was the election of a Speaker of the House of Delegates for the Eighty-fifth Legislature and stated that nominations were now in order.

MAJORITY NOMINATION

Delegate Kessinger, a Delegate from the 32nd Delegate District, nominated the Honorable Roger Hanshaw from the 33rd Delegate District, as follows:

DELEGATE KESSINGER. I'm the oldest of six so generally I can speak pretty loudly, but so, to make sure everybody can hear me today I'll go ahead and use the mic. But first of all, I'd just like to go ahead and just congratulate each and every one of you on your successful elections. You've been able to convince enough people in your district to place their trust in you for the next two years, and I want to take this opportunity to remind you that your most important title is not that of Delegate, or honorable so and so, or Minority Leader, Speaker, or Assistant Majority Leader, or whatever, it's that ... it's that of servant. And that our first priority should be to be public servants to the people that we represent.

So, six years ago, I was sitting in this chamber as a newly elected freshman Delegate. I was a 21 year old college student who was starting my first foray into politics, and I was excited, anxious and nervous, all at the same time, much like many of you are today. And one of the first people I meet in my freshman class was Roger Hanshaw. It didn't take me long to see exactly what kind of man Roger was. As I've watched Roger serve in every capacity from newly elected Delegate to Caucus Chair, to Vice Chair of Judiciary, and most recently as Speaker of the House, I have witnessed a man who has not allowed the promotions he's received to change his character and to change who he is. He isn't driven by pursuit of power or a desire for authority, but by a commitment to make West Virginia better. The same qualities Roger possessed six years ago are the same qualities he possesses today.

The first thing that stood out to me about the Speaker is more than likely the first thing that stood out to you, his intelligence. Speaker Hanshaw is a man that determines diligent ... that demonstrates diligence in his pursuit of truth. He doesn't waste time on finding right solutions to the wrong questions. He understands that in order to truly bring change to the State of West Virginia, and to restore West Virginia to what we all believe, we have to ask the right questions and find the right solutions to the right problems. He never stops learning and never stops listening. He refuses to doddle by majoring in the minors. And I've been in countless rooms where it is very obvious that he is by far, the smartest person in the room, but not one time in the years that I've known him has he made anyone feel as if they had nothing to contribute. Which leads me to my next point.

Roger leads with humility. He doesn't speak down to people when our Caucus, and when this body is faced with a difficult problem, and Lord knows that's almost daily, especially here recently, he doesn't isolate an issue and eat it from upon high, but he pulls people around him who have different ideas, different opinions, come from different walks of life, and he ... he takes those into consideration when making his decisions.

I once heard that ... someone say that the best leaders are the ones that are committed to being the dumbest

person in the room. For sure, for Roger, that is a very difficult task. But I have never experienced leadership like ... like Speaker Hanshaw's and that ... and that he actively pursues the input of those who trust in his leadership.

One of the most important qualities that any leader can possess is that of integrity. Roger's character is not only that of a good leader, but of a truly good man. He's the same person inside this building that he is outside of this building and he isn't consumed by ambition but understands that true leadership is actually servanthood. He's committed to a life of service. Serving the people of his district as their Delegate and the people of this body as our Speaker, and does so with the utmost excellence.

Scripture tells us that without vision the people perish and if Roger is nothing else, he is a man of vision. From day one, Roger's vision has been to make West Virginia a better place to live, work and raise our families. And I'm convinced that each morning he wakes up and asks himself how he can accomplish that goal. If you spend even just a moment speaking to him, you understand that his purpose behind running for Speaker is that not ... is not that of building his own empire, or even to make a name for himself, but is exactly what it should be, to restore life to the place we all call home.

Like all of us, the Speaker loves this state. He's committed to doing whatever it takes to make West Virginia a place that his two little girls are proud to call home. He's a man that could go anywhere in the world and do literally anything he wanted and yet he consciously chooses to call West Virginia home, and to serve the people of this state. And to do everything he possibly can to help them out and state reach our full potential.

I am incredibly thankful to serve as a member of this body and I'm even more thankful that we have a leader who we can follow and confidently place our trust in. It is for these reasons, and countless more, that I am honored to nominate Roger Hanshaw to continue serving as the Speaker of the West Virginia House of Delegates.

* * * * *

The nomination of Delegate Hanshaw was seconded by the Honorable Jeff Pack of the 28th Delegate District, with the following remarks:

DELEGATE J. PACK. Thank you, Mr. Speaker, and good morning friends. My very first term in the House of Delegates I was seated in the second row in the majority side. The Vice Chair of the Committee of the Judiciary sat directly to my right, that's when I first met Roger Hanshaw. I recognized very quickly what an exceptionally talented, smart and special individual he is. Roger and I became close friends over that session, and I learned first-hand not only of his leadership ability, but of his ability to break the most complex issues down into ideas the rest of us can understand.

He also took the time to mentor me and never hesitated to answer all of my mundane parliamentary questions. You know, our ... our tenure in the Legislature we'll encounter thousands and thousands of people. Roger once told me that of the myriad of folks you encounter during your service in this body, consider yourself lucky if you're able to become close friends with just two or three of those people. For me, Roger Hanshaw is one of those people and I'm proud to call him my very dear friend.

When Speaker Armstead announced that he would not be seeking reelection, Roger Hanshaw was my first and only choice to serve as Speaker of the House. He was my only choice then and he's my only choice now. Therefore, Mr. Speaker, it is my honor to second the nomination of Roger Hanshaw to remain the 53rd Speaker of the West Virginia House of Delegates. Thank you, Mr. Speaker.

MINORITY NOMINATION

Delegate Boggs, 34th Delegate District, then nominated the Honorable Doug Skaff Jr., a Delegate from the 35th Delegate District, as follows:

DELEGATE BOGGS. Good morning Delegates and thank you, Mr. Chairman, my dear friend from Wood County. And to my dear friend, the gentleman from

Clay. And, to the distinguished friends and colleagues here in the House of Delegates returning and new.

We assemble here today in our beautiful and historic Capitol to comply with the West Virginia Constitution in selecting our new leader for the upcoming legislative session. It is my distinct pleasure to nominate the Gentleman from the 35th District, Delegate Doug Skaff, for the Office of Speaker of the House of Delegates for the 85th West Virginia Legislature.

Delegates, we have an historic challenge facing the citizens we represent and a responsibility more than ever before, to work in a bi-partisan manner. Words like consensus and compromise need to become part of our legislative vocabulary again for they are not words of weakness, but the hallmark of statesmanship and leadership. If we've learned any lessons in the past week, this very tenant should be in the forefront of our thoughts and deeds.

Doug is a leader that will listen to all sides. Empathy and compassion for those hurting and disenfranchised. Bringing industry, business, and labor together, representing all viewpoints to forge legislative initiatives by consensus in a bi-partisan manner and lasting benefit of all of our citizens.

Doug Skaff has spent his legislative and professional career working diligently and effectively to find consensus on legislation and to help solve problems that face our citizens across the many regions of our state. He is a successful businessman that cares deeply for the ever worsening plight of our small businesses exacerbated by the ravages of the pandemic. His work ethic is unquestioned. His generosity and willingness to support initiatives that affect seniors, children and women is notable and his devotion to our teachers, school personnel and higher education has been the hallmark of his legislative career.

Most important to me, Doug is a devoted husband and father of three boys. Faith, family, and a deep abiding love for West Virginia drives him to make our

state a better place, a welcoming place, a healthy place, a prosperous place for businesses to flourish, and jobs and opportunities for working families to live and prosper.

Doug, in my quarter century of legislative service I've had the honor to hold several leadership positions. And in that time, I've observed hundreds of members, good and dedicated members of our citizens Legislature, come and go from both sides of the aisle. Doug Skaff placed his name in the contingent for Speaker of the House, not for title or personal gain, but to strive to bring out the very best in every member of the House, regardless of political party or ideology, using the talents of each member in a manner that will benefit West Virginia and West Virginians.

Delegates, I respectfully urge you to give every consideration supporting our colleague, Delegate Doug Skaff, for Speaker of the House of Delegates. Thank you.

The nomination of Delegate Skaff was seconded by the Honorable Lisa Zukoff of the 4th Delegate District, with the following remarks:

DELEGATE ZUKOFF. Thank you, and good afternoon. It's a pleasure to be here with everyone, especially all the newly elected representatives. I know what it's like to be in your seat, this is only my second term, so welcome to everyone. You've taken on an awesome responsibility to serve the district that you ... that you represent and that you'll be open and... I hope everyone will be open to all those folks. And I know that you will. This is a big day in our life, congratulations.

I'm here to second the nomination of Doug Skaff for Majority Leader in West Virginia, and I am really pleased to have served with Doug. Doug is one of those people when I came in you're always looking for someone to help you take on ... answer some questions, know what to do and where to go, and he kinda took me under his wing when he came in and I was always very appreciative of that.

I've seen Doug also work in cooperation with other folks to come up with the best solutions for the issues that we've been working on. Most importantly in my mind, he listens to other folks. He doesn't think he's always correct. He is always open to other ideas and he's always open to making things better, be it legislation, be it the leadership in our ... in our caucus. And I'm ... For those reasons I was happy to support him for ... for his position.

Doug is also, as Delegate Boggs said, a family man. If you ever have the opportunity to meet his three little boys, you will wonder how he can get anything else done. He is blessed and a family man and we're happy to have him in our caucus. And for those reasons and many others, I'm happy to second the nomination for Doug Skaff as Majority Leader. Thank you.

* * * * *

There being no further nominations, on motion of Delegate Kessinger, the Presiding Officer declared nominations closed.

The Clerk then called the roll, the result of which was as follows:

Delegates voting for Delegate Hanshaw – 76, as follows:

Anderson	Clark	Hanna	Howell
Barnhart	Conley	Hardy	Jeffries, D.
Barrett	Cooper	Haynes	Jeffries, J.
Bates	Criss	Higginbotham	Jennings
Bridges	Dean	Holstein	Kimes
Bruce	Ellington	Horst	Linville
Burkhammer	Graves	Hott	Longanacre
Capito	Hamrick	Householder	Mallow

Mandt	Nestor	Rohrbach	Storch
Martin	Pack, J.	Rowan	Summers
Maynard	Pack, L.	Skaff	Sypolt
Mazzocchi	Paynter	Smith	Toney
McGeehan	Reynolds	Statler	Tully
Miller	Riley	Steele	Wamsley

Delegates voting for Delegate Skaff - 22 as follows:

Barach	Fleischauer	Hornbuckle	Walker
Boggs	Fluharty	Lovejoy	Williams
Brown	Garcia	Pethtel	Young
Diserio	Griffith	Pushkin	Zukoff
Doyle	Hansen	Rowe	
Evans	Hanshaw	Thompson	

The total number of votes cast being 98, the Presiding Officer stated that the Honorable Roger Hanshaw of the 33rd Delegate District had received 76, and the Honorable Doug Skaff of the 35th Delegate District had received 22, and declared that the Honorable Roger Hanshaw, having received the majority of the votes cast, was duly elected Speaker of the House of Delegates. (Applause, the members rising)

Whereupon,

The Presiding Officer appointed Delegates Kessinger, J. Pack and Skaff as a committee to escort the Speaker to the Clerk's Desk.

The committee then escorted the Speaker to the Clerk's Desk.

Delegate Skaff delivered the following remarks prior to presenting the Speaker to the House:

DELEGATE SKAFF. I want to be the first to congratulate our next Speaker for the upcoming session. Let's give him another round of applause, to our next Speaker, Roger Hanshaw.

As tradition, I'd like to say a few remarks about our upcoming Speaker. And, when given the opportunity to have remarks by members I thought I would take it one more time, just to be safe.

I met Roger a couple of years ago. And on my first day here, I haven't met a much more honorable man, a more honest man and a more respected man than this gentleman right here. I'm honored to call him a friend. I'm honored to call him a leader and I'm honored to call him one of us. You know it's an honor to be one of a hundred people to serve in this House Chamber, under this dome. Under this beautiful dome.

The campaigns are over. Let's put the rhetoric aside. It's time to come together, not as Democrats, not as Republicans, but as you know, as West Virginians, as Delegates. Every day we wake up together and look in that mirror, we come here ready to roll up your sleeves, work hard, put our ... put our differences aside and do what's right to move West Virginia forward.

And I know we can't forget what happened last week, and everyone says that wasn't us. Well, it was us and it did happen in America. And it's up to us to be better leaders, better people, and better citizens, not only of West Virginia, but our country. So together, I am honored again, to recognize our next Speaker. It's time to come together as one. Let's work to make West Virginia a better place to live, work and raise a family under Speaker Hanshaw. Thank you very much.

The Speaker then took the oath of office as prescribed for the Speaker, which oath of office was administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals. (Applause, the members rising)

The Speaker then addressed the House as follows:

MR. SPEAKER, MR. HANSHAW. Ladies and gentlemen, good afternoon. And first, congratulations to every member of this body for having earned the trust and confidence of the voters of your districts. For having earned the confidence of 1.8 million people to send each of us here again to chart a course of leadership and progress for our state. We are assembling in extraordinary times. We are called together here as a deliberative body in extraordinary circumstances. And it's appropriate that we give pause and reflect on where we are, how we got here and what our service means.

What our service means, not only to each of us as friends and colleagues, but what our service means to the State of West Virginia. To each of the 18,500 men and women that we each represent. And to the future of our state. And to the future of West Virginia because each one of us, each member of this body, represent communities, represent families, represent homes, represent jobs, represent businesses, represent churches, represent synagogues, represent communities of all like. And we have an obligation to create the best West Virginia we can create. We have an obligation to make West Virginia the single greatest place we can make it to live, work and raise our families.

You just saw my family. You just saw my wife Kirsten and our two little daughters, Kathryn and Rebecca. I want to pause now to thank them for the support they've shown me over the last two years during the opportunity that this body gave me to serve as Speaker.

It was certainly the highlight of my professional career two years ago, having been selected as Speaker of this body, by this House. It's ... It's an even greater ... it's an even greater honor today and I thank you for that. I appreciate the confidence and trust you've placed in me, but I ask today that we place that same level and trust in each other. Because we are assembled in extraordinary times.

The Gentleman from the 34th, Delegate Boggs, and I are good friends. We represent the same area. We talk

often. And today, Delegate Boggs used words like statesmanship and leadership in his comments. Today in his comments, the Minority Leader, the honorable Gentleman from the 35th, Delegate Skaff, laid out his view of our obligation as Delegates. Our role as leaders. Our obligation to make West Virginia an easier choice. To make West Virginia an easier choice. Because, make no mistake ladies and gentlemen, the spotlight of the world is shining on West Virginia for reasons we didn't necessarily choose. The spotlight of the world shines on West Virginia. We have an opportunity now to take ... to take advantage of that spotlight. We have an opportunity now to create a West Virginia that people want to choose.

We can't forget the events of the last year. Since we've been assembled together our state, our country, our world has changed in ways that none of us here could have imagined in March of 2020, when last this body was assembled. We have lost friends, we have lost neighbors, we have lost businesses, we have lost jobs and we have lost over 1500 of our friends and family members to the coronavirus pandemic.

But, in the eye of that storm is opportunity. In the eye of that storm is opportunity because nationally, nationally, men and women have begun to recognize what we have known for generations in West Virginia, that ours is a state of opportunity. That ours is a land where people can come and create a business, where people who have the opportunity to work remotely who have the opportunity to pick up their job and take it wherever they choose, can bring it here.

I know that most of the shared priorities we have as 100 members of this body, are all things that would make it easier to choose West Virginia. So, my personal priority for this Legislature is that we move forward on priorities that will collectively help us make it easier to choose West Virginia. Help make it easier for all those who are looking for a new place. A place to create a better life for their friends, their families, their businesses to choose. We can do that. We can do that by working collectively together.

If two years ago ... two years ago on the opening day of this Legislature, the Gentleman from the 1st, Delegate

McGeehan, asked each of us to reflect on the concept of charity. Asked each of us to reflect on the concept of how we relate one to another. How we as members of this body best advance the collective goals we have to make our state the best place we can make it to live, work and raise a family. To make our state the easiest choice we can make it for people who are considering West Virginia from elsewhere and for our own friends and family. Because for far too many generations now, our friends, our family, our neighbors, our children, our grandchildren have packed up and gone away. Have packed up and moved away because the opportunity wasn't here for them. I for one, am ready to commit this Legislature to helping us put West Virginia on a path to make it easier to simply choose West Virginia.

I thank you for the confidence you've placed in me today. I'll do my best not to let you down. Thank you. (Applause, the members rising)

The Speaker then assumed the Chair.

* * * * *

ELECTION OF CLERK

The next order of business being the election of the Clerk, the Speaker stated that nominations were now in order.

Delegate Fast, a Delegate from the 32nd District, nominated Stephen J. Harrison, of the County of Kanawha, as follows:

DELEGATE FAST. Thank you, Mr. Speaker. Ladies and gentlemen, I'd like to recognize and make a nomination for a gentleman, Stephen J. Harrison, who truly does not recognize his own strength.

Stephen J. Harrison was born October 25, 1966, in Charleston, West Virginia. His parents are John and Gail Harrison; his wife, Kristen Elizabeth; children, Benjamin Trey and Maggie Joy. He's a graduate from Brown University; former Vice President of Poca Valley Bank; former Assistant Track and Field Coach, West Virginia Wesleyan College; former member, Flinn Elementary Local School Improvement Council; District 1 All...Academic All-American in college football, 1989;

Ivy All-Stars, 1989 Epsom Ivy Bowl; former Chairman Legislative Prayer Breakfast Committee; Co-Chairman, House Freshman Caucus 71st Legislature.

Mr. Harrison was elected to and served as Delegate to the West Virginia House of Delegates from 1992 to 2000. He was elected to the West Virginia Senate 2002. He was elected to the House Clerk position January 2015, re-elected January 2017, again re-elected January 2019. He is the 23rd Clerk of the West Virginia House of Delegates.

Mr. Harrison served as Delegate to the 2008 National Republican Convention. He served as former intern, Governor's Office of the Community and Industrial Development. Mr. Harrison is a Christian. And I would like to say that Stephen J. Harrison knows his job as Clerk. He is a ... he is a wealth of information. He is a go-to person. He understands the rules, and ladies and gentlemen, it is my distinct honor to nominate Stephen J. Harrison for Clerk of the West Virginia House of Delegates 85th Legislature. Thank you.

The nomination was seconded by Delegate Dean Jeffries of the 40th Delegate District, with the following remarks:

DELEGATE D. JEFFRIES. Thank you, Mr. Speaker. Ladies and gentlemen of the House, on behalf of Steve's wife Kristen, I'm pleading with you to please intervene on a very serious issue. Electing Steve Harrison as Clerk may very well be the only thing keeping him from a downward spiral from an illustrious college football career to selling shoes.

Now, I'm not referring to a Colin Kaepernick journey that would lead to millions of dollars in selling Nike. I'm referring to an Al Bundy tragedy of selling shoes to complete strangers while reminiscing the time he kicked eight field goals in the Ivy Bowl.

All joking aside, Steve Harrison is a great man. A man of faith, integrity and honor. He is a standard bearer for the Legislature as a whole. It is my honor to second the nomination for Clerk. Thank you, Mr. Speaker.

There being no further nominations, Delegate Fast moved that nominations be closed.

In the absence of objection, nominations were closed and the Speaker put the following question before the House, “Shall Stephen J. Harrison be elected Clerk of the House by acclamation?”

The Speaker declared the motion adopted and Stephen J. Harrison was hereby elected Clerk of the House by acclamation. (Applause, the members rising)

Mr. Harrison then took the oath of office as prescribed for the Clerk, which oath of office was administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals. (Applause, the members rising)

ELECTION OF SERGEANT-AT-ARMS

The next order of business being the election of Sergeant-at-Arms, nominations were now in order.

Delegate David Kelly, the Delegate from the 6th Delegate District, nominated Marshall Clay, of the County of Fayette, as follows:

DELEGATE D. KELLY. Thank you, Mr. Speaker, and congratulations, again. I remember when I was here two years ago as a freshman and I was scared to death. I knew I was going to say something wrong; I was going to push the wrong button. I was ... to the freshman in here I want to say something that the Speaker said to us two years ago, you're leaders or you wouldn't be here. So, congratulations to you, welcome to this esteemed House.

But I want to remind you that it's not just us who are the leaders. There has to be formality, there has to be certain things in place. And a couple of years ago when we desperately needed rest and order restored in this House, we didn't have to look very far. Leadership only needed to look to Marshall Clay, and he returned at a time when we desperately needed him.

And so, I want to say to you that problem solvers are everywhere in this building. Sergeant-of-Arms is a problem solver. If you've got a question, that man has the answer. If he doesn't have the answer, he'll find it for you. That's the kind of man we've got working for us at the back door. That's the kind of man who came by your desk and picked up your paper, your oath of office. He doesn't ask his people to do one thing that he wouldn't do. I'm honored to call him my friend. I'm honored to see him every time I'm down here, and it is my ... my honor, Mr. Speaker, to nominate Marshall Clay Sergeant-of-Arms. Thank you.

The nomination was seconded by Delegate Dean of the 21st Delegate District, with the following remarks:

DELEGATE DEAN. Thank you, Mr. Speaker. It's my pleasure to second the nomination of Marshall Clay for the Sergeant-at-Arms for the 85th Legislature. This session will bring never before seen obstacles. Marshall has the calm and assertive demeanor that will guide us through these hectic times. I'd ask that everyone support this nomination of Marshall for the position of Sergeant-at-Arms for the 85th Legislature. Thank you.

There being no further nominations, on motion of Delegate D. Kelly, nominations were closed.

Delegate D. Kelly then moved that Marshall Clay be elected by acclamation.

In the absence of objection, the Speaker put then the question before the House. The motion was adopted and the Speaker declared Marshall Clay elected Sergeant-at-Arms by acclamation. (Applause, the members rising)

Mr. Clay then took the oath of office as prescribed for the Sergeant-at-Arms, which oath of office was administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals. (Applause, the members rising)

ELECTION OF DOORKEEPER

The next order of business being the election of Doorkeeper, nominations were now in order.

Delegate Capito, a Delegate from the 35th Delegate District, nominated Robert Stewart of the County of Kanawha, as follows:

DELEGATE CAPITO. Thank you very much, Mr. Speaker. And good afternoon colleagues and welcome to all those newly elected in this body. It is an honor to be able to sit with you today and I look forward to serving with each and every one of you.

It's my distinct honor today to place a nomination for Doorkeeper of this body, Robert W. Stewart. Robert has previously served in this role and we thank him for his past service, and we look forward to what would be forward service from here on out. We also thank him for his service to our country. Robert is a veteran, and so we also thank him for his service to our country. He's a native Kentuckian and I'm sure he started seeing the light in early ages from across the border and we were lucky to bring him into West Virginia. And he really recognized the brightest light in this state, of course, which is Kanawha County, of which he is a citizen, and we are happy that he is.

You know I would say to you today that ... and most of those of you that are new, one of the best things that you can do, I think, in this body early on, is get to know all of the doorkeepers. They look out after each and every one of us. They protect this House. And, often times, often times, they know more about each and every one of these bills than any of us do. So, you might heed their advice and their opinion. They are our constituents; they do a wonderful job. Mr. Speaker, it's my distinct honor to place Robert W. Stewart in nomination for Doorkeeper. Thank you.

The nomination was seconded by Delegate Westfall of the 12th Delegate District, with the following remarks:

DELEGATE WESTFALL. Thank you, Mr. Speaker. It is my honor to second the nomination for Robert Stewart for Doorkeeper. Robert was first nominated and elected Doorkeeper in January 2019, as the 55th Doorkeeper of the House of Delegates.

As Delegate Moore said, the newbie's here, get to know all the Doorkeepers, the Sergeant-at-Arms, the staff

and everything. They're of great benefit, they do a great job, they're great friends. So, it's my honor to second the nomination of Robert Stewart as Doorkeeper.

There being no further nominations, Delegate Capito moved that nominations for Doorkeeper be closed and that Robert Stewart be elected by acclamation.

In the absence of objection, the Speaker put the question before the House and declared Robert Stewart elected Doorkeeper by acclamation. (Applause, the members rising)

Mr. Stewart then took the oath of office as prescribed for Doorkeeper, which oath of office was administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals. (Applause, the members rising)

* * * * *

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in the First Regular Session of the Eighty-fifth Legislature as provided by Section 18, Article VI of the Constitution of the State, with a quorum present, had organized by the election of Roger Hanshaw, 33rd Delegate District, as Speaker; Stephen J. Harrison, of the County of Kanawha, as Clerk; Marshall Clay of the County of Fayette, as Sergeant-at-Arms; and Robert Stewart, of the County of Kanawha, as Doorkeeper, and was ready to proceed to the business of the session.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Graves, Gearheart and Boggs.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled for the First Regular Session of the Eighty-fifth Legislature as provided by Section 18, Article VI of the Constitution of the State,

with a quorum of each house present, had organized by the election of officers of the respective houses, and was ready to enter upon the business of the session.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Rowan, Phillips and Lovejoy.

* * * * *

Resolutions Introduced

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

H. C. R. 1 - "Raising a Joint Assembly to open and publish election returns."

Resolved by the Legislature of West Virginia:

That the two houses of the Legislature convene in Joint Assembly in the Hall of the House of Delegates at 1:45 o'clock postmeridian, this day, that the Speaker of the House of Delegates may, in the presence of the Senate, open and publish the returns of the election held throughout the State on the 3rd day of November, 2020, as provided by Sec. 3, Article VII of the Constitution.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

H. C. R. 2 - “Providing for an adjournment of the Legislature until February 10, 2021.”

Whereas, The first regular session of the 85th Legislature assembled on this date, the second Wednesday in January, 2021, organized by the election of officers of the two houses, and the two houses in joint assembly opened and published the returns of the election of state officers held on the 3rd day of November, 2020, all as prescribed by Section 18, Article VI of the Constitution of the State; and the two houses adopted rules to govern their proceedings and separately and concurrently acted on certain other matters incident to organization; therefore, be it

Resolved by the Legislature of West Virginia:

That having complied with the provisions of said section of the Constitution, when adjournment is taken by the two houses this day, such adjournment shall be until February 10, 2021, at 12 o'clock meridian.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

At 1:18 p.m., on motion of Delegate Summers, the House of Delegates recessed until 1:30 p.m.

* * * * *

Afternoon Session

* * * * *

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

Messages from the Senate

A message from the Senate, by

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

H. C. R. 1, Opening and publishing of election returns.

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. 2, Providing for an adjournment of the Legislature until February 10, 2021.

A message from the Senate, by

Senator Nelson, of the committee of three from the Senate, announced that the Senate had organized and was ready to proceed with the business of the legislative session.

JOINT ASSEMBLY

The Speaker welcomed the members of the Senate.

The President and members of the Senate then entered the Hall of the House of Delegates and the members were seated in the places reserved for them and the President of the Senate took the seat to the right of the Speaker.

RETURNS OF ELECTIONS

The Honorable Mac Warner, Secretary of State presented a communication which was received and read by the Clerk indicating the candidates appearing to have been elected in the election held on the 3rd day of November, 2020, for Governor and other constitutional officers, in accordance with Section 3, Article VII of the Constitution of the State:

Jim Justice	as Governor	784,287 ballots cast
Mac Warner	as Secretary of State	768,187 ballots cast
Riley Moore	as Treasurer	756,061 ballots cast
John “JB” McCuskey	as Auditor	741,272 ballots cast
Patrick Morrisey	as Attorney General	764,048 ballots cast
Kent Leonhardt	as Commissioner of Agriculture	739,298 ballots cast

The Speaker declared the following, having received the highest number of votes and being duly qualified, were elected to the Office of Governor and other State offices for the term fixed by law, beginning on the first Monday after the second Wednesday of January, 2021.

JIM JUSTICE, GOVERNOR

MAC WARNER, SECRETARY OF STATE

RILEY MOORE, STATE TREASURER

JOHN “JB” MCCUSKEY, AUDITOR

PATRICK MORRISEY, ATTORNEY GENERAL

KENT LEONHARDT, COMMISSIONER OF AGRICULTURE

* * * * *

The business of the Joint assembly having been completed, the Speaker declared the Joint Assembly dissolved.

The members of the Senate retired to their Chamber.

The Speaker then called the House to order.

Messages from the Senate

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 as follows:

S. C. R. 1 – “Adopting joint rules of the Senate and House of Delegates.”

Adopting joint rules of the Senate and House of Delegates.

Resolved by the Legislature of West Virginia:

That the Joint Rules of the Senate and House of Delegates governing the eighty-fourth Legislature are hereby adopted to govern the proceedings of the eighty-fifth Legislature, subject to subsequent amendment.

At the respective requests of Delegate Summers and by unanimous consent, reference of the resolution (S. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and 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 as follows:

S. C. R. 2 – “Payment of supplies, services and printing.”

Relating to the payment of bills for supplies, services and printing and authorized contingent and other expenses of the eighty-fifth Legislature.

Resolved by the Legislature of West Virginia:

That for the regular and any extraordinary session of the eighty-fifth Legislature, the Auditor of West Virginia, in advance of the appropriation for such purposes, is hereby authorized, upon proper requisition of the Clerk of the Senate and the Clerk of the House of Delegates, to pay bills for supplies and for services furnished to the Legislature preparatory to the beginning of, during and following the adjournment of sessions, including contingent expenses of the respective houses; the per diem of officers, other than the President of the Senate and the Speaker of the House of Delegates, and employees of the Senate and of the House of Delegates; travel expenses of members as authorized by law; bills for legislative printing as the accounts for same become due; and any other authorized contingent and other expenses of the Legislature or the respective houses.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (S. C. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

Resolutions Introduced

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

H. R. 1 - "Adopting Rules of the House of Delegates."

Resolved by the House of Delegates:

That Rules of the House of Delegates for the 85th Legislature are hereby adopted and shall govern the proceedings of the Regular Sessions of the Legislature and any Extraordinary Sessions thereof insofar as applicable, subject to amendment as provided by Rule 133, as follows:

RULES

ELECTION AND DUTIES OF OFFICERS

Officers and Their Compensation

1. The House, at the commencement of each Legislature, shall elect a Speaker, Clerk, Sergeant-at-Arms, and Doorkeeper. All officers, except the Speaker, shall receive such compensation as the House may determine.

~~Vote to Be by Roll Call~~ Vote to Elect Officers

2. In the election of officers by the House, the vote shall be given by ~~roll call~~ calling of the roll, and a majority of the whole number of votes given, a quorum being present, shall be necessary to elect. If, upon any vote, there be no election, the person having the lowest number of votes shall be dropped, and any votes thereafter given to such person shall not be taken into the counting to affect the result in any way. But if two or more have the lowest and equal number of votes, they may be voted for again. If there is only one nominee, the vote may be done by acclamation. No question before the House, or in committee of the whole, shall be voted on by ballot. (HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

Effect of the 2019 amendment. Required the election of officers be by roll call instead of *viva voce*.

Effect of the 2021 amendment. Clarified that the election of officers is to be done verbally.

DUTIES AND RIGHTS OF THE SPEAKER

Call to Order

3. The Speaker shall take the chair on each legislative day at the hour to which the House shall have adjourned; call the members to order and, after prayer and the Pledge of Allegiance, if a quorum is present, proceed to the order of business. (HR21, Reg. Sess., 1985; HR1, Reg. Sess., 2017)

Effect of the 1985 amendment. The Pledge of Allegiance was added to the Call to Order.

Effect of the 2017 amendment. Deleted the word “precisely” following the words “each legislative day”; and deleted the words “shall immediately” preceding the words “call the members”.

Preservation of Order

4. The Speaker shall preserve order and decorum while the House is in session; enforce the rules and orders of the House; prescribe the order in which business shall come up for consideration, subject to the rules and orders of the House; announce the question of business before the House when properly requested by any member; receive all messages and communications; put to vote all questions which are properly moved; announce the result of all votes and authenticate, when necessary, the acts and proceedings of the House.

Decorum in Debate

5. In debate, the Speaker shall prevent personal reflections and confine members to the question under discussion, but he shall not engage in any debate, or propose his opinion on any question without first calling some other member to the chair, except as otherwise provided by these rules or other rules applicable to the proceedings of the House. When two or more members seek recognition at the same time, he shall name the one entitled to the floor. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Added the phrase “except as otherwise provided by these rules or other rules applicable to the proceedings of the House” at the end of the first sentence and changed “arise” to “seek recognition” in the last sentence.

Questions of Order

6. The Speaker shall decide all questions of order subject to an appeal to the House when demanded by any ten members, or, if in committee, ten percent of the members of the committee. He may speak to questions of order from the chair in preference to other members, and may make the concluding speech on any appeal from his decision, notwithstanding, he may have before spoken on the question; but no other members shall speak more than once on such appeal without leave of the House.

When properly requested by a member, the Speaker shall inform the House upon any point of order or practice pertinent to the business before it. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Clarified that ten percent of members in a committee may demand an appeal of the Chair, and clarified that the Speaker may speak to questions of order from the chair.

Preserving Order in Galleries

7. The Speaker shall have general control of the House Chamber, lobbies, and rooms and of the corridors and passages in that part of the Capitol assigned to the use of the House. In case of any disorderly conduct or disturbance in the corridors, passages or galleries; including but not limited to, signs, audible displays, flash photography or standing in the galleries; he shall have the power to order the same to be cleared, and may cause any person guilty of such disturbance or disorderly conduct to be brought before the bar of the House. In all such cases the members present may take such measures to prevent a repetition of such misconduct, either by the infliction of censure or such other penalty, as may be authorized by law, on the parties thus offending, as the House may deem best. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Clarified that audible displays, flash photography or standing in the galleries is prohibited.

Appointment of Speaker Pro Tempore, Presiding Officer in Absence of Speaker

8. The Speaker shall appoint a Speaker pro tempore, who, during the absence of the Speaker, shall preside and perform all duties of the Speaker: *Provided*, That the Speaker may designate, by appointment in writing entered upon the Journal of the House, any member, other than the Speaker pro tempore, who, during the absence of the Speaker, shall preside and perform the duties of the Speaker until the Speaker returns to the chair: *Provided, however*, That the Speaker may call any member to the chair to perform the duties of Speaker but such substitution shall not extend beyond an adjournment: ~~*Provided further*, That the Speaker pro tempore or any other member hereunder designated shall so preside for a period not to exceed three consecutive legislative days, but for no longer~~

~~period, except by special consent of the House. (HR20, Reg. Sess., 1979; HR1, Reg. Sess., 2021)~~

Effect of the 1979 amendment. Created a Speaker Pro Tempore to preside and perform the duties of Speaker in the absence of the Speaker.

Effect of the 2021 amendment. Deleted the proviso that read “Provided further, That the Speaker pro tempore or any other member hereunder designated shall so preside for a period not to exceed three consecutive legislative days, but for no longer period, except by special consent of the House.”

Appointment of House Employees

9. For the performance of technical, clerical, stenographic, custodial and other services required by the House, at the beginning of each regular session of the Legislature, the Speaker shall appoint such persons to various positions, in such number as deemed necessary to efficiently carry on the work of the House.

At an extraordinary session of the Legislature only such persons designated for regular sessions as shall be necessary to perform the duties incident to the work of the session shall be appointed for the extraordinary session. Such persons as are appointed shall be selected with due regard to experience and qualifications.

All employees of the House shall report each day to their supervisor. A person designated by the Clerk of the House of Delegates shall keep a record of the attendance of such employees, and no employee shall be paid for days he is not in attendance, Saturdays and Sundays during sessions excepted, unless excused by the Speaker. All employees shall be on duty daily during such hours as shall be designated by their supervisor. The appointing authority shall have power to discharge any employee at any time. The word “employee” as herein used shall include all persons employed by the House.

Notwithstanding designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties as may be deemed proper to secure the most efficient and expeditious work.

The employees designated herein shall not include personnel required to staff a drafting office or drafting service authorized and maintained by the House. The Speaker shall make such appointments for this purpose as the House shall authorize.

The compensation of all employees shall be fixed by resolution during each regular session. The Speaker may hire, discharge and adjust salaries of employees subsequent to the adoption of the resolution ~~as allowed by this rule.~~ (HR22, Reg. Sess., 1963; HR2, Reg. Sess., 1967; HR2, Reg. Sess., 1971; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2021)

Effect of the 1963 amendment. The rule was completely rewritten. A limitation was placed upon the number of persons to be employed by the House during sessions of the Legislature, positions designated and duties prescribed.

Effect of the 1967 amendment. The amendment substituted the word “employees” for the “attachés” in paragraph (1).

Effect of the 1971 amendment. As a result of the 1970 amendment to the Constitution providing for annual 60-day sessions of the Legislature, the rule was rewritten to remove provisions applicable to the former 30-day session. The amendment made changes in the first and second paragraphs of subdivision (3).

Effect of the 2017 amendment. Updated the rule to reflect the practices of the House and removed outdated job descriptions.

Effect of the 2021 amendment. Deleted the words “as allowed by this rule” at the end of the last paragraph.

Appointment of Committees and Subcommittees

10. The Speaker shall appoint all committees, except when the House shall otherwise order. In appointing standing committees he shall designate a chairman and may designate a vice chairman. In the absence of the chairman of a committee having a vice chairman, such vice chairman shall preside, and if there be no vice chairman, the committee shall elect a temporary chairman. When the House authorizes the appointment of a committee, the Speaker may wait until the next legislative day to appoint the same.

The Speaker may also name subcommittees of standing committees, prescribe their jurisdiction and

designate the chairmen thereof. Legislative proposals and other business coming within the prescribed jurisdiction of any established subcommittee of a standing committee shall upon being committed to such standing committee be referred by the chairman thereof to the appropriate subcommittee. Reports of subcommittees shall be made to the committee and not to the House. (HR2, Reg. Sess., 1967)

Effect of the 1967 amendment. The last paragraph was added to the rule.

~~Chairman~~ Chair of the Committee on Rules

11. The Speaker shall be an ex officio a voting member and ~~chairman~~ Chair of the Committee on Rules. (HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

Effect of the 2019 amendment. Clarified that the Speaker is a voting member of the Committee on Rules.

Effect of the 2021 amendment. Technical cleanup.

Acts and Writs Signed by the Speaker

12. All acts shall be signed by the Speaker; and all writs, warrants and subpoenas issued by the order of the House or any committee having authority to issue same shall be under his hand and attested by the Clerk.

Putting Questions

13. The Speaker shall rise to put a question but may state it sitting.

Vote of the Speaker

14. In all cases of a call of the yeas and nays, the Speaker shall vote, unless excused; in other cases he shall not be required to vote unless the House is equally divided, or unless his vote, if given to the minority, will make the division equal and in case of such equal division the question shall be lost. When the yeas and nays are taken, the Speaker's name shall be called last.

CLERK, SERGEANT-AT-ARMS AND DOORKEEPER

CLERK

Examination of Journal

15. It shall be the duty of the Clerk to examine the Journal of the House, daily, before it is read and cause all errors and omissions therein to be corrected. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Provided that the Clerk, and not the Speaker, examines the Journal, to bring the rule into conformity with the practices of the House.

Charge of Clerical Business of House

16. The Clerk shall have charge and supervision of all the clerical business of the House. He shall perform the duties imposed on him by law and the rules of the House. He shall have charge of the Clerk's desk and shall see that no one is permitted therein except himself and those assisting him.

Duties of Clerk

17. It shall be the Clerk's duty to read to the House all papers ordered to be read; to call the roll and note and report the absentees, when a call of the House is ordered; to call the roll and note the answers of members, when a question is taken by yeas and nays; to assist, under the direction of the Speaker, in taking the count when any vote of the House is taken; to notify committees of their appointment and the business referred to them; to superintend the execution of all printing ordered by the House, and to report to the Speaker, to be submitted to the House, every failure of the printer to execute the same properly and promptly. He shall attest all writs, warrants and subpoenas issued by order of the House and shall certify to the passage of all bills, and to the adoption of all joint and concurrent resolutions by the Legislature. In addition to his other duties, the Clerk shall keep the accounts for pay and mileage of members, officers and employees, and for printing and other contingent expenses

of the House, and prepare and sign warrants or requisitions for the same.

The Clerk shall superintend the recording of the Journal of the proceedings, the engrossing and enrolling of bills, and shall cause to be kept and prepared for the printer the Daily Journal of the proceedings of the House (HR2, Reg. Sess., 1967)

Effect of the 1967 amendment. The word “employees” was substituted for “attachés”.

Clerk to Have Custody of All Records

18. The Clerk shall have the custody of all records and papers of the House, and shall not allow them to be taken from the table or out of his possession without the leave of the House, unless to be delivered to the chairman of a committee to which they may have been referred and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files for reference.

Appointment of Assistants

19. The Clerk may appoint such assistants and other personnel as is authorized by code, resolution or by the Rules of the House, and shall have the power to remove any appointee and appoint another in his stead. (HR22, Reg. Sess., 1963; HR1, Reg. Sess., 2017)

Effect of the 1963 amendment. The amendment brought the rule into conformity with Rule 9.

Effect of the 2017 amendment. Specified that the Clerk may appoint personnel as authorized by resolution, rule or West Virginia Code.

Clerk to Have Charge of All Printing

20. The Clerk shall have supervision and charge of all printing done for the House and the printer shall print only such documents and other matter as the Clerk authorizes. The Clerk is authorized to correct errors and omissions prior to the final printing of legislative documents or publications. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2021)

Effect of the 2017 amendment. Removed the word “public” to reflect the establishment of in-house printing.

Effect of the 2021 amendment. Added language to clarify that the Clerk can correct errors and omissions.

Payment for Printing

21. Printing of bills and daily journals will be done in the Legislative Print Shop. Bound material and other legislative printing which cannot be done with machines owned or leased by the House of Delegates or the Joint Committee on Government and Finance will be contracted in accordance with Section 34, Article 6 of the Constitution of the State of West Virginia. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Updated the Rule to reflect current printing practices.

SERGEANT- AT-ARMS

Duties

22. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings and to maintain order under the direction of the Speaker. He shall execute the commands of the House from time to time, together with such process, issued by the authority thereof, as shall be directed to him by the Speaker.

Under the direction of the Speaker, he shall superintend the distribution of all documents and papers to be distributed to the members. He shall see that no person, except those authorized to do so, disturbs or interferes with the desks of the members, or with the books, papers, etc., thereat.

He shall have charge under the Speaker for the purpose of maintaining order of the Hall of the House, its lobby, galleries and other rooms in the Capitol assigned for its use, and shall exclude from the floor all persons not entitled to the privilege of the same. He shall attend to seating visitors, and see that the House Chamber is properly ventilated, heated, and lighted. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Technical amendment to bring the rule into conformity with the practices of the House.

DOORKEEPER

Duties

23. It shall be the duty of the Doorkeeper to attend the House during its sessions, and to announce all messages. He shall have charge of the main door of the Chamber during the sittings of the House, and shall see that the other doors are properly attended; have general charge and oversight of the assistant doorkeepers; detail such assistant doorkeepers for such general or special duties as the Sergeant-at-Arms may deem proper; assist the Sergeant-at-Arms in seeing that the rules relating to admission to the floor are strictly enforced, and shall perform such other duties as the Speaker or the House may order.

RIGHTS AND DUTIES OF MEMBERS

Absence From the House

24. No member shall absent himself from the service of the House unless he or she have leave, or be sick and unable to attend, but any member who conscientiously believes that his or her absence is necessary to observe the Sabbath or other religious observance shall be excused from attending upon the House on that day. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019)

Effect of the 2017 amendment. Technical amendment to clarify the language.

Effect of the 2019 amendment. Changed the language to be gender neutral.

Every Member to Vote

25. Every member present when a question is put, or when his or her name is called, shall vote unless he or she is immediately and particularly interested therein, or the House excuses him or her. A motion to excuse a member from voting must be made before the House divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion may briefly state the reason therefor. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Changed the language to be gender neutral.

Members Shall Be in Places When Voting

26. While the yeas and nays are being taken every member shall be in his or her seat, as designated by the Speaker, and during the session of the House no person other than a member shall occupy the chair of a member. (HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

Effect of the 2019 amendment. Changed the language to be gender neutral.

Effect of the 2021 amendment. Added the words “as designated by the Speaker”.

Quorum

27. A majority of all the members elected to the House shall be necessary to proceed to business; seven members may adjourn, and ten members may order a call of the House, send for absentees, and make any order for their censure or discharge. On a call of the House, the doors shall not be closed against any member until his name shall have been called twice. [Const., Art. VI, §32]

When Less Than Quorum Present

28. In case a number less than a quorum of the House shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any and all absent members as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the House, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of the House. This rule shall apply to the first meeting of the House, at the legal time of meeting, as well as to each day of the session after the hour has arrived to which the House stood adjourned.

Taking Members into Custody

29. No member of the House shall be taken into custody by the Sergeant-at-Arms, on any question of

complaint of breach of privilege, until the matter is examined by the Committee on Rules, and reported to the House of Delegates, unless by order of the Speaker of the House of Delegates. (HR2, Reg. Sess., 1967)

Effect of the 1967 amendment. Committee on Rules was substituted for the Committee on Elections.

Punishment of Members

30. The House of Delegates may punish its own members for disorderly behavior, and, with the concurrence of two thirds of the members elected thereto, expel a member, but not twice for the same offense. [Const., Art. VI, §25]

Providing for Undisturbed Transaction of Business

31. The House of Delegates may punish, by imprisonment, any person not a member, for disrespectful behavior in its presence; for obstructing any of its proceedings, or any of its officers in the discharge of his duties, or for any assault, threat or abuse of any member for words spoken in debate; but such imprisonment shall not extend beyond the termination of the session. [Const., Art. VI, §26]

ORDER AND DECORUM IN DEBATE

Recognition and Decorum

32. When a member is about to speak in debate or deliver any matter to the House, he or she shall rise in his or her place and upon being recognized, respectfully address the presiding officer as “MR. SPEAKER” or “MADAM SPEAKER”, as may be appropriate, and proceed, confining himself or herself to the question under debate, avoiding all personalities and indecorous or disrespectful language.

When a member arises and addresses the Chair, the Speaker may recognize him or her by name; but no member in debate shall designate another by name. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019)

Effect of the 2017 amendment. Technical amendment to clarify the language.

Effect of the 2019 amendment. Changed the language to be gender neutral.

Recognition by the Chair

33. When two or more members shall rise or request recognition, the Speaker shall name the one who is to speak first, and his decision shall be final and not open to debate or appeal. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Added the word “or request recognition” and deleted the second sentence which read “However, in all other cases the member who shall rise first and address the Chair shall be first recognized.”

Mover of Question to Have Preference in Debate

34. No question shall be debated until it has been propounded by the Speaker, and then the mover of the question shall have the right to open and close the debate thereon. When the question is the passage of a bill or adoption of a resolution, the Speaker may designate a member to explain the bill or resolution who shall have the right to open and close debate. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Added the last sentence to the rule, granting the Speaker the authority to designate a member to explain the bill or resolution who shall have the right to open and close debate on final reading.

Member Out of Order and Raising Points of Order or Inquiries of the Chair

35. When any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, by rising, announcing a point of order, and addressing the rule being violated when called upon by the Speaker, call him or her to order; in which case the member so called to order shall immediately sit down, but may be permitted, with leave of the House, to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the member so called to order, he or she is at liberty to proceed; if the decision be against him or her, and the case requires it, he or she shall be liable to the censure of the House, or such other punishment as the House may properly impose.

Any member may at any time make an inquiry of the Chair by rising, announcing his or her inquiry and upon recognition by the Speaker, stating his or her point. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019)

Effect of the 2017 amendment. Added the procedure for raising points of order or inquiring of the Chair.

Effect of the 2019 amendment. Changed the language to be gender neutral.

Calling to Order for Words Spoken in Debate

36. If a member be called to order for words spoken in debate, the person calling him to order shall ask that the Clerk take down the words immediately spoken in debate by the member called to order. And no member shall be held to answer, or be subjected to the censure of the House, for words spoken in debate, if any other member has spoken or other business has intervened after the words were spoken and before the exception to them was taken. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Required the Clerk to take down the words spoken in debate instead of being repeated.

Decorum During Debate

37. While the Speaker is putting a question, ascertaining the result, or addressing the House, no one shall walk out of or across the House; and when a member is speaking, no one shall engage in conversation or pass between him and the Speaker.

Limitation on Debate

38. No member shall speak except in his or her place, and no member shall speak until recognized by the Speaker, and may not be recognized to speak more than twice on a question, except by leave of the House: *Provided*, That yielding to answer a question shall not count toward the limit of speaking twice set forth in this rule. Questions in the form of argument or debate are out of order. If a question be pending at the time of an adjournment and is renewed on the succeeding day, no member who shall have spoken twice on the preceding day shall be permitted again to speak without leave of the House. The House by majority vote may limit debate on any question. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Specified that a member that is asked to take to the floor to answer a question does not lose the right to speak twice on a question.

Members Not to Be Disturbed While Speaking

39. No one shall disturb or interrupt a member who is speaking, without his permission, except to call to order if he be transgressing the rules.

Speaking Before Negative is Put

40. (Rescinded by HR1, January 11, 2017.)

Effect of the 2017 amendment. The rule was completely abolished.

PUTTING QUESTIONS AND VOTING

Putting Questions; Division

41. All questions on which the yeas and nays are not taken shall be put in this form, to wit: "As many as are in favor (as the question may be) say 'Aye,'" and after the affirmative vote is expressed, "As many as are opposed say 'No'." If the Speaker be in doubt as to the result, or if a division is called for by any member, the House shall divide. Those in the affirmative of the question shall first rise from their seats and be counted, and afterwards those in the negative. The count may be made by the Speaker, or, if he so directs, by the Clerk, or two members, one from each side, to be named for that purpose by the Speaker. When the result is ascertained, the Speaker shall rise and state the decision of the House. Such vote shall not be printed in the Journal unless the yeas and nays are called for by one tenth of the members present. (HR3, 1st Ex. Sess., 1968; HR1, Reg. Sess., 2017)

Effect of the 1968 amendment. The language of the rule was modified slightly.

Effect of the 2017 amendment. Removed the word "distinctly" in the first sentence after the words "shall be put".

Yeas and Nays

42. The yeas and nays shall be taken on motions to dispense with the constitutional rule requiring a bill to be fully and distinctly read on three different days and on fixing the effective date of an act of the Legislature; on

agreeing to a joint resolution proposing an amendment to the Constitution of the State; on the passage of a bill notwithstanding the objections of the governor; on the passage of a supplementary appropriation bill; on the passage of bills on third reading; on the passage of a House bill amended by the Senate; on all questions where a specific vote is required by the Constitution, the joint rules of the Senate and House of Delegates, or by these rules; on quorum calls; and on questions when called for by one tenth of the members present.

The result of all votes taken by yeas and nays shall be entered on the Journal. When the yeas and nays are inserted on the Journal, the result of the vote as to total yeas, nays and absentees shall be recorded, and the names of the Delegates voting yea or nay, whichever is the smaller number, and the names of Delegates absent and not voting shall be inserted on the Journal. The names of Delegates omitted shall constitute the vote on the prevailing side.

On all roll calls, when the voting machine is not used, before the result is announced, the Clerk shall read to the House the names of those who voted in the affirmative or in the negative, whichever is the smaller number, and announce the names of those absent and not voting, at which time any member may correct a mistake committed in taking down his vote. The result shall then be announced, but if the House so orders, the announcement of the result may be postponed to the succeeding day, with liberty to absent members at any time before the result is announced by the Speaker, to appear and vote "Aye" or "No," in the presence of the House; and any member may, in the presence of the House, change his vote before the result is announced.

When the yeas and nays are called for by a member on any question, the Speaker shall hold this demand in abeyance until debate has closed upon the question under consideration, or until the previous question has been moved and sustained.

Upon calls of the House, in taking the yeas and nays, the names of the members shall be called alphabetically, except the name of the Speaker shall be called last. (HR19,

Reg. Sess., 1945; HR3, 1st Ex. Sess., 1968; HR2, Reg. Sess., 2003; HR7, Reg. Sess., 2007)

Effect of the 1945 amendment. Eliminated requirement for Clerk to read names of persons voting in the affirmative and the negative on roll calls when the voting machine is used, and prescribes when the Speaker shall put demand for yeas and nays.

Effect of the 1968 amendment. The amendment rewrote the rule.

Effect of the 2003 amendment. Provides for the taking of yeas and nays on the passage of all bills and clarifies that one roll is sufficient to pass a group of bills on third reading, Consent Calendar.

Effect of the 2007 amendment. Removed the provision covering one roll call vote to pass third reading Consent Calendar bills and restated that a roll call is to be taken on all bills on third reading.

Pairs

43. Members may pair on any question by filing a signed statement of the same with the Clerk, who shall read the same to the House before the vote is taken. A blank form of pair for use of members shall be provided by the Clerk. No pair shall be recognized ~~unless made in person by the member signing the same, nor~~ unless one or both of the parties thereto are absent. (HR1, Reg. Sess., 2021)

Effect of the 2021 amendment. Removed the requirement that pairs must be made in person.

Division of Question

44. Any member may move for a division of any question other than passage of a bill before the vote thereon is taken, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition will remain for the decision of the House, but the member moving for the division of a question shall state in what manner he proposes it shall be divided. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall preclude neither amendment nor motion to strike out and insert. A bill is not divisible on the floor of the House. If the matter of one bill would be better distributed into two, any part may be struck out by way of amendment and introduced as a new bill in accordance with Rule 92. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Added language clarifying that a bill is not divisible on third reading.

Calling of Yeas and Nays

45. No member or any person shall visit or remain by the Clerk's table while the yeas and nays are being called.

Tie Vote Loses Question

46. In all cases when the House is equally divided, the question shall be lost.

Verification of Vote

47. When a question upon which the yeas and nays have been taken has prevailed or failed by not more than five votes, the Speaker may, upon request of five members, order a verification of the vote. During such verification, no member shall change his vote unless it was erroneously recorded, nor may any member not having voted cast a vote. A verification must be called for immediately after a vote is announced and before any other business has intervened.

Explanation of Vote

48. No member shall be allowed to make any explanation of his vote during the taking of the yeas and nays; but after the roll has been called and the vote announced, any member may explain his vote and the explanation shall be recorded in the Journal if he requests it. The Speaker may limit the time allowed members for explaining votes. A member may indicate in writing to the Clerk how the member voted on a voice vote or, if absent when any vote is taken, indicate in writing to the Clerk how the member would have voted if present and it shall be noted in the Journal. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Added the last sentence to bring the rule into conformity with the practices of the House.

When Members Not to Vote

49. When a question is put, any member having a direct personal or pecuniary interest therein should announce this fact and request to be excused from voting.

The member with such interest should advise the presiding officer of the facts which constitute the personal and pecuniary interest. If the presiding officer determines based upon the facts provided by the member that the interest is a direct personal or pecuniary interest and affects the member directly and not as a member of a class of five or more similarly situated persons or businesses then the presiding officer shall excuse the member from voting. If the presiding officer determines that the interest is not a direct personal or pecuniary interest or that the member is affected as a member of a class of five or more similarly situated persons or entities then the member shall be directed to vote on the question. (HR23, Reg. Sess., 1977; HR1, Reg. Sess., 2017)

Effect of the 1977 Amendment. Provided that disqualifying interest must affect the member directly and not as one of a class.

Effect of the 2017 amendment. Requests that members advise the presiding officer of a possible personal or pecuniary interest, and clarifies that a class of five or more is used in determining whether a member is a member of a class.

Voting by Machine

49a. A voting machine may be used in taking the yeas and nays on any question, for quorum calls and for determining the result when a division is demanded. When a vote is to be taken on the voting machine, the Speaker shall announce the question to be voted upon and direct the Clerk to prepare the machine. The Clerk shall then sound the gong which shall be notice to all members to vote. After reasonable time has been given all members to vote the Speaker shall ask the question, "Have all members voted?," vote himself, if the vote being taken is upon a question on which he is required to vote, and then direct the Clerk to close the machine and ascertain the result. As soon as this is done, the Speaker shall promptly announce the result. No vote may be changed after it has been recorded.

No member shall vote for another member, nor shall any person not a member cast a vote for a member. In addition to such penalties as may be prescribed by law, any member who shall vote or attempt to vote for another member may be expelled as a member of the House or punished in such other manner as the House may

determine. If a person not a member shall vote or attempt to vote for any member, he shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House may deem proper, in addition to such punishment as may be prescribed by law.

All other rules governing voting and the taking of the yeas and nays, insofar as applicable, shall apply to taking votes by means of the voting machine. (HR1, 1st Ex. Sess., 1936; HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Deleted the requirement that the Clerk hand the record of the vote to the Speaker to bring the rule into conformity with the current practice of the House.

MOTIONS

Stating the Question

50. When a motion is made, it shall be stated by the Speaker; or, being in writing, it shall be passed to the desk and read aloud by the Clerk before debate.

Form of Motion

51. Every motion, except subsidiary or incidental motions, shall be reduced to writing, if the Speaker or any member desires it; but this exception shall not apply to motions to amend.

Withdrawal of Motions

52. After a motion is stated by the Speaker or read by the Clerk, it is deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment, unless the previous question has been ordered, in which case it can only be withdrawn by leave of the House.

Order and Precedence of Motions

53. When a question is under debate, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To limit debate.
5. To postpone to a day certain.
6. To go into a Committee of the Whole on the pending question immediately.
7. To commit to a Committee of the Whole.
8. To commit to a Standing Committee.
9. To commit to a Select Committee.
10. To amend.
11. To postpone indefinitely.

These several motions shall have precedence in the order in which they are arranged. A motion to strike out the enacting clause of a bill shall have precedence of another motion to amend; and if carried, the bill is rejected. (HR1, Reg. Sess., 2019)

Effect of the 2019 amendment. Added number 4, to limit debate, to the order and precedence of motions.

Motion to Adjourn

54. A motion to adjourn shall always be in order, except when the House is voting, or while a member is addressing the House, or when no business has been transacted since the motion to adjourn has been defeated.

Motions Not Debatable

55. The following motions, and other non-debatable motions in Jefferson's Manual, shall be decided without debate and shall not be amended:

1. To adjourn.

2. To fix the time to which the House shall adjourn.
3. To lay on the table.
4. For the previous question.
5. To limit debate.
6. To suspend the constitutional rule requiring bills to be read on three several days.
7. To recess. (HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

Effect of the 2019 amendment. Added number five, to limit debate, to the list of motions that are not debatable.

Effect of the 2021 amendment. Included non-debatable motions in Jefferson's Manual.

Motions Not in Order

56. No motion directing the appropriation or payment of money shall be in order.

Effect of Indefinite Postponement

57. When a question is postponed indefinitely, it shall not be again acted on during the session.

Motion to Reconsider

58. After any question has been decided in the affirmative or in the negative, it shall be in order for any member who voted with the prevailing side to move for a reconsideration of the vote thereon at any time on the same day or the next succeeding day of actual session. When the yeas and nays have not been recorded in the Journal, any member, irrespective of whether he voted with the prevailing side or not, may make the motion to reconsider. If the House refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. No vote shall be reconsidered upon motions to adjourn, to lay on the table, to take from the table, or for the previous question.

The motion to reconsider may be put and acted upon when made. If seconded, it shall take precedence of all other questions, except the consideration of a conference report and the motion to adjourn, and unless by motion postponed until some future date be acted upon at once. When a motion to reconsider is made and not acted upon at the time, it shall be placed upon the calendar, under unfinished business, and be acted upon the next day of actual sitting of the House. A motion to reconsider shall not be withdrawn without leave of the House.

No bill, resolution, message, report, amendment or motion, upon which a motion is pending to reconsider the vote thereon, shall be taken out of the possession of the House until final disposition of the motion to reconsider. No motion for reconsideration of the vote on any question, which has gone out of the possession of the House, shall be in order, unless subsequently recalled by vote of the House and in possession of the Clerk.

When a motion to reconsider has been carried, its effect shall be to place before the House the original question in the exact position it occupied before it was voted upon. (HR2, Reg. Sess., 1967)

Effect of the 1967 amendment. The amendment rewrote the rule.

Debate on Motions to Reconsider

59. Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. Where debate upon a motion to reconsider is in order, no member shall speak more than once nor for a longer period than three minutes.

Reconsideration of Question Requiring More than Majority Vote

60. When a majority of members present vote in the affirmative on any question, but the question be lost because it is one in which the concurrence of a greater number than a majority of a quorum is necessary to an affirmative decision, any member may move for a reconsideration.

Effect of Motion to Table

61. A motion to lay on the table shall only have the effect of disposing of the matter temporarily, and may be taken from the table at any time after the eighth order of business has been passed.

Motion Must Be Germane

62. No motion on a subject different from that under consideration shall be admitted under color of amendment.

Previous Questions

63. When any question is before the House, any member who has not spoken on the question, when properly recognized, may move the previous question. Any demand for the previous question must be sustained by one tenth of the members present. If sustained, the motion for the previous question shall be put by the Speaker, without debate, in the form of "Shall the question on _____ now be put? If the motion for the previous question is adopted by a majority vote of members present, that question shall be put to a vote without further debate: *Provided*, That if the question is passage of the bill or adoption of a resolution, the Member recognized by the Speaker pursuant to Rule 34 to explain the bill or resolution shall be provided five minutes to close debate. If the question at issue is an amendment, the Member that is the lead sponsor of the amendment shall be provided three minutes to close debate.

When a member moves the previous question, he shall specifically state in his motion whether it shall apply to the main question and the amendments or to the amendment or amendments only. If the motion applies to the main question and the amendments, separate votes shall be taken on each pending amendment and the main question without further debate, except for the Member having the right to close on the question pursuant to this Rule.

The previous question shall not be admitted in the Committee of the Whole. (HR1, Reg. Sess., 2017; HR5, Reg. Sess., 2017)

Effect of the 2017 amendments. Outlined the procedure to be used when moving the previous question. The rule also clarified what procedure is followed when the motion is adopted.

MEETING OF THE HOUSE

Time of Meeting

64. The House shall meet every day, except Sunday, unless it shall be otherwise directed by special order, at the hour to which it shall have adjourned at its last sitting; but if no hour were fixed at such sitting, then at eleven o'clock A.M. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Changed the time from two p.m. to eleven a.m. to reflect the normal meeting time of the House.

ORDER OF BUSINESS

Daily

65. The daily order of business shall be as follows:

I. To read, correct, and approve the Journal.

II. Introduction of guests.

III. To receive and consider reports of standing committees.

IV. To receive and consider reports of select committees.

V. To receive and consider messages from the Executive, state officials, and other communications and remonstrances.

VI. To receive messages from the Senate, and consider amendments proposed by the Senate to bills passed by the House.

VII. To receive (a) resolutions, (b) petitions, (c) motions.

VIII. Bills introduced on motion for leave and referred to appropriate committees.

IX. To act on unfinished business of the preceding day, and resolutions lying over from previous day, but no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.

X. House and Senate Bills on third reading.

XI. House and Senate Bills on second reading.

XII. House and Senate Bills on first reading.

XIII. To act upon leave of absence for members.

XIV. Remarks by members of the House.

Item XIV, Remarks by members of the House, shall not be operative after the forty-seventh day of the session; Provided, That for the duration of the 2021 Regular Session of the 85th Legislature, on each day the House meets in actual session prior to the forty-seventh day of the session, the Speaker shall announce a time when the chamber of the House shall be available for remarks by members of the House if such a time is requested by a member of the House of Delegates. The House shall convene at such time to receive such remarks, and the Speaker or a designee of the Speaker shall preside. No quorum is necessary to proceed with the receipt of remarks by members of the House, and nothing herein shall prohibit committees from meeting when the House convenes solely for the purpose of remarks by members. Any member desiring to speak shall seek recognition, and upon recognition by the Presiding Officer, may speak for up to five minutes upon any topic of interest to the House. The Presiding Officer shall preserve order and decorum while the House is in session for the duration of remarks. During this designated time for receipt of remarks by members, no motion shall be in order save for a motion to adjourn remarks by members. Remarks made during the pendency of remarks by members may be entered into the appendix to the journal as provided for herein. The time allotted for remarks by members shall expire: (A) After all member

desiring to speak have exhausted their allotted time; or (B) after six hours; or (C) ten p.m., whichever occurs first.

XV. Introduction of guests.

XVI. Miscellaneous business. (HR10, Reg. Sess., 2001; HR3, Reg. Sess., 2002; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

Effect of the 2001 amendment. Item II language is new, and original item II was moved to the end of the order, appearing as XIII.

Effect of the 2002 amendment. Item XIV language is new, and original item XIV was moved to the end of the order, appearing as XV. Also, after the forty-seventh day of a regular session, there will not be an order of business for remarks of members.

Effect of the 2019 amendment. Added another order of business, Item XV, introduction of guests.

Effect of the 2021 amendment. Language was added to facilitate a time for Members to make remarks if requested by a Member for the 2021 Regular Session.

Recess for Introductions of Guests

65a. The House shall observe two opportunities on each day for any member, upon recognition, to introduce to the House citizens seated in the galleries. ~~No such introduction shall exceed one minute. Rules of order and decorum shall remain in force during such recess as if the House is in session.~~ Provided, That for the duration of the 2021 Regular Session of the 85th Legislature, members wishing guests to be introduced during these times shall submit the names of the individuals to be introduced to the Majority Leader and/or Speaker Pro Tempore who shall introduce all guests during these periods. (HR33, Reg. Sess., 1978; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

Effect of the 1978 amendment. Provided for the introduction to the House of citizens in the galleries.

Effect of the 2017 amendment. Eliminated the language that restricted the recess to no longer than five minutes without leave of the Speaker.

Effect of the 2019 amendment. Clarified that the House would only observe two opportunities to introduce guests.

Effect of the 2021 amendment. For the 2021 Regular Session, provided that the Majority Leader and/or Speaker Pro Tempore shall make all introduction of guests.

Priority of Business

66. All questions relating to priority of business shall be decided without debate.

Special Orders

67. Any subject made a special order of business shall be laid before the House by the Speaker, or may be called up by any member, when the time fixed for its consideration arrives. If not called up or acted upon at the time fixed, it shall lose its standing as a special order.

Reports and Messages Receivable at Any Time

68. Messages from the Governor and Senate, communications and reports from state officers, reports from the Committee on Rules, reports from the Committee on Enrolled Bills, and reports of Conference Committees may be received at any time when the House is not actually engaged in taking a vote on some question, in which case it shall be received as soon as the result of the vote is announced. When received it shall be disposed of as the House may direct. Messages and reports received by the Clerk after *sine die* adjournment, which do not require actions by the House, shall be considered received by the House and filed with the Clerk and shall be recorded in the Journal. (HR2, Reg. Sess., 1967; HR1, Reg. Sess., 2017)

Effect of the 1967 amendment. Reports from the Committee on Elections were removed from the rule due to another amendment abolishing the committee and transferring its jurisdiction with respect to questions involving the election and qualification of members to the Committee on Rules.

Effect of the 2017 amendment. Added language to the rule regarding the practice which allows messages and reports, which require no further House action, received after adjournment *sine die* to be included in the Journal.

Consideration of Local Bills

(Rescinded by HR1, January 11, 2017)

Effect of the 2017 amendment. The rule was completely abolished.

Special Calendar

70. ~~Unless the House otherwise directs, the~~ Committee on Rules shall arrange a special calendar and the consideration of bills on this calendar shall take precedence over the Regular House calendar.

All bills or resolutions or other matters of business reported from committee, and having no additional committee reference, shall, unless referred to a second committee by the Speaker, automatically be placed by the Clerk on the Special Calendar, and no bill, resolution, or other matter of business shall be removed from the Special Calendar and placed on the regular House Calendar except by a majority vote of the Committee on Rules, a quorum being present. Once removed from the Special Calendar, any resolution, bill or other matter of business may only be again placed on the Special Calendar by a majority vote of the Committee on Rules, a quorum being present.

The Committee on Rules shall cause to be kept a record of all roll call votes on all questions pertaining to preparation of the Special Calendar and removing the same therefrom. This record of votes shall show those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting. These vote records shall be prepared and following the adjournment of each meeting made available to House members and to the public. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

Effect of the 2017 amendment. Implemented a Special Calendar beginning on the 31st Day of the Regular Session and during any extraordinary session unless the House otherwise directs.

Effect of the 2019 amendment. Deleted the words that read “by a majority vote of the members present, beginning on the thirtieth day of each Regular Session and the commencement of any Extraordinary Session” in the first paragraph, and deleted the words “Beginning on the thirty-first day of each Regular Session and the commencement of any Extraordinary Session” in the second paragraph.

Effect of the 2021 amendment. Specified that the Committee on Rules shall arrange a Special Calendar.

Consent Calendar

70a. Rescinded by HR6, January 16, 2007.

Effect of the 2007 amendment. The rule was completely abolished.

COMMITTEES

Kinds of Committees

71. Committees may be of four kinds, namely: Committee of the Whole House, Standing Committees, Select or Special Committees, and Conference Committees.

Committee of the Whole

72. The House may resolve itself into a Committee of the Whole at any time on the motion of any member, and in forming a Committee of the Whole, the Speaker shall leave the chair and a chairman shall be appointed by him to preside over said committee. It shall consider and report on such subjects as may be committed to it by the House. The proceedings in Committee of the Whole shall not be recorded on the Journal except so far as reported to the House by the Chairman of the Committee.

Rules of Proceeding in the Committee of the Whole

73. The rules of proceeding in the House shall be observed, as far as practicable, in Committee of the Whole, except that any member may speak oftener than twice on the same subject, but he shall not speak a second time until every member desiring to speak shall have spoken; nor shall a motion for the previous question nor a motion to lay on the table or to adjourn be made therein. The yeas and nays need not be taken in Committee of the Whole.

Consideration of Bills in Committee of the Whole

74. Upon demand by any member, bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments made shall be noted by the Clerk and reported to the House by the Chairman. After being reported to the House, the bill shall again be subject to amendment before a vote on the report is taken.

Motion to Rise Decided Without Debate

75. A motion that the Committee of the Whole rise shall always be in order, and shall be decided without debate.

Standing Committees

76. At the commencement of each Legislature, the Speaker shall appoint the standing committees established by this rule. The Speaker shall refer bills introduced, resolutions offered, and messages, petitions, memorials and other matters presented to such committee as he shall deem appropriate to consider and report thereon.

Standing committees are hereby created as follows:

1. Committee on Agriculture and Natural Resources
2. Committee on Banking and Insurance
3. Committee on Education
4. Committee on Energy and Manufacturing
5. Committee on Finance
6. Committee on Fire Departments and Emergency Medical Services
7. Committee on Government Organization
8. Committee on Health and Human Resources
- ~~9. Committee on Industry and Labor~~
- ~~10.~~ 9. Committee on Interstate Cooperation
- ~~11.~~ 10. Committee on the Judiciary
- ~~12.~~ 11. Committee on Pensions and Retirement
- ~~13.~~ 12. Committee on Political Subdivisions
- ~~14.~~ 13. Committee on Prevention and Treatment of Substance Abuse

~~15~~ 14. Committee on Rules

~~16~~ 15. Committee on Senior, Children, and Family Issues

~~17~~ 16. Committee on Small Business, Entrepreneurship and Economic Development

~~18~~ 17. Committee on Technology and Infrastructure

~~19~~ 18. Committee on Veterans' Affairs and Homeland Security

19. Workforce Development

(HR13, Reg. Sess., 1945; HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1967; HR4, Reg. Sess., 1977; HR6, Reg. Sess., 1981; HR24, Reg. Sess., 1986; HR2, Reg. Sess. 2001; HR2, Reg. Sess., 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2009; HR4, Reg. Sess., 2014; HR1, Reg. Sess., 2017; HR3, Reg. Sess., 2018; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

Effect of the 1945 amendment. Established a Standing Committee on Veterans' Affairs.

Effect of the 1947 amendment. Reduced number of standing committees from 29 to 24; changed the membership of committees from not less than seven nor more than twenty-five to not less than eleven nor more than twenty-five; and changed the number of members of the Committee on Rules from seven to not less than five nor more than nine.

Effect of the 1967 amendment. The principal change was the reduction of the number of standing committees from 24 to 13. Some provisions of the old rule were embodied in amendments to other rules made at this time.

Effect of the 1977 amendment. Established a Standing Committee on Government Organization.

Effect of the 1981 amendment. Removed Committee on State and Federal Affairs from Standing Committees.

Effect of the 1986 amendment. Changed Committee on Health and Welfare to Health and Human Resources.

Effect of the 1996 amendment. Established the Committee on Veterans' Affairs. (HR 4, Reg. Sess., 1996)

Effect of the 2001 amendment. Expanded the duties and changed the Committee on Industry and Labor to the Committee on Industry and Labor, Economic Development and Small Business.

Effect of the 2003 amendment. Renamed the Committee on Veterans' Affairs the Committee on Veterans' Affairs and Homeland Security.

Effect of the 2005 amendment. Added the Committee on Pensions and Retirement as a standing committee of the House.

Effect of the 2009 amendment. This amendment separated the Committee on Agriculture and Natural Resources into two separate committees. It also expanded the duties and changed the name of the Committee on Industry and Labor, Economic Development and Small Business to the Committee on Energy, Industry and Labor, Economic Development and Small Business. Additionally, it added the Committee on Senior Citizen Issues as a Standing Committee of the House.

Effect of the 2014 amendment. Combined the Committee on Agriculture and the Committee on Natural Resources into one committee; removed the Committee on Constitutional Revision from the Standing Committees; and separated the Committee on Energy, Industry and Labor, Economic Development and Small Business into two separate committees.

Effect of the 2017 amendment. Established a Standing Committee on Prevention and Treatment of Substance Abuse.

Effect of the 2018 amendment. Added the Committee on Fire Departments and Emergency Medical Services.

Effect of the 2019 amendment. Changed the name of Roads and Transportation to Technology and Infrastructure, and changed the name of Senior Citizen Issues to Senior, Children, and Family Issues.

Effect of the 2021 amendment. Added "and Manufacturing" to name of the Committee on Energy and changed name of Industry and Labor to Workforce Development.

Jurisdiction of Committees

77. In general and without limitation, standing committees shall have functions and jurisdiction of subjects and other matters as follows:

1. Committee on Agriculture and Natural Resources:
 - (a) Agriculture generally, including agricultural production and marketing, animal industry and animal health, adulteration of seeds, commercial feeding stuffs and commercial fertilizer, processed foods, insect pests and pesticides, soil conservation, milk and milk products,

meats and meat products, agricultural extension service, etymology and plant quarantine, poultry and poultry products, and human nutrition and home economics; (b) natural resources in general, including game and fish, forest and wildlife areas, parks and recreation, water resources and reclamation.

2. Committee on Banking and Insurance: (a) Banks and banking, and financial institutions generally; (b) control and regulation of all types of insurance, including organization, qualification and licensing of insurers; and (c) securities and exchanges.

3. Committee on Education: (a) Education generally; (b) boards of education, and administration and control of schools; (c) textbooks and school curricula; (d) vocational education and rehabilitation; (e) qualifications, employment and tenure of teachers; (f) libraries; and (g) public schools and institutions of higher education.

4. Committee on Energy and Manufacturing: (a) Mining and extraction of coal and other fossil fuels; (b) extraction and distribution of natural gas; (c) energy production employment, safety, local land use and community impacts; ~~and~~ (d) alternative energy development and efficiency measures; and (e) manufacturing generally.

5. Committee on Finance: (a) Tax and revenue measures increasing or decreasing the revenue or fiscal liability of the State; (b) collection of taxes and other revenue; (c) annual Budget Bills and supplementary appropriation bills; (d) proposals reducing public expenditures; (e) proposals relating to the principal and interest of the public debt; and (f) claims against the State.

6. Committee on Fire Departments and Emergency Medical Services: (a) Fire departments; (b) emergency medical technicians; and (c) other emergency responders.

7. Committee on Government Organization: (a) Legislation and proposals dealing with the Executive Department of state government with respect to creation, duties and functions; consolidation and abolition; and transfer, imposition and elimination of functions and duties of departments, commissions, boards, offices and

agencies; and (b) measures relating to the Legislative Department, other than apportionment of representation and redistricting for the election of members of the two houses.

8. Committee on Health and Human Resources: (a) Public health and public welfare generally; (b) mental health; (c) public and private hospitals and similar institutions; (d) prevention and control of communicable and infectious diseases; (e) pure food and drugs; (f) poison and narcotics; (g) correctional and penal institutions; and (h) public assistance and relief.

~~9. Committee on Industry and Labor: (a) Employment and establishment of industry; (b) labor standards; (c) labor statistics; (d) mediation and arbitration of labor disputes; (e) wages and hours of labor; (f) child labor; (g) safety and welfare of employees; (h) industry and labor generally; and (i) infrastructure.~~

~~10~~ 9. Committee on Interstate Cooperation: Constitute the House members of the West Virginia Commission on Interstate Cooperation as provided by Article 1B, Chapter 29 of the Code.

~~11~~ 10. Committee on the Judiciary: (a) Judicial proceedings, civil and criminal generally; (b) state and local courts and their officers; (c) crimes and their punishment; (d) corporations; (e) collection and enforcement of property taxes; (f) forfeited, delinquent, waste and unappropriated lands; (g) real property and estates therein; (h) domestic relations and family law; (i) revision and codification of the statutes of the State; (j) election laws; (k) proposals to amend the Constitution of the United States or the Constitution of the State; (l) legislation relating to constitutional conventions; and (m) other matters of a nature not deemed properly referable to any other standing committee.

~~12~~ 11. Committee on Pensions and Retirement: (a) Continuing study and investigation of retirement benefit plans of the State and political subdivisions thereof; (b) making recommendations with particular attention to financing of the various pension funds and financing of accrued liabilities; (c) considering all aspects of pension

planning and operation; and (d) analyzing each item of proposed pension and retirement legislation with particular reference as to cost, actuarial soundness and adherence to sound pension policy.

~~13~~ 12. Committee on Political Subdivisions: (a) Counties, districts and municipalities generally; (b) division of the State into senatorial districts and apportionment of delegate representation in the House; and (c) division of the State into districts for the election of representatives to Congress.

~~14~~ 13. Committee on Prevention and Treatment of Substance Abuse: Issues relating to and regarding the prevention and treatment of substance abuse.

~~15~~ 14. Committee on Rules: (a) Rules, joint rules, order of business and parliamentary rules in general; (b) recesses and final adjournments of the House and the Legislature; (c) payment of money out of the contingent or other fund of the House or creating a charge upon the same; (d) employees of and services to the House, and purchase of furniture, supplies and office equipment; (e) election and qualification of members of the House and state officers, privileges of members and officers of the House, and witnesses attending the House or any committee thereof; (f) punishment of members of the House for disorderly conduct; and punishment of any person not a member for contempt, disrespectful behavior in the presence of the House, obstructing its proceedings, and for any assault, threat or abuse of a member of the House; (g) House printing; (h) House Library, statuary and pictures, acceptance or purchase of works of art for the Capitol, purchase of books and manuscripts for the House, erection of monuments to the memory of individuals (i) sale of food and administration and assignment of office space in the House wing of the Capitol; and (j) Resolutions referred to the Committee on Rules pursuant to Rule 110.

~~16~~ 15. Committee on Senior, Children, and Family Issues: Proposal, revision and recodification of statutory provisions relating to all senior citizen issues and issues related to the welfare of children and families.

~~17~~ 16. Committee on Small Business, Entrepreneurship and Economic Development: (a) small business; (b) entrepreneurship; (c) e-commerce; (d) e-government; (e) economic development; (f) job creation; and (g) commerce generally.

~~18~~ 17. Committee on Technology and Infrastructure: (a) Highways, public roads, railways, canals and waterways, aeronautics, aircraft and airways; (b) motor vehicle administration and registration; (c) licensing of motor vehicle operators and chauffeurs; (d) traffic regulation and laws of the road; (e) regulation of motor carriers of passengers and property for hire; (f) deployment, expansion, regulation and other matters related to public utility services and the internet; and (g) all matters related to the use and expansion of technology in or by the state.

~~19~~ 18. Committee on Veterans' Affairs and Homeland Security: (a) Veterans' measures; (b) education of veterans; (c) cemeteries of the State in which veterans of any war or conflict are or may be buried; (d) measures generally affecting the health and welfare of veterans; (e) measures relating to detection, protection against, response to, and recovery from, terrorist attacks, internal or external; and (f) military affairs.

19. Committee on Workforce Development: (a) Employment and establishment of industry; (b) labor standards; (c) labor statistics; (d) mediation and arbitration of labor disputes; (e) wages and hours of labor; (f) child labor; (g) safety and welfare of employees; (h) workforce development generally; and (i) infrastructure. (HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1967; HR4, Reg. Sess., 1977; HR6, Reg. Sess., 1981; HR24, Reg. Sess., 1986; HR2, Reg. Sess., 2001; HR2, Reg. Sess., 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2009; HR4, Reg. Sess., 2014; HR1, Reg. Sess., 2015; HR1, Reg. Sess., 2017; HR3, Reg. Sess., 2018; HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

Effect of the 1947 amendment. This rule originally prescribed the duties of the Committee on Elections and Privileges. The 1947 amendment changed the name to Committee on Elections.

Effect of the 1967 amendment. This amendment abolished the Committee on Elections and transferred its functions to the Committee on Rules and revised the rule to include jurisdiction of all standing committees.

Effect of the 1977 amendment. Created the Committee on Government Organization and prescribed its duties.

Effect of the 1981 amendment. Removed Committee on State and Federal Affairs from Standing Committees.

Effect of the 1986 amendment. Changed Committee on Health and Welfare to the Committee on Health and Human Resources.

Effect of the 1996 amendment. Created the Committee on Veterans' Affairs.

Effect of the 2001 amendment. Expanded the duties and changed the Committee on Industry and Labor to the Committee on Industry and Labor, Economic Development and Small Business.

Effect of the 2003 amendment. Changed the name of the Committee on Veterans' Affairs to the Committee on Veterans' Affairs and Homeland Security and sets forth its duties and jurisdiction.

Effect of the 2005 amendment. Added the Committee on Pensions and Retirement and set forth its duties and jurisdiction.

Effect of the 2009 amendment. This amendment separated the Committee on Agriculture and Natural Resources into two separate committees and set forth their duties. It also expanded the duties and changed the name of the Committee on Industry and Labor, Economic Development and Small Business to the Committee on Energy, Industry and Labor, Economic Development and Small Business. Additionally, it added the Committee on Senior Citizen Issues and prescribed its duties.

Effect of the 2014 amendment. Combined the Committee on Agriculture and the Committee on Natural Resources into one committee and set forth its duties; removed the Committee on Constitutional Revision from the Standing Committees; and separated the Committee on Energy, Industry and Labor, Economic Development and Small Business into two separate committees and set forth their duties.

Effect of the 2015 amendment. Revised language regarding the jurisdiction of the Committee on Rules and the Committee on Veterans' Affairs and Homeland Security.

Effect of the 2017 amendment. Added the Committee on Prevention and Treatment of Substance Abuse and set forth its duties and jurisdiction.

Effect of the 2018 amendment. Added the Committee on Fire Departments and Emergency Medical Services and set forth its duties and jurisdiction.

Effect of the 2021 amendment. Added “and Manufacturing” to name of the Committee on Energy and changed name of Industry and Labor to Workforce Development and set forth their duties and jurisdiction.

Composition of Committees

78. The Committee on Rules shall consist of not less than fifteen nor more than twenty-five members, which number shall include the Speaker, Majority Leader and Minority Leader; the Committee on Interstate Cooperation of seven members; the Committee on Fire Departments and Emergency Medical Services of eleven members and all other standing committees shall consist of not less than fifteen nor more than twenty-five members, except that the number of members of the Committee on Pensions and Retirement shall be appointed in accordance with Joint Rule 29 or in such number as may be determined by the Speaker. (HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1957; HR22, Reg. Sess., 1963; HR2, Reg. Sess., 1967; HR6, Reg. Sess., 1997; HR2, Reg. Sess., 2001; HR2, Reg. Sess. 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2011; HR1, Reg. Sess., 2015; HR3, Reg. Sess., 2018)

Effect of the 1947 amendment. The rule was completely rewritten and the jurisdiction of the committee expanded and delineated.

Effect of the 1957 amendment. At this time the number of members of the Committee on Rules was contained in Rule 76 at not less than five nor more than nine. The amendment changed the number to not less than seven nor more than twelve, and included the Speaker, majority leader and minority leader within the committee membership.

Effect of the 1963 amendment. The rule was rewritten expanding and detailing the duties and jurisdiction of the Committee on Rules. Among new duties given the committee were prescribing qualifications and recommending persons to fill positions under Rule 9.

Effect of the 1967 amendment. The amendment rewrote the rule fixing membership of all standing committees.

Effect of the 1997 amendment. The amendment increased the maximum number of members of the Committee on Rules by two.

Effect of the 2001 amendment. The amendment decreased the maximum number of members of the Committee on Rules by two.

Effect of the 2003 amendment. Increased the maximum number of members of the Committee on Rules by four.

Effect of the 2005 amendment. Increased the membership of the Committee on Rules and specified that the Speaker may set the number of members on the Committee on Pensions and Retirement.

Effect of the 2011 amendment. The amendment increased the maximum number of members of the Committee on Rules from eighteen to twenty.

Effect of the 2015 amendment. The amendment increased the maximum number of members of the Committee on Rules to twenty-five.

Effect of the 2018 amendment. The amendment added the Committee on Fire Departments and Emergency Medical Services and set the number of members to eleven.

Duties of Committees

79. The several standing committees shall not only consider matters specifically referred to them, but whenever deemed practicable suggest such legislation as will provide upon general principles for all similar cases. It shall be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare. (HR2, Reg. Sess., 1967)

Effect of the 1967 amendment. This rule, originally dealing with the duties of the Committee on Finance, was rewritten and made applicable to standing committees generally.

Bill Not to Be Divided among Committees, Speaker May Direct Second Reference

80. A bill may not be divided among two or more committees although it may contain matters properly within the jurisdiction of several committees, but must be referred to one committee as an entirety.

When the Speaker is of the opinion that a bill should be considered by more than one committee, at the time of referring it, ~~or at the time the bill is reported from a committee to which it has been referred,~~ he or she may direct that when the committee to which it is referred completes its consideration thereof and makes a recommendation with respect thereto, the committee's report shall also recommend that it be referred to the

additional committee or committees as directed by the Speaker. When a bill is so reported, it shall automatically be referred as directed, unless by unanimous consent the House shall dispense with such second reference. The Speaker may also, at the time a measure is reported from a committee, refer it to an additional committee. (HR2, Reg. Sess., 1967; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2021)

Effect of the 1967 amendment. This rule, originally applicable to the Committee on Claims only, was rewritten.

Effect of the 2017 amendment. Added language to the rule that allows the Speaker to refer a bill at the time the bill is reported from a committee to which it had been referred.

Effect of the 2021 amendment. Clarified language regarding additional committee references at the time a measure is reported from a committee.

Reports of Committees

81. The several standing committees shall have leave to report by bill or otherwise. All committees shall submit their reports to the House in writing, and the same shall be printed in the Journal. Reports of committees shall be advisory only. Committee chairmen shall see that the originals of all bills, resolutions, and such other documents as are referred to them are returned to the House, with the report upon the matter to which they pertain. (HR4, Reg. Sess., 1947)

Effect of the 1947 amendment. Originally, this rule dealt with functions of the Standing Committee on Executive Offices and Library, which was rescinded by the amendment and successive rules renumbered.

Discharging Committee from Consideration of Bill

82. When a bill or resolution has been in the hands of a committee five legislative days after having been referred to it, the committee may be discharged from further consideration of the bill or resolution by a majority vote of all the members present. The chairman of a committee may move that his committee be discharged from consideration of the matter at any time after commitment. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Deleted language at the end of the rule that read “and after the fiftieth day of the session any member may

move to discharge a committee from consideration of any bill or resolution at any time after the same has been referred to it”.

Committee Meetings

83. Meetings of all committees shall be upon a call of the chairman, but no committee shall sit during a session of the House without leave of the House. It shall be the duty of the chairman of a committee to announce, or have announced, from the floor of the House, or by the Speaker or Clerk, during the session of the House, the time and place of the next meeting of the committee, and at such time, if practicable, announce the bills, resolutions or other business to be considered at such meeting. In case of failure of the chairman of any committee to call a meeting of such committee upon the request of a member, then fifty percent or more of the members of such committee shall have a right to call a meeting of such committee.

Notwithstanding any other rule to the contrary, on motions to report a bill or a resolution to the House, to table a bill or a resolution or to postpone consideration of a bill or a resolution indefinitely, the clerk of the committee shall make a record of the vote and following adjournment of the meeting make available to the public a list showing those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting.

All meetings of standing committees shall be open, except a standing committee may, by a majority vote of the members present, hold an executive session for the specific purposes of: (1) Conducting committee discussion of legislative personnel; (2) conducting committee discussion of state government personnel; (3) consideration of and action on charges against a member of the House; or (4) where such meetings involve compiling information, investigating accusations or taking testimony which, if publicly disclosed, might unjustly injure or unfairly reflect on the reputation of innocent persons: *Provided*, That the Committee on Rules, while holding an executive session for the specific purposes of (1), (2), (3) and (4) above, shall by roll call vote record any definitive action and shall make such vote record available to the public.

In no other instances shall a vote be taken while a standing committee is holding an executive session. (HR27, Reg. Sess., 1965; HR5, Reg. Sess., 1970; HR5, Reg. Sess., 1971; HR11, Reg. Sess., 1975; HR7, Reg. Sess., 1976)

Effect of the 1965 amendment. A provision was added at the end of the rule providing that no one not a member except the Clerk should be present in a committee when a vote was taken.

Effect of the 1970 amendment. The provision of the rule prohibiting anyone other than the clerk of a committee to be present when a vote was taken was changed to provide that all committee meetings except executive sessions should be open to the public.

Effect of the 1971 amendment. The last paragraph of the rule was added by the amendment.

Effect of the 1975 amendment. Inserted word "resolution" in the first two paragraphs following the word "bills", and added the last paragraph as shown in the text above.

Effect of the 1976 amendment. Deleted paragraph providing for executive session to set special daily calendar.

Committee Public Hearings

84. Subject to the provisions hereof, a public hearing shall be held upon the timely written request of any member or citizen on any bill that is placed upon a committee agenda. A request for a public hearing shall be considered timely if the request is made prior to the bill being explained in the committee in which the request is made.

~~If the request for a public hearing is made in writing before the committee agenda has been published, the Chair of the Committee shall remove such measure from the agenda and schedule the public hearing prior to considering the measure.~~

~~If the request for a public hearing is made after the committee agenda has been published, either: (1) The Chair of the Committee shall remove such measure from the agenda and schedule the public hearing prior to considering the measure; (2) for any measure referred to an additional committee, the Chair of the Committee in which the request was made may proceed to consider the measure, in which case the public hearing shall be held by~~

~~the additional committee to which the measure is referred, if such measure is placed on the agenda of such additional committee, prior to the additional committee's consideration of the measure; or (3) if the measure is not referred to an additional committee, the Chair may proceed to consider the measure and hold the public hearing prior to the measure being considered for passage.~~

No request for a public hearing shall require delay of committee proceedings. Upon receiving a request for a public hearing, the Chair of the Committee shall schedule and announce a hearing prior to consideration of the measure if this does not require a delay of the proposed measure for consideration by his or her committee. In the alternative, the Chair of the Committee shall schedule a hearing prior to the measure being considered for passage on the floor.

For purpose of this Rule 84, publication of notice of public hearing shall be deemed to have been effective when the public hearing has been announced on the floor of the House. The subject, time and location of any public hearing shall also be placed on the legislative website. No public hearing shall be scheduled sooner than the second calendar day following announcement of the hearing on the floor of the House.

The Chair of the Committee may limit the time of proponents and opponents at such hearing. The hearing may be conducted by the entire committee or a subcommittee thereof, as the committee shall direct.

When a bill is referred to more than one committee, no more than one hearing shall be required when properly and timely requested under the provisions of this rule: *Provided*, That a public hearing request made after the 43rd day on House bills or after the 53rd day on Senate bills shall not be in order unless such bill is originated in committee, in which case the request for a public hearing shall be granted and the public hearing shall be scheduled in accordance with this Rule: *Provided, further however*, That after the 43rd day, in order to conduct the business of the House in a timely and efficient manner, the House may, by a vote of a majority of the members present, provide for a hearing to be held sooner than the second calendar day

following announcement of the hearing on the floor of the House and may limit the number and length of public hearings, if there are public hearing requests pending for more than five bills in any committee; Provided further, That for the duration of the 2021 Regular Session of the 85th Legislature, the applicability of this rule is eliminated; And provided further, That for the duration of the 2021 Regular Session of the 85th Legislature, public hearings may be held by electronic means where the public may register and participate by utilizing an internet-based platform for video and audio conferencing that can be accessed across mobile, desktop, and room systems, and that can be viewed by members in real time during the public hearing and preserved as a public record by the committee conducting the hearing. (HR 27, Reg. Sess., 1965; HR2, Reg. Sess., 1971; HR6, Reg. Sess., 2002; HR44, Reg. Sess., 2012; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2021)

Effect of the 1965 amendment. The amendment provided for committee hearings to be held either by the full committee or a subcommittee and directed that all hearing should be open to the public.

Effect of the 1971 amendment. The amendment rewrote the first paragraph and added the second paragraph.

Effect of the 2002 amendment. Clarified when public hearings shall be held and eliminates the necessity of holding duplicate hearings.

Effect of the 2012 amendment. The amendment completely rewrote the rule, setting forth details for requests for and the holding of, public hearings.

Effect of the 2017 amendment. Revised and clarified guidelines for the committee hearing process and timelines of when public hearings are to be held.

Effect of the 2021 amendment. Revised the effect of a public hearing request on committee meetings and stipulated that for the 2021 Regular Session, public hearings would be held by electronic means due to the ongoing global pandemic.

Witnesses Before Committees

84a. Every committee of the House shall administer oaths to any person, except current members or employees of the West Virginia Legislature, appearing before the committee at any meeting, with the exception of a public hearing or during the deliberations of any committee. If

any witness to whom an oath has been administered shall refuse to answer a question put to such witness by any member of the committee, the committee may report such refusal to the House and upon motion duly made by any member of the House, the House may cause to be issued a subpoena to compel such witness to appear before the committee to give testimony. Upon appearance pursuant to subpoena the witness may be questioned by the ~~chairman~~ Chair and any member of the committee. The Clerk of the House, the ~~chairman~~ Chair of the committee and, in the absence of the ~~chairman~~ Chair, ~~the committee clerk~~ or any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness. (HR1, Reg. Sess., 2017; HR 5, Reg. Sess., 2017; HR1, Reg. Sess., 2021)

Effect of the 2017 amendments. Required every witness, except current members or employees of the West Virginia Legislature, appearing before a committee to be administered an oath.

Effect of the 2021 amendment. Removed committee clerks from the list of persons authorized to administer oaths.

Committee Clerks

85. The Speaker shall assign to the various committees such clerks and other clerical and stenographic help as may be necessary to properly carry on the work of the committees. Committee clerks shall keep such records and perform such duties as the chairmen of the respective committees may direct.

Committee Records

86. The chairman of each committee shall keep, or cause to be kept, a record in which there shall be entered:

(a) The time and place of each hearing, and of each meeting of such committee.

(b) The attendance of committee members at each meeting.

(c) The names and addresses of all persons appearing before the committee, with the name of person, persons, firm or corporation, and addresses, in whose behalf such appearance is made.

(d) The vote of each member on all motions, bills, resolutions and amendments acted upon, when a ye and nay vote is taken.

Such a record shall be read and approved at the next regular meeting of the committee. The committee records shall be open to inspection of the public at proper times and places and at the close of the session shall be filed with the Clerk of the House.

Committee Quorum; Subcommittees

87. A majority of any committee shall constitute a quorum for the transaction of business. A subcommittee, which shall report to the regular committee, may be appointed to consider and report to the committee on any matter referred to it.

Minority Views

88. The minority of any committee may present its recommendations in writing with the report of the committee, and the same shall be printed in the Journal, and said recommendation may, by a vote of the House, be substituted for and become the report of the committee. If the minority ~~or~~ of any committee presents its recommendations after the report of the committee has already been received, it shall still be printed in the Journal. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2021)

Effect of the 2017 amendment. Added the last sentence to the rule.

Effect of the 2021 amendment. Technical cleanup.

House Rules to Govern Committee

89. The rules governing the proceedings of the House shall apply to the proceedings of the committee, insofar as the same are applicable.

Select or Special Committees

90. Select or special committees may be provided for on motion or resolution, designating the number and object, and, unless otherwise ordered, shall be appointed by the Speaker.

Conference Committees and Reports

91. All reports of conference committees shall be presented after having been signed by a majority of the conferees of each house and be printed in the Journal. No matter shall be considered by said committee, or reported upon by it, except that in disagreement between the two houses.

BILLS, RESOLUTIONS AND PETITIONS

BILLS AND JOINT RESOLUTIONS

Time Limit on Introducing

91a. No House joint resolution and no House bill, other than a House supplementary appropriation bill or a House bill originating in a House standing or select committee, shall be introduced in the House after the thirty-fifth day of a regular session unless permission to introduce the joint resolution or bill be given by a House resolution, setting out the title to the joint resolution or bill and adopted by a two-thirds vote of the House members present. The thirty-fifth day of the regular session held in the year two thousand nine and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years. ~~When permission is requested to introduce a joint resolution or bill under provisions of this rule, duplicate copies of the joint resolution or bill shall accompany the resolution or bill when introduced.~~ (HR22, Reg. Sess., 1981; HR17, Reg. Sess., 1994; HR11, Reg. Sess., 1995; HR3, Reg. Sess., 2008; HR1, Reg. Sess., 2015; HR 1, Reg. Sess., 2017; HR1, Reg. Sess., 2021).

Effect of the 1981 amendment. The rule was rewritten in order to provide for introduction of House bills after the fiftieth day by a simple House resolution rather than a concurrent resolution. The rule also provides that bills may originate in committee after the fiftieth day.

Effect of the 1994 amendment. The rule was changed to set the last day for bill introduction at the forty-first day of the session, instead of the fiftieth.

Effect of the 1995 amendment. The rule was changed to set the last day for bill introduction at the forty-fifth day of the session, instead of the forty-first.

Effect of the 2008 amendment. The rule was changed to set the last day for bill introduction at the forty-first day of the session, instead of the forty-fifth.

Effect of the 2015 amendment. The rule was changed to set the last day for bill introduction at the forty-second day of the session, instead of the forty-first.

Effect of the 2017 amendment. The rule was changed to set the last day for bill introduction at the thirty-fifth day of the session, instead of the forty-second. Also changed the required number of copies to two for joint resolutions and bills to reflect the practices of the House.

Effect of the 2021 amendment. Removed language regarding duplicate copies.

Method of Introducing

92. Bills for introduction in the House on the opening day of any session of the Legislature may be filed with the Clerk not later than the day preceding the opening of such session. During sessions bills to be introduced shall be filed with the Clerk not later than 12:00 o'clock meridian on the legislative day next preceding their introduction. Before formal introduction, the Clerk shall number such bills as are presented and edit and correct them as to form. When the time for introducing bills is reached in the regular order of business, the Clerk shall report each of said bills by title in the same manner as if it were introduced from the floor. This rule shall not deny a member the right to introduce a bill from the floor in case of urgency. (HR26, Reg. Sess., 1963; HR3, 1st Ex. Sess., 1968; HR3, Reg. Sess., 1972)

Effect of the 1963 amendment. The "fiscal note" rule was added.

Effect of the 1968 amendment. The amendment changed the time for filing bills for introduction from 4:00 P.M. to 12:00 Noon.

Effect of the 1972 amendment. The amendment rewrote the rule, the principal change being to remove the "fiscal note" provisions from this rule and place them in a new rule, 95a.

Bill Carryover

92a. Any bill or joint resolution pending in the House at the time of *sine die* adjournment of the First Regular Session of a Legislature, or extended First Regular Session thereof, which has not been rejected, laid on the table or postponed indefinitely by the House, shall carry over in its original form to the Second Regular Session only at the

request of the sponsor of the bill or resolution, such request to be made to the Clerk of the House not later than thirty days prior to the commencement of the session.

After receiving notice from the first-named sponsor of his or her intent to carry over the bill, the Clerk of the House shall notify all cosponsors that the bill will be carried over. All cosponsors shall have ten days after the date of notice to notify the Clerk of the House that their names should be removed from the bill to be carried over.

Any such bill or joint resolution shall retain its original number and shall be deemed to be reintroduced on the first day of the Second Regular Session and shall, except as otherwise directed by the Speaker, be treated as referred to the committee or committees to which it was originally referred.

In the case of any House bill or joint resolution which has been passed or adopted by the House, such bill or resolution shall likewise be deemed to be reintroduced and referred, except as otherwise directed by the Speaker, to the committee or committees to which it was originally referred.

This rule shall not apply to any bill or joint resolution solely sponsored by a former member, to supplemental appropriation or budget bills, to bills which promulgate legislative rules, to bills which expire or continue state agencies pursuant to the West Virginia Sunset Law, to bills of a local nature, or to any bill or joint resolution introduced during any extraordinary session. (HR2, Reg. Sess., 1988; HR12, Reg. Sess., 1996; HR1, Reg. Sess., 2017)

Effect of the 1988 amendment. Allowed House bills or joint resolutions pending at the time of *sine die* adjournment of the 1st Regular Session to carryover to the 2nd Regular Session.

Effect of the 1996 amendment. Allowed bill or joint resolution to be carried over at the request of the first-named sponsor. Allows cosponsors to have ten days after date of notice to notify Clerk to have their name removed.

Effect of the 2017 amendment. Changed the rule to require that the sponsor must request that a bill or joint resolution be carried over, and that such request must be made thirty days prior to session instead of ten.

Bills to Be Presented in Duplicate for Introduction

93. All bills for introduction shall be presented ~~in duplicate~~, bearing the name of the first-named sponsor and the name or names of all sponsors by whom they are to be introduced. The original copy shall constitute the official bill for use of committees and for the permanent files of the House, ~~and one copy shall be for the Clerk's office files.~~ (HR3, 1st Ex. Sess., 1968; HR12, Reg. Sess., 1996; HR29, Reg. Sess., 2011; HR1, Reg. Sess., 2021)

Effect of the 1968 amendment. The amendment rewrote the rule, the principal change being to require a bill for introduction to be presented in quadruplicate instead of triplicate.

Effect of the 1996 amendment. Provides for placing the name of the first-named sponsor and the name or names of all cosponsors on all bills to be introduced.

Effect of the 2011 amendment. The principal change was to require a bill for introduction to be presented in duplicate instead of quadruplicate.

Effect of the 2021 amendment. Revised to remove the requirement for bills to be presented in duplicate.

Joint Sponsors of Bill

94. A bill may be introduced bearing the names of not more than eleven members as joint sponsors of the bill. (HR40, Reg. Sess., 1937; HR18, Reg. Sess., 1992; HR15, Reg. Sess., 2005)

Note: This rule was originally adopted as Rule 94a. In 1992, the number was increased to seven and in 2005, it was raised to eleven.

Introduction of Bills by Request

94a. A bill may be introduced by request. All bills introduced by request shall bear the words "by request," following the designation of the name or names of the bill sponsor or sponsors. (HR13, Reg. Sess., 1988)

Effect of the 1988 amendment. Allowed for the introduction of bills by request.

Removal or Addition of Name as Sponsor of a Bill or Resolution

94b. Any Delegate whose name appears as a cosponsor of a bill or resolution may have his or her name

removed as a sponsor of the bill or resolution by submitting a written request to the House Clerk not later than the day the bill or resolution is reported from its final committee: *Provided*, That the removal shall only be permitted if the member is not the last remaining sponsor of the bill or resolution.

Any Delegate wishing to be added as a cosponsor of a bill or resolution shall be added by the Clerk if written request is made to the Clerk not later than the day the bill or resolution is reported from its final committee if the lead sponsor of the bill or resolution agrees in writing to the addition and if the bill has less than the maximum number of sponsors allowed by these rules.

Nothing herein requires reprinting by the Clerk of paper copies of the bill to reflect the addition or removal of sponsors. Any such changes shall appear in electronic form only until reprinting of the bill is required by these rules. (HR8, Reg. Sess., 2015)

Effect of the 2015 amendment. This rule was created to change the process for adding or removing a member as a sponsor of a bill or resolution.

Reference to Committees

95. Bills introduced by any member, on motion for leave, or by any standing committee, shall be read by their titles and referred to the appropriate committee without printing, and all such bills shall be treated in committee as resolutions of inquiry. If the committee report a bill different from one so introduced, either by amendment or substitution, such bill shall be received and treated in the House as the original bill, and the committee report and Journal of the House shall show that the bill was either amended or substituted in committee: *Provided*, That in no instance shall a House or Senate bill be referred to the Committee on Rules. (HR2, Reg. Sess., 1975)

Effect of the 1975 amendment. No bill shall be referred to the Committee on Rules.

Fiscal Notes

95a. Prior to consideration, by the House or by any committee thereof, of any bill which either increases or

decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of taxation, such bill shall have attached thereto a fiscal note, which "fiscal note" shall conform to the requirements as to form and content prescribed by the "Fiscal Note Manual," prepared and adopted by the Committee on Rules to govern preparation of fiscal notes to bills introduced in the House of Delegates. Any fiscal note received by the House of Delegates may be reviewed by the Division of Regulatory and Fiscal Affairs of the Joint Committee on Government and Finance which may provide any additional information regarding the fiscal impact of the proposed bill or any comment on the sufficiency or accuracy on any fiscal note provided to the House of Delegates. The House Speaker or the Chair of the Finance Committee may also specifically request additional information, comment, or opinion from the Division of Regulatory and Fiscal Affairs of the Joint Committee on Government and Finance on any fiscal note received by the House of Delegates.

In the case of a bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State, nothing herein shall prohibit consideration of such a bill if, in the opinion of the ~~chairman~~ chair of the committee to which the bill has been referred, or in the opinion of the Speaker, a reasonable time has elapsed since a fiscal note was requested and no fiscal note or an incomplete fiscal note has been furnished.

It shall be the responsibility of the legislator introducing a bill to obtain such note when required. Such note shall be attached to the bill when filed for introduction, if at all possible, and shall accompany any bill requiring such note when the same is reported from committee.

A legislator introducing a bill requiring an increase in the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State should have attached thereto the legislator's specific plan, idea, method or manner for generating the revenue needed or required by the proposed bill.

The jackets of all measures with fiscal notes attached or requiring such notes shall have the words “Fiscal Note” or the initials “FN” clearly stamped or endorsed thereon.

Rule 95a, as amended herein, shall not take effect until January 15, 1989.

No Act shall be void or voidable for noncompliance with this rule. (HR7, Reg. Sess., 1979; HR14, Reg. Sess., 1988; HR1, Reg. Sess., 2021)

Note: A fiscal note rule was adopted in 1963 as a part of Rule 92, but was suspended from session to session until it went into effect at the 1969 Regular Session.

Effect of the 1979 amendment. Effective January 15, 1980, fiscal notes are required of all political subdivisions. The amendment also allowed a bill to be considered, if in the opinion of the chair of a committee or the Speaker a reasonable time has elapsed since a fiscal note was requested.

Effect of the 1988 amendment. Provided for legislator introducing bill to attach plan, method or manner for generating necessary revenue.

Effect of the 2021 amendment. Provides for comments on fiscal notes received by the Division of Regulatory and Fiscal Affairs of the Joint Committee on Government and Finance.

Correctional System Fiscal Impact Note

95b. Prior to consideration, by the House or by any committee thereof, of any bill which proposes to create new criminal conduct punishable by incarceration, or either increases or decreases any criminal penalty involving a term of incarceration, the Division of Corrections, in conjunction with any applicable State agency, shall provide a correctional system fiscal impact note outlining the projected fiscal impact on the State’s correctional system of the legislative proposal. The note shall include projected increases or decreases in persons incarcerated, the fiscal impact the proposal likely will have on existing availability of correctional facilities and facility space; whether the proposal will likely decrease or increase inmate populations and, in the case of increased inmate populations, whether additional costs will necessarily be incurred for expanded and increased correctional or jail facilities, equipment and personnel and, if so, the projected cost therefor. Any correctional system fiscal impact note received by the House of Delegates may be reviewed by the Division of Regulatory and Fiscal Affairs of the Joint

Committee on Government and Finance which may provide any additional information regarding the correctional system fiscal impact of the proposed bill or any comment on the sufficiency or accuracy of any fiscal note provided to the House of Delegates. The House Speaker or the Chair of the Finance Committee may also specifically request additional information, comment, or opinion from the Division of Regulatory and Fiscal Affairs of the Joint Committee on Government and Finance on any correctional system fiscal note received by the House of Delegates

In the case of a bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State, nothing herein shall prohibit consideration of such a bill if, in the opinion of the ~~chairman~~ chair of the committee to which the bill has been referred, or in the opinion of the Speaker, a reasonable time has elapsed since a fiscal note was requested and no fiscal note or an incomplete fiscal note has been furnished.

No act shall be void or voidable for noncompliance with this rule.

Rule 95b, as herein set forth, shall take effect January 1, 2007. (Com. Sub. for HR31, Reg. Sess., 2005; HR1, Reg. Sess., 2021)

Effect of the 2005 amendment. ~~Added the last three paragraphs to the rule.~~ Required consideration of fiscal impact of proposed crime legislation.

Effect of the 2021 amendment. Provides for comments on correctional system fiscal notes received by the Division of Regulatory and Fiscal Affairs of the Joint Committee on Government and Finance.

Economic Impact Statement

95c. Upon the introduction of any legislation which has a potential impact on the state's economy, the Speaker may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including but not limited to any state college or university, West Virginia University, or Marshall University, a review of the proposed legislation for purposes of preparing an Economic Impact Statement. The Economic Impact

Statement may address the probable effect of any proposed legislation on the economy of the State of West Virginia including, but not limited to, the effect of the legislation on employment, job creation or reduction, and compensation. The statement shall include the names of those persons who participated in the drafting of the statement, including the time spent preparing the statement. The institution shall also make available a lead author of the statement or other qualified representative of the institution to discuss the statement with any committee of the House in which the legislation was referred. The Speaker may also request from any institution that produced a statement, a follow-up study two and five years following enactment of the legislation to analyze the economic impacts of the legislation. It shall be the responsibility of the Speaker to obtain any requested Economic Impact Statement, which shall be based on generally accepted methodology. The Rules Committee may, but is not required to, make by resolution recommendations as to the form and additional contents of the Economic Impact Statement.

The phrase “Economic Impact Statement” or the initials “ES” must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them. The failure to comply with any provision of this Rule shall not prohibit the consideration or passage of any proposed legislation. (HR1, Reg. Sess., 2015)

Effect of the 2015 amendment. Created rule relating to Economic Impact Statement.

What Bills to Contain

96. Bills proposing laws or changes in laws shall consist of a title, beginning with the words “A BILL to” and contain a brief statement of the object of the proposed measure, and if it amends or changes a law, a reference to the law proposed to be changed. The bill proper shall begin with the enacting clause, “*Be it enacted by the Legislature of West Virginia,*” and state at large the measure proposed. [Const., Art. VI, §30.]

Bill Not to Embrace More Than One Object

97. No bill shall embrace more than one object, and that shall be stated in the title, and no law shall be revived

or amended by reference to its title only; but the law revived, or the section amended, shall be inserted at large in the new act. [Const., Art. VI, §30.]

Reporting Bills from Committee

98. When a bill is reported from committee with the recommendation that it do pass, it shall be placed on the calendar for the succeeding day and come up on first reading unless the House by action otherwise directs, or an additional committee reference is given by the Speaker. If on the calendar when referred, it shall be replaced on the reading from which it was taken.

If a bill be reported favorably with amendments, the report and Journal shall so show, and when the bill reaches second reading the committee amendments shall be acted upon before other amendments are offered, except amendments to the committee amendments.

If a committee to which a bill has been referred reports that the same ought not to pass, the Speaker shall immediately propound the question, “Shall the bill be rejected?” If this question is decided in the negative, the bill shall be disposed of in the same manner as if reported favorably. (HR1, Reg. Sess., 2021)

Effect of the 2021 amendment. Clarifies that the Speaker may refer a bill to an additional committee at the time a bill is reported from committee.

Printing of Bills

99. (HR2, Reg. Sess., 1967; Rescinded by HR1, January 11, 2017.)

Effect of the 1967 amendment. The amendment changes the stage at which bills are to be printed from when advanced to second reading to when reported from committee.

Effect of the 2017 amendment. The rule was completely abolished and Rule 104 rewritten to reflect current technology and practices.

Recommitment of Bills

100. A bill may be recommitted at any time before it passes. Should such recommitment take place after its

engrossment, and an amendment be reported, the bill shall be placed on second reading when reported back.

Reading Bills

101. Before any bill is read by the Clerk, he shall state to the House whether it is on first, second or third reading.

Bills to Have Three Readings

102. No bill shall become a law until it has been fully and distinctly read on three different days, unless in case of urgency, by a vote of four fifths of the members present, taken by yeas and nays on each bill, this rule be dispensed with. Upon any bill there may be a motion to dispense with the constitutional rule, in order that the bill may be read twice or three times on the same day, and upon the first or second reading of any bill there may be a motion to dispense with the constitutional rule in order that the bill may, upon such reading, be read by its title: *Provided*, That in all cases there shall be three readings on each bill, and that an engrossed bill shall be fully and distinctly read. [Const., Art. VI, §29]

Bills - First Reading

103. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "Shall the bill be rejected?" If no opposition be made, or if the question to reject be lost, it shall be regarded as ordered to its second reading, unless the House otherwise specially directs. On the first reading of a bill, it may at any stage of the reading be rejected on motion.

Bills - Printing and Availability to Members

104. Electronic versions of all bills shall be made available promptly on the Chamber Automation System once introduced and printed version of all bills will be made available when requested from the Legislative Print Shop. (HR31, Reg. Sess., 1971; HR4, Reg. Sess., 2002; HR7, Reg. Sess., 2005; HR1, Reg. Sess., 2017)

Effect of the 1971 amendment. The amendment rewrote the rule. The last paragraph was added.

Effect of the 2002 amendment. The last paragraph was added as a result of the installation of the Chamber Automation System.

Effect of the 2005 amendment. Provides that the House may consider bills, resolutions and other documents in case of failure of the Chamber Automation System or failure of the Clerk to provide reproduced copies of the measures to be considered.

Effect of the 2017 amendment. Updated the rule to reflect current printing practices.

Amending and Engrossing Bills

105. On the second reading of a bill on the demand of any two members, it shall be read section by section for amendment, and when the amendments as may be moved are disposed of, the question, unless the House otherwise order, shall be, if a House bill, "Shall the bill be engrossed and ordered to the third reading?" If a House bill shall be ordered to its engrossment and third reading, and amendments have been made thereto, the type from which the bill was originally printed shall be changed to conform with the amendments. The bill shall then be reprinted and shall be the engrossed bill, and shall be designated as such. If no amendments are made the bill as originally printed may be ordered to its third reading and shall become the engrossed bill, and shall be designated as such. All House bills ordered to their engrossment and third reading shall be jacketed and engrossed with their number, title, by whom introduced, and if the bill is finally passed, the date of its passage and the signature of the Clerk. If a House bill is passed by the Senate and returned to the House without amendment, or if amended and the amendment or amendments be agreed to, it shall then be turned over to the Joint Committee on Enrolled Bills. In the case of a Senate bill on second reading, if the same be amended by the House and passed as amended, the amendment or amendments shall be noted in full on slips of paper in typewriting and attached to the bill at the proper place by the Clerk before the bill is returned to the Senate, and all the amendments shall also appear in the House Journal.

Time Bills to Go into Effect

106. In the passage of a bill by the House, a motion may be made that it take effect from its passage, or at some time other than ninety days after its passage; and if said

motion be adopted by a vote of two thirds of all the members elected to the House, taken by yeas and nays, the Clerk shall communicate that fact to the Senate along with the bill. [Const., Art. VI, §30]

Senate Bills

107. Senate bills passed by the Senate and reported to the House shall be referred to the appropriate committee unless the House otherwise directs. After this they shall be treated in the same manner as House bills.

RESOLUTIONS

Resolutions

108. Resolutions shall be of three classes, as follows:

(1) *Joint Resolutions*: All proposed amendments to the State Constitution shall take the form of a joint resolution, which shall be subject to the rules which govern the proceedings on bills, except that it shall be read on three several days, and, to be adopted, must on its third reading be agreed to by a two-thirds vote of the members elected to the House. When a proposed amendment to the Constitution is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions thereto short of the final question.

(2) *Concurrent Resolutions*: Concurrent resolutions shall be used for the purpose of expressing the sentiments of the Legislature, for authorizing expenditures incidental to the sessions and business of the Legislature, for agreeing upon adjournments beyond the constitutional limitation, for creating special joint committees, for raising a joint assembly and other inferior and incidental purposes of legislation, and such other purposes as the Legislature may deem proper. The adoption of such resolutions must be concurred in by both houses.

(3) *House Resolutions*: These simple resolutions shall be used for expressing the will or order of the House on matters in which the concurrence of the Senate is not necessary. A House resolution shall be proper to express the sentiments of the body, to authorize expenditures from

its contingent fund, for agreeing upon any question, and for all incidental purposes pertaining to the organization and work of the House. (HR2, Reg. Sess., 1967)

Effect of the 1967 amendment. The amendment inserted the word “State” preceding the word “Constitution” in line one of subdivision (1).

Note: Joint resolutions are used only for amendments to the State Constitution and to ratify amendments to the Federal Constitution. Such resolutions do not have to be submitted to the Governor for his approval.

Policy of the House as to Concurrent and House Resolutions; Defining Purpose and Scope of Such Resolutions

108a. It is hereby declared to be the policy of the House of Delegates that concurrent and House resolutions be limited to the general purposes set forth in subdivisions (2) and (3) of Rule 108 and shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Such resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: *Provided*, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

Any concurrent or House resolution shall be submitted to the Clerk for determination of compliance with this rule. (HR3, Reg. Sess., 1974; HR1, Reg. Sess., 2015)

Effect of the 1974 amendment. This section was added by HR 3, Reg. Sess., 1974. Resolutions shall not embrace congratulatory expressions to individuals, organization, etc., having no relation to the Legislature. All resolutions must have preintroduction review by the Committee on Rules.

Effect of the 2015 amendment. Required concurrent or House resolutions to be submitted to the Clerk instead of the Committee on Rules for determination of compliance with this rule.

Introduction of Resolutions

109. All resolutions to be introduced in the House shall be filed with the Clerk not later than two hours prior to the convening of the session at which they are to be introduced. ~~They shall be presented in duplicate and copies shall be for the same purpose as that of bills.~~ When the proper order of business is reached, the Clerk shall proceed in the same manner as if they were introduced from the floor. This rule does not deny a member the right to introduce a resolution from the floor in case of urgency. The different classes of resolutions shall be numbered by the Clerk and entered in full in the Journal. (HR3, 1st Ex. Sess., 1968; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2021).

Effect of the 1968 amendment. The word “triplicate” was changed to “quadruplicate.”

Effect of the 2017 amendment. The word “quadruplicate” was changed to “duplicate.”

Effect of the 2021 amendment. Removed language regarding duplicate copies.

Action on Resolutions

110. Upon introduction, all resolutions shall be read by their titles, referred to the appropriate committee, and be inserted in full in the Journal. Resolutions other than joint resolutions, proposing amendments to the State Constitution, reported from committee shall lie over one day and come up under the ninth order of business the following legislative day.

Joint resolutions proposing amendments to the State Constitution shall be treated as bills and proceedings thereon shall be in accordance with section two, article fourteen of the State Constitution.

Resolutions adopted by the Senate and reported to the House shall be subject to the same rule as that governing resolutions introduced in the House.

PETITIONS

Petitions

111. All petitions, remonstrances, memorials and other papers addressed to the House shall be filed by the

member with the Clerk prior to the convening of the House. When in the regular order of business the time is reached for presenting petitions or any such papers, the Clerk shall read a list of those on file, giving the member's name presenting same and a brief summary of the contents thereof, and the same shall be referred to the committee of the member's selection unless otherwise ordered by the House. Each member, upon filing any such petition, remonstrance or other paper, shall endorse thereon his name, and if not so endorsed it shall not be received. The Journal shall show the name of the member presenting such papers, a brief resume of the contents thereof, and the disposition made of same. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. Technical cleanup.

AMENDMENTS

Forms For

112. Amendments are to be submitted to the Clerk in writing and a duplicate copy is to be filed electronically for viewing in the Chamber Automation System. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. The rule was rewritten to reflect current technology.

Must Be Germane

113. No amendment shall be in order that is not germane to the matter under consideration; and the Speaker, when the question is raised, shall rule as to the admissibility of the proposed amendment.

Time for Offering

114. Amendments may be offered to any bill or joint resolution and acted upon on their second reading and before they are ordered to their engrossment and third reading. No bill shall be amended on third reading, except by unanimous consent of the members present. Amendments to resolutions other than joint resolutions shall be in order at any time the same are being considered. Committee amendments shall be subject to amendment and shall be disposed of before any other amendments are in order.

Reading and Stating

115. Amendments shall be read by the Clerk and stated by the Speaker before being acted upon.

By Striking Out Enacting Clause

116. A motion to amend by striking out the enacting clause of a bill shall have precedence over another motion to amend, and, if carried, the bill or resolution is rejected.

Amendment to an Amendment

117. A motion to amend a pending amendment may be received, but until it is disposed of no other motion to amend will be in order. But pending such amendment, a motion to amend in the nature of a substitute, and a motion to amend that substitute, may be received, but shall not be voted upon until the original matter is perfected.

Amendment to Have Precedence Over Substitute

118. If a substitute for a bill or resolution be offered, a motion to amend the original bill or resolution shall have precedence.

Motion to Amend to Have Precedence Over One to Strike Out

119. If a motion be made to strike out part of a bill or resolution, a motion to amend the part proposed to be stricken out shall have precedence.

Filling Blanks

120. In filling blanks, the largest sum and longest time proposed shall be first put, and the question shall be put on names in the order they were nominated.

No Amendment by Way of Rider

121. No amendment by way of rider shall be received to any bill after engrossment.

Agreeing to Senate Amendments

122. When a House bill or House joint resolution shall be amended by the Senate, the question on agreeing to the

bill or resolution as amended shall be again voted on by yeas and nays, and the result entered on the Journal, and in such a case the affirmative vote of a majority of the members elected to the House shall be necessary. [Const., Art. VI, §31]

Amendment by Section

123. If a bill is being considered section by section, only amendments to the section under consideration shall be in order. After all sections have been considered separately, the whole bill shall be open for amendment except that an amendment seeking to strike out matter previously inserted and containing substantially no new proposition shall not be in order.

Amending Titles

124. After the passage of a bill or joint resolution, amendments to its title may be offered when the title is read for approval.

Amendments to Senate Bills

125. Any Senate bill or resolution may be amended in the same manner as a House bill or resolution. If a Senate bill or resolution is amended, the same shall be noted by the Clerk on the jacket containing same before it is reported to the Senate.

After the reading of a Senate amendment to a House bill or resolution, the question shall be, "Will the House concur in the Senate Amendment?" But it shall be in order to move that the House concur in the Senate amendment with an amendment; or that the House refuse to concur and ask the Senate to recede.

If the Senate shall refuse to concur in a House amendment to a Senate bill or resolution, the following motions shall be in order and shall be privileged in the order named: First, That the House recede; Second, That the House insist and ask for a committee of conference; Third, That the House adhere.

Amendments to Be Printed in Journal

126. All amendments proposed, unless withdrawn, shall be printed in the Journal.

Speaking on Amendments

127. On an amendment being moved, a member who has spoken to the main question may speak again to the amendment.

JOURNAL**Clerk to Keep**

128. The Clerk of the House, under the direction of the Speaker, shall keep a full and correct Journal of the proceedings.

Approval and Correction

129. When the Journal has been read to the end that any mistake made in the entry may be corrected, if no objection is made, it shall stand approved; but if objection be made, the first question of the House shall be to dispose of the same, and when such objections are disposed of and the Journal corrected, as the House may order, it shall stand as approved.

Printing Official Copies

130. After the printed Journal has been approved and fully marked for correction, the type from which it was printed shall be changed in accordance therewith. From the type so corrected shall be printed the number of copies required by law for the regular bound volumes of the Journal, which shall be properly indexed. In addition thereto six copies shall be printed on 6x9 heavy weight bond paper, with a certificate at the end thereof, certifying that the same is the Official Journal of the House and the same shall be signed by the Speaker and Clerk. Such printed Journal shall be the official record of the House. They shall be bound in flexible binding, and bear the imprint on the back, "Official Journal of the House of Delegates of West Virginia," with designation of regular or special session, as the case may be, and the year. After being signed by the proper officers, two of these copies shall be retained in the office of the Clerk, and one copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Department of Archives and History, and one with the Clerk of the Senate.

Journal to Be Printed Daily

131. It shall be the duty of the Clerk to furnish a copy of each day's proceedings of the Journal to the Legislative Print Shop. An electronic version of the Journal is to be posted on the Chamber Automation System and printed copies are to be available on request prior to the start of the next session. (HR1, Reg. Sess., 2017)

Effect of the 2017 amendment. The rule was revised to reflect current technology and practice.

Form and Content of Journal

132. The Journal shall be kept and published in minute form so as to show a running account of all proceedings and actions taken. Every written motion, unless it be withdrawn on the same day submitted and before action has been taken thereon, and such other material and matters required by these rules and the joint rules of the Senate and House shall be printed in the Journal. No remarks of members, speeches, newspaper editorials and articles, or other material shall be printed in the daily Journal, except explanations of votes as provided by these rules and such portions of remarks as may be necessary for the record in instances where a member may be called to order for words spoken in debate.

The Clerk shall keep and publish an Appendix to the bound and official Journals of each session of the House. There shall be included in the Appendix all remarks of members and other material ordered printed by the House.

An address or remarks by a member made on the floor of the House may be printed in the Appendix with the consent of the House on the request of the member making such address or remarks or by request of another member, if the member making such address or remarks consents to said request. (HR2, Reg. Sess., 1961; HR10, Reg. Sess., 2000)

Effect of the 1961 amendment. The rule was expanded extensively in delineating the form and content of the Journal, providing for an Appendix to the Journal and the printing therein of remarks of members and other material.

Effect of the 2000 amendment. Permits a member to request remarks of another to be printed in the Appendix with the consent of the member making the remarks.

Inserting Remarks in Journal

132a. (HCR 15, Regular Session 1959; rescinded by HR2, Regular Session 1961.)

Note: A typographical error in the Journal shows the repealed rule as 122a instead of 132a.

CHANGE OR SUSPENSION OF RULES

Rescinding or Amending Rules

133. All propositions to amend or rescind any standing rule or order of the House shall be by resolution and be at once referred, without debate, to the Committee on Rules, and shall be reported therefrom within five legislative days thereafter. Any such resolution may be adopted by a majority vote, a quorum being present. (HR4, Reg. Sess., 1974)

Effect of the 1974 amendment. The rule was rewritten with the principal change being that a standing rule or order after being referred to the Committee on Rules shall be reported therefrom within five legislative days.

Note: The power to make its rules of procedure is given the House under Sec. 24, Art. 6 of the Constitution.

Suspension of Rules

134. These rules shall not be suspended, except by a vote of at least two thirds of the members present. Unless there be a unanimous consent for the suspension of rules, the vote shall be determined by yeas and nays.

Note: The motion to suspend the rules is usually preceded by a member requesting unanimous consent of the House to do a particular thing. If no one objects, the House is deemed to assent, and what is desired is allowed accordingly. If objection is made, then the member may move that the rules be suspended for the specific purpose or object he or she has in view. A motion to lay on the table may not be applied to a motion to suspend the rules. (Hind's Precedents, Sec. 5405.)

Manual and Rules

135. On any question of order or parliamentary practice where the rules of the House or the joint rules of

the House and Senate are silent or inexplicit, Jefferson's Manual and the Digest of the Rules and Practices of the House of Representatives of the United States Congress shall be considered as authority.

Note: Jefferson's Manual was prepared by Thomas Jefferson for his own guidance as President of the United States Senate in the years he was Vice President, from 1797 to 1801. The House of Representatives, in 1837, by rule which still exists, provided that the provisions of the Manual should "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House." The Manual is regarded by English parliamentarians as the best statement of what the law of Parliament was at the time Jefferson wrote it. (House Manual and Digest), 70th Congress, 1st Sess., Sec. 278.

Miscellaneous Rules

Persons Admitted to the Floor – Members' Gallery

136. No person except members of the Congress of the United States, members of the State Senate, former members of the West Virginia Legislature, the Clerk of the Senate, duly accredited representatives of the press, radio and television, and legislative employees engaged in the proper discharge of their duties shall be admitted within the House Chamber while the House is in session. No introductions shall be made while the House is in session. At the convening of the House, the Sergeant-at-Arms shall see that all persons not entitled to the privilege of the floor under this rule retire from the Chamber.

The west or center balcony of the House Chamber shall be designated "Members' Gallery" and reserved for guests of members of the House, and admission thereto shall be by pass in such form as may be approved by the Committee on Rules and signed by member issuing the same to a guest. (HR2, Reg. Sess., 1961; HR2, Reg. Sess., 1967)

Effect of the 1961 amendment. The rule was completely rewritten. Various persons who were formerly admitted to the House Chamber while the House was in session were eliminated from the rule, including ex-Governors, judges, former officers of the House and Senate, members of other state Legislatures, heads of state departments, elective state officers, the Governor's secretary; prohibited introductions while the House is in session; and designated the west gallery as the "Members' Gallery" and provided manner for admission of guests thereto.

Effect of the 1967 amendment. The word "employees" was substituted for "attachés."

Smoking and Use of Tobacco Products Prohibited

136a. Smoking and the use of tobacco products are prohibited in the House chamber and House galleries during sessions and in House committee rooms during committee meetings or public hearings. (HR19, Reg. Sess., 1990; HR6, Reg. Sess., 2000)

Effect of the 1990 amendment. Prohibited use of tobacco in House chamber and galleries during sessions and in committee rooms during meetings or public hearings.

Effect of 2000 amendment. Prohibited smoking in the vestibule of the House Chamber.

Attire of Persons Admitted to Floor

136b. No member of the House or any person who has privileges of the floor, except pages, individuals authorized to be present for special ceremonies, television camera operators, media photographers, sound technicians and maintenance personnel, shall be admitted to the floor of the House while the House is in session unless properly attired. Minimum standards of dress shall consist of the wearing of a coat and tie and dress pants by males and the wearing of a suitable dress or an appropriate blouse and skirt or pants suit by females. Jeans or shorts shall not constitute proper attire (HR1, Reg. Sess., 2017).

Effect of the 2017 amendment. Specifies that jeans or shorts do not constitute proper attire.

Lobbying in the House Chamber

137. No person engaged in lobbying, including persons entitled to the privilege of the floor under Rule 136 when engaged in lobbying activities, shall be permitted upon the floor of the House or in the foyer thereto at any time during a session of the Legislature. If any person not a member while within the Chamber when the House is in session attempts in any manner whatsoever to influence the vote or opinion of any member upon any subject of legislative consideration, he shall be removed from the Chamber and be debarred therefrom during the remainder of the session. Any employee who shall, at any time, engage in such activity shall be subject to immediate dismissal. (HR2, Reg. Sess., 1961; HR2, Reg. Sess., 1963; HR2, Reg. Sess., 1967)

Effect of the 1961 amendment. The rule was rewritten. The last sentence relative to dismissal of House employees for engaging in lobbying was a new provision.

Effect of the 1963 amendment. This amendment made the rule applicable to persons entitled to the floor under Rule 136 such as former members.

Effect of the 1967 amendment. The word “employee” was substituted for the word “attaché.”

Registration of Lobbyist

137a. Rescinded by H. R. 19, February 6, 1978.

Effect of the 1978 amendment. The rule was rescinded and a joint rule was added to cover both houses.

Note: Joint Rule 28 was created by SCR1, Reg. Sess., 1978, and later rescinded by SCR2, 2nd Ex. Sess., 1990. Lobbyist currently register with the West Virginia Ethics Commission.)

Use of electronic communication devices prohibited

137a. Unless authorized by the speaker, no person may use a cell phone to make or receive a call on the House floor during a session. A cell phone or other electronic device may be used in the vestibule of the House Chamber or other locations designated by the Speaker. Members are prohibited from communicating by any means with any person not on the House floor, other than other members of the Legislature or legislative staff, regarding the passage or defeat of any pending legislative matter, while such matter is being debated or considered for passage. (HR6, Reg. Sess., 2005; HR1, Reg. Sess., 2017)

Effect of the 2005 amendment. The rule was added to prohibit the use of cell phones or other electronic communications devices on the floor during a session of the House.

Effect of the 2017 amendment. Updated the rule by making technical changes regarding electronic devices.

News Correspondents and Reporters

138. (a) Any person accorded the privilege of the press gallery or press table must be a professional journalist employed at a recognized media outlet ~~news correspondent or reporter for a newspaper, a radio or television station,~~ or of a recognized press association, who is not engaged in

any department of state government, or in any other business, including lobbying or advocacy for or against any matter pending before the Legislature, and no more than one representative of each shall be admitted to Seating or access to the designated press tables, galleries or seating areas or press gallery at one time shall be on a first come first served basis or on any such rotation agreed upon among members of the press.

(b) All applications for admission to the press gallery or press table must be made to the Speaker or any such representative he or she may appoint. Such applications shall state the name and location of the media organization newspaper, news association, radio or television station, and be signed by the applicant Temporary one-day passes for admittance may be granted by the Speaker or his or her designee as needed.

(c) The Speaker or his or her designee(s) shall verify statements made in such application, and if the application is approved by him, he they shall issue a correspondent's card, signed by him.

(d) The correspondents shall not visit the members in their seats during the session of the House, and shall abide by such rules and regulations as may be adopted by the House or any of its committees. Rules Committee of the House. Failure or refusal to abide by such rules may result in revocation of press credentials.

(e) The card issued by the Speaker must be presented when required by any Sergeant-at-Arms, Doorkeeper or other employee of the House. It shall not be transferable. The transfer or loan of such card to anyone shall be followed by its cancellation and the withdrawal of all its privileges from the correspondent so offending.

(f) The gallery or, press tables or seating areas allotted to news correspondents-journalists shall be designated by the Speaker or chair of the committee using the Chamber or committee rooms. These areas will be reserved for the for their exclusive use of the press, and persons not holding correspondents' cards shall not be entitled to admission thereto. (HR1, Reg. Sess., 2021)

Effect of the 2021 amendment. Made numerous updates to the rule.

Lounging Prohibited in the Hall of the House

139. It shall be the duty of the Sergeant-at-Arms to prevent all persons not connected with the Legislature from assembling in the halls at any time when the House is not in session for the purpose of lounging or loafing. For the purpose of enforcing this rule, the Sergeant-at-Arms or his assistants shall be in attendance at all times, and the persistent neglect or disregard of this rule shall be cause for dismissal by the Speaker, or removal.

Peddling Prohibited

140. No person shall be permitted to hawk, peddle or offer for sale any article of traffic at any time within the hall of the House; and it shall be the duty of the Sergeant-at-Arms to strictly enforce this rule.

Regulating Use of Halls

141. The Speaker shall have power to regulate the use of the halls and stairways of the part of the Capitol building used by the House for refreshments and like purposes when the Legislature is in session.

Oaths

142. The Speaker or Clerk shall have authority to administer any oaths required by the business of the House.

Janitors

143. The janitors appointed for or assigned to the House shall, under direction of the Speaker, have care of the House Chamber, committee rooms and halls of the House and keep the same in a neat and proper condition at all times.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration.

Delegates Zukoff, Fleischauer, Walker, Young, Evans, Barach and Rowe moved to amend the resolution following Rule 79, by inserting a new Rule, designated Rule 79a, to read as follows:

“Public Notice of Committee Agendas during the 2021 Regular Legislative Session

79a. For the duration of the 2021 Regular Session of the 85th Legislature, to provide public notice of the actions of the Legislature at a time when members of the public will have restricted access to House proceedings, every committee shall publish the Committee’s agenda in electronic form prior to the beginning of a meeting on the Legislature’s website in the appropriate location to afford members of the public prior notice of the business to come before the committee. No bill or resolution may be considered by the committee during any meeting that has not been so published.”

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

The resolution (H. R. 1) was then adopted.

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

H. R. 2 - “Authorizing the publication of a Legislative Manual and authorizing payment of travel and other expenses of the House.”

Resolved by the House of Delegates:

I. That the Clerk of the House of Delegates is hereby authorized to compile and have printed a Legislative Manual containing the rules of the Senate and of the House of Delegates and such matter and material as he may deem to be useful and convenient to the members of the Legislature. The Clerk of the House of Delegates shall cooperate with the Clerk of the Senate in compiling said manual and include therein such material with reference to the Senate as said Clerk of the Senate may prepare so as to obviate the necessity of the Senate publishing a manual.

II. That in accordance with article two-a, chapter four of the code, the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor for travel expenses of members of the House of Delegates for such number of miles traveled as shall be certified to him by the various members, for payment of per diem and mileage of elected officers and such members of the House as authorized by the Speaker, and for other authorized expenses during the 85th Legislature.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

H. R. 3 – “Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates.”

Resolved by the House of Delegates:

That under authority of section thirteen, article one, chapter four of the Code of West Virginia, the Clerk of the House of Delegates is hereby authorized to have printed not to exceed 150 copies of the Acts of the 2021 regular session of the Legislature, bound in buckram, and to include therein the Acts of any extraordinary session which may not have been printed.

The Clerk of the House of Delegates is also authorized to publish not to exceed 150 copies of the Journal of the House of Delegates for the second regular session of the 85th Legislature and to include therein the unpublished Journals of any extraordinary sessions. In addition, there shall be printed twelve official copies of any Journal published, properly bound and designated. A copy of the Journal and a copy of said Acts shall be furnished to each member of the Legislature, upon request of each such member. The Clerk shall retain sufficient copies of the buckram bound Acts to supply legislative offices and the remaining copies shall be retained by the Clerk, for sale by his department.

The Clerk of the House shall provide copies of said Acts for distribution as provided by section six, article eight, chapter fifty-one of the code insofar as such distribution is practicable.

Copies of the Acts of the Legislature or Journals of the House of Delegates may be provided in electronic format if requested or if demand exceeds the number of available printed volumes.

For the work required in indexing, printing and distributing said Acts and in the publication of said Journal of the House of Delegates and for completing other work of the session, the Speaker is hereby authorized to appoint such persons as he may deem necessary to perform technical, clerical, stenographic, custodial and other services required by the House of Delegates.

The Speaker shall certify a list of persons entitled to compensation under authority of this resolution to the Clerk of the House of Delegates, and the Clerk shall draw his requisition in favor of such persons at per diems or at monthly salaries, which shall be paid from the Per Diem of Officers and Employees Fund or the Contingent Fund of the House of Delegates.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 3) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

H. R. 4 – “Authorizing the appointment of employees for this, the First Regular Session of the Eighty-fifth Legislature, Two Thousand Twenty-one”.

Resolved by the House of Delegates:

That the Speaker of the House of Delegates be, and he is hereby, authorized to appoint employees to perform technical, clerical, stenographic, custodial and other services for this session of the Legislature to receive the per diems and salaries as herein provided, as follows:

(1) For per diem employees, the following rates:

Eight Legislative Assistants at \$75.00 - \$115.00

Three Committee Clerks at \$90.00 - \$115.00

Three Committee Assistant Clerks at \$80.00 - \$90.00

Seven Analysts at \$90.00 - \$250.00

Eight Attorneys at \$200.00 - \$410.00

One Doorkeeper at \$155.00

Five Assistant Doorkeepers at \$85.00

One Assistant Doorkeeper at \$100.00

One Sergeant-at-Arms at \$155.00

Two Assistant Sergeant-at Arms at \$85

Two House Clerk Assistants at \$150.00 - \$165.00

(2) For salaried full-time employees, the following employees at the following rates, in addition to and exclusive of any experience increment or pay in lieu of an experience increment as may be payable under Section 2, Article 5, Chapter 5 of the Code of West Virginia of 1931, as amended:

One Chief Clerk at ninety-four thousand five hundred thirty dollars per year;

One Senior Assistant Clerk/Parliamentarian at sixty-eight thousand five hundred sixty dollars per year;

One Assistant Clerk/Bills at fifty thousand dollars per year;

One Assistant Clerk/Journal fifty thousand dollars per year;

One Operations Clerk at forty-eight thousand five hundred forty dollars per year;

One Administrative Clerk at forty-eight thousand five hundred forty dollars per year;

One Communications Director to the House at seventy-one thousand five hundred dollars per year;

One Chief of Staff at seventy-two thousand dollars per year;

One Counsel to the Speaker at one hundred twenty-one thousand five hundred twenty-nine dollars per year;

One Assistant to the Speaker at seventy-eight thousand dollars per year;

One Director of Supplies at forty-seven thousand thirty dollars per year;

One Maintenance Staff at forty-one thousand four hundred forty-three dollars per year;

One Maintenance Staff at twenty-nine thousand six hundred thirty-eight dollars per year;

One Maintenance Staff at twenty-eight thousand five hundred sixty-five dollars per year;

One Chief Counsel to the Committee on the Judiciary at ninety-four thousand dollars per year;

One Counsel to the Committee on the Judiciary at ninety-three thousand three hundred seventy dollars per year;

One Legislative Analyst to the Committee on the Judiciary at fifty-five thousand three hundred seventy dollars per year;

One Administrative Assistant to the Committee on the Judiciary at forty-five thousand dollars per year;

One Chief Counsel to the Committee on Education at eighty-six thousand five hundred thirty dollars per year;

One Legislative Assistant to the Committee on Education at forty-seven thousand one hundred ninety-three dollars per year;

One Analyst to the Committee on Education at forty-eight thousand five hundred thirty dollars per year;

One Chief Counsel to the Committee on Finance at one hundred nine thousand four hundred thirty dollars per year;

Two Budget Analysts to the Committee on Finance at fifty-six thousand eight hundred seventy dollars per year;

One Research Analyst to the Committee on Finance at fifty-four thousand three hundred seventy dollars per year;

One Chief Counsel to the Committee on Government Organization at seventy-seven thousand dollars per year;

One Administrative Assistant to the Committee on Government Organization at forty-three thousand dollars per year;

One Legislative Analyst to the Committee on Government Organization at forty thousand dollars per year;

One Chief Counsel to the Committee on Health and Human Resources at eighty-eight thousand eight hundred seventy dollars per year;

One Administrative Assistant to the Committee on Health and Human Resources at forty-two thousand six hundred thirty dollars per year;

One Analyst to the Subject Matter Committees at forty-five thousand and thirty dollars per year;

One Chief Counsel to the Subject Matter Committees at ninety-one thousand dollars per year;

One Chief Counsel to the Energy and Manufacturing Committee at eighty-five thousand three hundred seventy dollars per year;

One Clerk to the Energy and Manufacturing Committee at forty-four thousand nine hundred fifty dollars per year;

One Analyst to Leadership regarding redistricting at fifty thousand three hundred seventy dollars per year;

One Analyst to the Minority Leader at fifty-one thousand five hundred forty-two dollars per year;

And,

One Administrative Assistant to the Minority Leader at thirty-six thousand dollars per year.

The Speaker is authorized to appoint or assign additional or present employees and to determine the rate of compensation therefor as he may deem necessary to expedite the work of the House of Delegates; and, be it

Further Resolved, That, in accordance with Chapter 4, Article 2A of the code, the Clerk of the House is hereby authorized to draw his requisitions upon the Auditor for travel expenses and compensation of members of the House of Delegates; and, be it

Further Resolved, That all appointments made under authority of the foregoing provisions of this resolution shall be certified to the Auditor and Treasurer by the Clerk of the House, and the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor in favor of the persons so appointed and the Auditor shall honor and pay such requisitions when presented and charge same to the "per diem of officers and employees" fund or "contingent" fund of the House of Delegates. The Clerk shall draw his requisitions in favor of employees for consecutive days or months from the date of their employment at the per diem or salary herein set out until such time as their services shall cease. The Speaker may remove any employee and appoint another in his or her place, and he shall require each of said employees to perform such duties as shall be assigned him or her, and he is hereby given authority to dispense with the services of any employee or employees for any such time or number of days as their services shall not be needed during the session, and they

shall not be paid for such time, nor shall other persons be appointed into their places for any such time as they may be suspended when not needed; and, be it

Further Resolved, That the Speaker is hereby authorized to assign employees to such positions and duties as he may deem proper to secure the most efficient and expeditious work during the Session of the Legislature; and be it

Further Resolved, That no person appointed under authority of this resolution and receiving pay hereunder shall concurrently receive compensation from any other department or agency of state government and no person who availed himself or herself of early retirement under the provisions of Senate Bill 10, First Extraordinary Session, 1988, may be appointed under the provisions of this resolution. Notwithstanding designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties, as may be deemed proper to serve the most efficient and expeditious work; and, be it

Further Resolved, That following the session, the Speaker is authorized until superseded by subsequent House Resolution, to remove or appoint any employee of the House, and establish such duties and compensation as is deemed appropriate for each employee; and, be it

Further Resolved, That any and all provisions of House Rule 9 in conflict with this resolution are hereby suspended.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 4) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was reported by the Clerk:

H. R. 5 – “Implementing pandemic safety procedures for the 2021 regular session.”

Resolved by the House of Delegates:

That during the pendency of the 2021 Regular Session no member of the House of Delegates or authorized staff may be present on the House Floor during any floor session unless wearing a face mask or other face covering; *Provided*, That if a member is actively eating or drinking, he or she may remove the face mask or other face covering; and

Further Resolved, That any member of the House of Delegates choosing not to wear a face mask or other face covering during any floor session or desires additional social distance not provided on the floor will be assigned a location in the galleries of the House of Delegates to perform all legislative duties included voting, and speaking to any matter as allowed by the Rules of the House of Delegates; and

Further Resolved, That any member of the House of Delegates who wishes to perform any legislative duties from the galleries will be allowed a space to perform all such duties from the galleries of the House of Delegates the same as if they were present at their desk on the floor; and

Further Resolved, That during any committee meetings of the House of Delegates all members must either wear a face mask or other face covering or in the alternative maintain appropriate social distance from all other persons attending said committee meetings; and

Further Resolved, That if a member is properly recognized by the presiding officer he or she may remove the face mask or other face covering for the sole purpose of speaking to legislative matters.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 5) to a committee was dispensed with, and it was taken up for immediate consideration.

Delegates Hansen, Bates, Walker, Evans, Fleischauer, Barach, Young and Rowe moved to amend the resolution in the *Resolved*

clause following the words “floor session unless”, by inserting the word “properly”.

Amending the first *Further Resolved* clause following the words “choosing not to”, by inserting the word “properly”.

And,

Amending the third *Further Resolved* clause following the words “all members must”, by inserting the word “properly”.

The yeas and nays were taken (**Roll No. 1**), and there were—yeas 23, nays 75, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Foster.

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

The resolution (H. R. 5) was then adopted.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Foster.

At 2:29 p.m., on motion of Delegate Summers, the House of Delegates adjourned until 12:00 noon, Wednesday, February 10, 2021, pursuant to H. C. R. 2.

Wednesday, February 10, 2021

FIRST DAY

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

Pursuant to the adjournment taken on January 13, 2021, in accordance with Section 18, Article VI of the Constitution of the State, the House of Delegates assembled in its Chamber in the Capitol Building at 12:00 noon this day, and was called to order by the Speaker.

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

Messages from the Executive

The following communication was read by the Clerk:

STATE OF WEST VIRGINIA
HOUSE OF DELEGATES
West Virginia Legislature

January 27, 2021

The Honorable Mac Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code § 3-10-5, I have this day appointed Joshua Booth, 220 Hidden Valley Road, Kenova, Wayne County, West Virginia 25530, as a Delegate representing the Nineteenth District of the House of Delegates, to fill the vacancy created by the resignation of the Honorable Derrick Evans.

Sincerely,

Jim Justice
Governor

Note: Delegate Booth took the oath of office prior to the floor session on February 10, 2021. Delegate Foster was absent on January 13, 2021 but took the oath of office on January 22, 2021.

The Clerk proceeded to read the Journal of Wednesday, January 13, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Resolutions Introduced

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was read by its title:

H. C. R. 3 - “Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.”

WHEREAS, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

Resolved by the Legislature of West Virginia:

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 o'clock postmeridian this day; and, be it

Further Resolved, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 3) to a committee was

dispensed with, and it was taken up for immediate consideration and adopted.

Whereupon,

In accordance with the provisions of the resolution, the Speaker appointed as members of the committee to wait upon His Excellency, the Governor, the following:

Delegates Rowan, Phillips and Lovejoy.

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

Delegate Hanshaw, Mr. Speaker, offered the following resolution, which was read by its title:

H. R. 6 - “Amending House Rules 104, 112, and 131, relating to the Delegate Console System.”

Resolved by the House of Delegates:

That House Rule 104 be amended to read as follows:

“**Bills - Printing and Availability to Members**

104. Electronic versions of all bills shall be made available promptly on the ~~Chamber Automation System~~ Delegate Console System once introduced and printed version of all bills will be made available when requested from the Legislative Print Shop. (HR31, Reg. Sess., 1971; HR4, Reg. Sess., 2002; HR7, Reg. Sess., 2005; HR1, Reg. Sess., 2017; HR6, Reg. Sess., 2021)

Effect of the 1971 amendment. The amendment rewrote the rule. The last paragraph was added.

Effect of the 2002 amendment. The last paragraph was added as a result of the installation of the Chamber Automation System.

Effect of the 2005 amendment. Provides that the House may consider bills, resolutions and other documents in case of failure of the Chamber Automation System or failure of the Clerk to provide reproduced copies of the measures to be considered.

Effect of the 2017 amendment. Updated the rule to reflect current printing practices.

Effect of the 2021 amendment. Updated language to reflect the new electronic system used in the House of Delegates.”

And,

That House Rule 112 be amended to read as follows:

“Forms For

112. Amendments are to be submitted to the Clerk in writing and a duplicate copy is to be filed electronically for viewing in the ~~Chamber Automation System~~ Delegate Console System. (HR1, Reg. Sess., 2017; HR6, Reg. Sess., 2021)

Effect of the 2017 amendment. The rule was rewritten to reflect current technology.

Effect of the 2021 amendment. Updated language to reflect the new electronic system used in the House of Delegates.”

And,

That House Rule 131 be amended to read as follows:

“Journal to Be Printed Daily

131. It shall be the duty of the Clerk to furnish a copy of each day’s proceedings of the Journal to the Legislative Print Shop. An electronic version of the Journal is to be posted on the ~~Chamber Automation System~~ Delegate Console System and printed copies are to be available on request prior to the start of the next session. (HR1, Reg. Sess., 2017; HR6, Reg. Sess., 2021)

Effect of the 2017 amendment. The rule was revised to reflect current technology and practice.

Effect of the 2021 amendment. Updated language to reflect the new electronic system used in the House of Delegates.”

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 6) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegates Hanshaw (Mr. Speaker), Queen, Barrett, G. Ward, Hott, Maynard, J. Pack, Riley, L. Pack, Rowan and Westfall:

H. B. 2001 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-21-12m and §11-21-25; to amend said code by adding thereto a new section, designated §11-24-10a; to amend said code by adding thereto a new article, designated §18-30A-1, §18-30A-2, §18-30A-3, §18-30A-4, §18-30A-5, §18-30A-6, §18-30A-7, §18-30A-8, §18-30A-9, §18-30A-10, §18-30A-11, §18-30A-12, §18-30A-13, §18-30A-14, §18-30A-15, §18-30A-16, §18-30A-17, §18-30A-18, and §18-30A-19, all relating generally to creating the West Virginia Jumpstart Savings Program; providing a short title; providing legislative findings; defining terms; requiring the program be operable by a certain date; creating the West Virginia Jumpstart Savings board; establishing requirements for board membership, appointment, and procedure; setting forth the powers of the board; authorizing the board to promulgate legislative rules; setting forth the duties and powers of the Treasurer related to the program; establishing the Jumpstart Savings Trust Fund and Expense Fund and requirements for said funds; authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; establishing requirements for opening a Jumpstart Savings account and making deposits to an account; providing requirements for distributions from an account; providing when distributions from an account are treated as income for taxation purposes; specifying expenditures of account distributions that are qualified expenses; allowing a personal income tax deduction for certain contributions to an account; allowing a personal income tax deduction for distributions from an account used for qualified expenses; allowing a tax credit against personal income tax or corporate net tax for certain matching contributions to accounts of employees; allowing a personal income tax deduction for a rollover of distributions from

a college savings account to a Jumpstart Savings account; allowing a personal income tax deduction for a rollover of distributions from a Jumpstart Savings account to a West Virginia ABLE account; providing reporting and auditing requirements for the Jumpstart Savings Program; authorizing certain training and educational entities and employers to share information with the board and the Treasurer related to program participation; exempting certain personal information regarding program participation from disclosure under the state's Freedom of Information Act; limiting liability of the Treasurer related to the program; and requiring the board to promulgate certain legislative rules"; to the Committee on Education.

By Delegates Linville, Capito, Holstein, Ferrell, Miller, Riley, Barnhart, Sybolt, Statler, Rowan and Reed:

H. B. 2002 - "A Bill to repeal §31G-1-6, §31G-1-7, §31G-1-9, and §31G-1-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-2E-2, §17-2E-3, §17-2E-5, §17-2E-6, §17-2E-7, §17-2E-8, and §17-2E-9 of said code; to amend and reenact §24D-1-1, §24D-1-2, §24D-1-9, §24D-1-15, §24D-1-16, §24D-1-21, and §24D-1-26 of said code; to amend and reenact §31G-1-2 and §31G-1-4 of said code; to amend and reenact §31G-4-1 and §31G-4-2 of said code; to amend said code by adding thereto two new sections, designated §17-2E-10 and §17-2E-11; to amend said code by adding thereto a new article, designated §31G-1A-1, §31G-1A-2, §31G-1A-3, §31G-1A-4, §31G-1A-5, §31G-1A-6, §31G-1A-7, §31G-1A-8, §31G-1A-9, and §31G-1A-10; to amend said code by adding thereto a new section, designated §31G-3-3; and to amend said code by adding thereto a new article, designated §31G-6-1 and §31G-6-2 of said code, all relating to providing statutory framework to support, encourage, and expedite the expansion of broadband throughout the state of West Virginia; modifying the definition of 'telecommunications carrier'; establishing requirements for agreements between the Division of Highways and an entity seeking to install telecommunications facilities; providing for in-kind contribution as a required term of agreement; establish process for Division of Highways to approve or deny application; requiring the Division of Highways provide a consolidated checklist or flow chart of all state or federal regulatory

requirements; requiring notice to the Office of Broadband of a telecommunication entity's intent to seek construction in division's right-of-way; allowing a utility to apply to share trench with telecommunications carrier; providing the Office of Broadband the authority to issue certificates of compliance to the Division of Highways and applicant; requires Office of Broadband create, seek approval for, and update a formula or matrix to determine fair market value and in kind compensation for carriers use of rights of way or telecommunications facilities owned by the Division of Highways; providing Division of Highways the authority to allow carriers the use of excess telecommunications facilities; allowing Division of Highways to transfer or assign ownership of in-kind compensation or excess telecommunications facilities to another state agency upon approval by Governor; requiring that telecommunications facilities who share trench share responsibility of compensating Division of Highways; allowing Division of Highways to require a carrier bear joint and several liability; requiring agreements to provide that two or more carriers sharing obligations must allow Division of Highways to review or audit those agreements; providing rulemaking authority to Division of Highways; establishing additional requirements for Division of Highways related to broadband installation, permitting, pathways, access, and contractor requirements; adding broadband telecommunications to Chapter on cable television and cable television system act for certain purposes; defining 'broadband' or 'broadband service' and 'broadband operator'; establishing requirements for broadband operators related to installation and construction; requiring broadband operators to indemnify the state for installation, operation, and maintenance; establishing requirements for broadband operator related to easement; providing requirements for broadband operators to restore interrupted service; requiring broadband operator to credit subscribers for interruptions in service of more than 24 hours; establishing that broadband providers may not deny access based upon certain factors; providing that broadband service is not a utility or subject to utility regulation; defining 'applicable codes' and 'underserved area'; providing the Broadband Enhancement Council and actions of the same be subject to review and approval of the Office of Broadband; provide Broadband Enhancement

Council report to the Office of Broadband on or before December 1 annually; creating the Office of Broadband within the Economic Development Office and under the Department of Commerce; creating the position of, and requirements for, the Director of the Office of Broadband; establishing the powers and duties of the Office of Broadband; requiring the Office of Broadband report annually to the Joint Committee on Government and Finance; requiring the Office of Broadband to map broadband in the state and establish an interactive public map; requiring certain executive agencies to cooperate and provide information to the Office of Broadband regarding AREA maps; requiring Office of Broadband Report to the Joint Committee on Technology regarding AREA maps at specified times; allowing Office of Broadband to retain outside expert consultants; providing authority to Office of Broadband to educate public on broadband service issues; allowing Office of Broadband to establish a voluntary data collection program; providing that information collected in program not subject to the Freedom of Information Act; establishing, by Office of Broadband, requirements of data collection program to be submitted to the Legislature; requiring the Office of Broadband to create guidelines for voluntary donation of rights away and similar structures to facilitate broadband development; allowing Office of Broadband to create guidelines and recommend to legislature an easement program to facilitate broadband service; allowing Office of Broadband to seek funding and grants; establishing process to protect proprietary business information provided to the Office of Broadband; excluding proprietary business information from production under the Freedom of Information Act; providing criminal penalties for unauthorized disclosure of confidential and proprietary information; providing rulemaking authority to the Office of Broadband; establishing requirements for municipalities regarding installation of conduit; defining ‘applicable codes’; providing for preemption of West Virginia Code and Code of State Rules over ordinances or private agreements relating to installation of broadband equipment; and requiring broadband operators receiving public funds to testify, upon request, under oath before the Legislature”; to the Committee on the Judiciary.

By Delegates Summers, McGeehan, Phillips, Smith, Toney, Bruce, Kimes, Ellington, Riley, D. Jeffries and Worrell:

H. B. 2003 - “A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency; clarifying the authority and obligations of the Governor during periods of preparedness and emergency; providing requirements for any proclamation or resolution issued relating to a state of preparedness or emergency; defining terms; specifying new criteria for the duration and termination of states of preparedness and emergency; providing directives for lawsuits filed challenging actions taken pursuant to the authority granted herein; and updating references to a state agency”; to the Committee on the Judiciary.

By Delegates Summers, Rohrbach, Worrell, Tully, B. Ward, L. Pack, Reynolds, Rowan, Westfall, J. Pack and Espinosa:

H. B. 2004 - “A Bill to amend and reenact §30-1-25 of the Code of West Virginia, 1931, as amended, relating to healthcare practitioners being licensed in the state in which he or she practices and being registered with the appropriate board in West Virginia for the purposes of telehealth”; to the Committee on Health and Human Resources.

By Delegates D. Jeffries, B. Ward, Rohrbach, G. Ward, Holstein, Worrell, Sypolt, Tully, Summers, Pinson and Burkhammer:

H. B. 2005 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29B-6; to amend said code by adding thereto a new article, designated §33-60-1, §33-60-2, §33-60-3, §33-60-4, §33-60-5, §33-60-6, §33-60-7, §33-60-8, and §33-60-9; to amend said code by adding thereto a new article, designated §33-61-1, and §33-61-2; and to amend said code by adding thereto a new article, designated §47-29-1, all relating to health care costs generally; providing a review process by the Attorney General’s office for nonprofit hospitals; providing for the regulation of out-of-state healthcare providers and non-network facility based providers; providing for the

disclosures of a healthcare facility and the publication of a carrier's network; defining the responsibilities of a carrier inadvertent to out-of-state network services; providing for binding arbitration in the event of payment disputes; providing for healthcare savings cost calculations, violations and legislative rules; providing for price transparency and a publication of prices; and providing a cost of healthcare appointment prices"; to the Committee on Health and Human Resources.

By Delegates Howell, Espinosa, Foster, Horst, Hamrick, Miller, Steele, Holstein, Clark, Keaton and Burkhammer:

H. B. 2006 - "A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, and §21-11-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-11A-3a of said code; to amend and reenact §5-22-1 of said code; to amend and reenact §21-1-3 of said code; to amend and reenact §21-3C-10a, §21-3C-10b, and §21-3C-11 of said code; to amend and reenact §21-9-2 and §21-9-9 of said code; to amend and reenact §21-11A-2 and §21-11A-4 of said code; to amend and reenact §21-16-4 of said code; to amend and reenact §21A-10-11 of said code; to amend said code by adding thereto a new article, designated §30-42-1, §30-42-2, §30-42-3, §30-42-4, §30-42-5, §30-42-6, §30-42-7, §30-42-8, §30-42-9, §30-42-10, §30-42-11, §30-42-12, §30-42-13, §30-42-14, §30-42-15, §30-42-16, §30-42-17, §30-42-18, §30-42-19, §30-42-20, and §30-42-21; and to amend and reenact §48-15-201 of said code, all relating to the West Virginia Contractor Licensing Act; providing for relocating the licensing of contractors from Chapter 21 to Chapter 30 of this code; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; providing for necessity for contractor license and exemptions; providing for procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; providing for prerequisites to obtaining building permit and mandatory written contracts; providing for requiring

informational list for basic universal design features; providing for injunction and criminal penalties for violation of article; providing for specific administrative duties of board and record keeping by the board; establishing authorization to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; providing for misdemeanor criminal penalties for violations of article; providing for limitations on municipalities, local governments, and counties from requiring a license to perform contractor work; and providing for technical updates which updates code references to contractors throughout this code to the correct code”; to the Committee on Government Organization.

By Delegates Espinosa, Foster, Horst, Hamrick, Howell, Miller, Steele, Holstein, Clark, Keaton and Burkhammer:

H. B. 2007 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-17-5, §21-17-6, §21-17-7, §21-17-8, §21-17-9, §21-17-10, §21-17-11, and §21-17-12; to amend said code by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, §29-33-4, §29-33-5, §29-33-6, §29-33-7, §29-33-8, §29-33-9, §29-33-10, §29-33-11, and §29-33-12; to amend said code by adding thereto a new article, designated §30-1F-1, §30-1F-2, §30-1F-3, §30-1F-4, §30-1F-5, §30-1F-6, §30-1F-7, §30-1F-8, §30-1F-9, §30-1F-10, §30-1F-11, and §30-1F-12, all relating to occupational licensing or other authorization to practice; providing for definitions; providing for an application method for persons with a valid license in another state to be licensed in this state; establishing that an applicant seeking licensure in this state not have ever had a license revoked or suspended in another state; providing that an applicant seeking licensure in this state not have any pending investigations or disciplinary proceedings in another state; providing that the boards in every state where a person is licensed hold an applicant in good standing for licensure in this state; providing that an applicant pay all applicable fees; providing that an applicant meet all state bonding requirements for licensure in this state; providing for an application fee that may be assessed by the board; and requiring recognition for qualified applicants from other states”; to the Committee on Government Organization.

By Delegates Foster, Horst, Hamrick, Howell, Espinosa, Miller, Steele, Holstein, Clark, Keaton and Burkhammer:

H. B. 2008 - “A Bill to repeal §21-3D-4, §21-3D-5, §21-3D-6, §21-3D-7, and §21-3D-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3C-10a of said code; to amend said code by adding thereto a new section, designated §21-3C-14; to amend and reenact §21-3D-1, §21-3D-2, §21-3D-3, and §21-3D-8 of said code; to amend and reenact §21-14-2 and §21-14-7 of said code; to amend and reenact §21-16-2, §21-16-3, §21-16-5, and §21-16-8 of said code; to amend said code by adding thereto a new section, designated §21-16-11; to amend and reenact §29-3B-2, §29-3B-3, §29-3B-4, §29-3B-6, and §29-3B-8 of said code; and to amend and reenact §29-3D-2, §29-3D-3, §29-3D-4, §29-3D-6, and §29-3D-7 of said code, all relating to licensure in this state; providing for national certification programs to qualify persons working as elevator mechanics; providing for national certification programs to qualify persons working as accessibility technicians; providing for persons working as elevator mechanics or accessibility technicians provide his or her certification to the commissioner to perform work; providing for state code precedence over local ordinances; providing for a national standard and national certification for crane operators; providing for legislative appropriation of the Crane Operators Certification Fund on a certain date; providing for altered definitions of a Journeyman and Master plumber; providing for monetary penalties for improperly performing plumbing work under certain conditions; providing for altered definitions of HVAC Technician; providing that an applicant for a HVAC technician license must only provide documentation of up to 2,000 hour work, training, and experience; providing for monetary penalties for improperly performing HVAC work under certain conditions; providing for veterans who meet certain conditions be permitted to take the HVAC technician licensing exam; providing for altered definitions of Journeyman and Master electricians; providing for exemptions for licensure under certain conditions; providing for extended time frames for electricians to renew a license without retesting; providing for monetary penalties for improperly performing electrical work under certain conditions; providing for definitions of fire protection workers; providing for an altered definition of

Journeyman sprinkler fitter; providing for an exemption from licensure when meeting certain conditions; providing for monetary penalties for improperly performing fire protection work or damper work; and providing for other minor technical changes”; to the Committee on Government Organization.

By Delegates Foster, Nestor, Burkhammer, Kimes, Higginbotham, Forsht, Keaton, Espinosa and Pritt:

H. B. 2009 - “A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 of said code, all relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee’s wages or salary for political activities without express, written authorization; providing for employee modification or withdrawal of wage withholding or diversion authorization; providing that the prohibition against withholding or diverting wages for political activities applies to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2017; providing for criminal penalties; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; requiring the Secretary of State to promulgate forms; defining terms ‘political activities’ and ‘agency shop fees’; modifying definition of ‘deductions’ to exclude amounts for union or club dues; and making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual”; to the Committee on the Judiciary.

By Delegates Howell, Capito, L. Pack, Reynolds, Clark, Linville, Espinosa and Storch:

H. B. 2010 - “A Bill to amend and reenact §11-16-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-8-3 of said code, all relating to sales of nonintoxicating beer and wine; providing for sales of nonintoxicating beer for off premises consumption; providing that nonintoxicating beer sold for off premises consumption must meet certain requirements; providing that the commissioner may not require a separate, additional license or an additional fee for licensees to sell nonintoxicating beer for off premises consumption; providing that the commissioner may not require a separate, additional license or an additional fee for licensees to sell wine for off premises consumption”; to the Committee on Government Organization.

By Delegates Capito, Howell, L. Pack, Reynolds, Clark, Linville, Espinosa and Storch:

H. B. 2011 - “A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to eliminating any time requirements for part time personnel to work during a working year”; to the Committee on Government Organization.

By Delegates Smith, Clark, Kimble, Higginbotham and Wamsley:

H. B. 2012 - “A Bill to amend and reenact §18-5G-1, §18-5G-2, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-9, §18-5G-10, and §18-5G-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §18-5G-13, §18-5G-14, and §18-5G-15, all relating to public charter schools; providing for a liberal interpretation; prohibiting the conversion of private schools; prohibiting any sort of profit or monetary consideration by elected officials in relation to charter schools; limiting the authorization of public charter school; creating a process by which to appeal the authorizer’s decision to the West Virginia Board of Education; creating virtual public charter schools in West Virginia; establishing the West Virginia Professional Charter School Board; providing for members, appointments, and meetings; and making technical improvements and corrections”; to the Committee on Education.

By Delegates Ellington, Higginbotham, Summers, Hanna, Pinson, Wamsley, Kimble and D. Jeffries:

H. B. 2013 - “A Bill to amend and reenact §18-8-1, §18-8-1a, and §18-9A-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10, §18-31-11, §18-31-12, and §18-31-13, all relating to establishing the Hope Scholarship Program; providing for a short title and definitions; establishing the framework for the scholarship and establishing guidelines; creating the West Virginia Hope Scholarship Board and providing for membership qualifications therein; creating a process for awarding scholarships; establishing funding mechanisms for the scholarships; establishing qualified expense requirements; creating a renewal process for the scholarship; creating an administration process for the scholarships; establishing an auditing mechanism for the scholarships and potential suspension system for providers; creating requirements and right of education service providers; establishing responsibilities of resident school districts; and providing for legal proceedings and severability”; to the Committee on Education then Finance.

By Delegates Kimes, Fast, Pritt, Ferrell, Bridges, Hanna, Mandt, Toney, Reynolds, Statler and Storch:

H. B. 2014 - “A Bill to amend and reenact §4-11-1, §4-11-2, §4-11-3, §4-11-4, §4-11-5, §4-11-6 and §4-11-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-1A-1 of said code; to amend and reenact §11B-1-1 and §11B-1-4 of said code; to amend and reenact §11B-2-11, §11B-2-21 and §11B-2-23 of said code; to amend and reenact §12-2-2 of said code; to amend and reenact §12-3-12 and §12-3-17 of said code; to amend and reenact §12-4-2 and §12-4-3 of said code; and to amend and reenact §15-5-6 of said code, all relating to disposition of moneys received by the state generally; specifying the role of the Legislature in appropriating federal funds; updating references to types of federal funds; providing for appropriation of federal funds in accordance with the state constitution; updating and clarifying statutory cross-references; limiting gubernatorial authority to spend federal funds without appropriation of the Legislature;

continuing and limiting spending of certain emergency funds for natural disasters without additional enactment; requiring reports to the Legislature on proposed and actual spending of those funds; removing certain emergency federal fund exclusion language from the provisions governing appropriations of federal funds; establishing controlling provisions in case of conflict of law; clarifying statutes applicable to preparation of state budget; clarifying meaning of certain terms; conditioning the Secretary of Revenue's receipt and expenditure of federal funds; providing copy of certain reports to the Legislature; enlarging matters to be reported to the Legislature regarding revenue estimates, collections and appropriations; requiring any budget reductions be made before end of fiscal year; enlarging matters to be reported in the annual Consolidated Federal Funds report; authorizing funds to be reappropriated from one fiscal year to the next, and providing circumstances under which those funds expire to the general revenue fund instead of being reappropriated; modifying certain terms; updating references to public officers; and prohibiting the suspension of any statute governing the appropriation or expenditure of public funds by the exercise of gubernatorial emergency powers"; to the Committee on Finance.

By Delegates Rohrbach, Anderson, Mandt, Tully, Pritt, Phillips, Toney, J. Jeffries, Bruce, Barnhart and Reynolds:

H. B. 2015 - "A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended, relating to requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency"; to the Committee on Health and Human Resources.

By Delegates Burkhammer, Pinson, Higginbotham, Reed, Hott, Keaton, Anderson, Haynes, Barnhart, Rohrbach and Ellington:

H. B. 2016 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6, §55-19-7, §55-19-8, §55-19-9, §55-19-10, §55-19-11, §55-19-12, §55-19-13, §55-19-14, §55-19-15, §55-19-16, §55-19-17, and §55-19-18, all related to the 'COVID-19 Essential Jobs Protection Act'; provide a short title; provide definitions; provide legislative findings and

statutory purpose; establish requirements for civil actions related to COVID-19 exposure; establish relevant expert qualifications; establish property owner's duty of care for COVID-19 exposure related to safe harbor requirements; provide limited civil immunity to premises owners or possessors for COVID-19 claims; with noted exceptions provide civil immunity for COVID-19 exposure where act is consistent with established legal guidance; provide land owner or occupant immunity for COVID-19 invitee injury with designated exceptions; exclude liability for civil damages where acts are in substantial compliance with state or federal law, regulation, order or guidance; with designated exceptions establish immunity exception for gross, willful or intentional misconduct; provide civil immunity to health care providers for care of COVID-19 exposure, including screening and prescribing pharmaceuticals; provide civil immunity to health care providers for COVID-19 exposure care, including: actions in support of state response, delay or cancelling nonurgent procedures, alteration of diagnosis or treatment in accordance with regulation, order or public health guidance; diagnosis outside normal scope of practice; use of medical devices or supplies outside normal scope of approved use; conducting tests or providing treatment outside a healthcare facility; actions taken where staff, facilities, medical devices or other resources are unavailable; failure to use protective equipment; establish that decisions resulting from short staffing are not gross negligence, willful misconduct or intentional infliction of harm; provide immunity to volunteers engaged in health care services; other defenses or immunities for healthcare facilities and workers not affected; persons involved with the design, manufacture, distribution or other endeavor related to a qualified COVID-19 product, are immune unless actual knowledge of a defect existed or actions involved actual malice, criminal conduct, or intent; provide a statute of limitations for claims related to COVID injury; establish that a new cause of action, expanded liability or limitations for defense are not provided; provide retroactive application; providing a civil penalty for failure to obey COVID-19 order, rule or regulation; providing severability for any provision declared invalid or unconstitutional; restricting a cause of action against public institutions of higher learning arising for injury or death from COVID-19; license to conduct a business, profession, or service including religious institution or nonprofit

organization may not be suspended for violation of any executive order related to COVID-19 state of emergency; compliance with legalities of testimonial, signature, acknowledgement notarization requirements including video teleconference generated documents; retroactive application; and expiration date”; to the Committee on the Judiciary.

By Delegates Steele, D. Kelly, B. Ward, Bruce, Miller, G. Ward, Haynes, Westfall, Higginbotham, Smith and Reynolds:

H. B. 2017 - “A Bill to repeal the following sections: §61-1-4, §61-1-5, §61-1-7, §61-1-8, §61-1-9, §61-2-5a, §61-2-9a, §61-2-9b, §61-2-9c, §61-2-9d, §61-2-10, §61-2-10a, §61-2-10b, §61-2-14a, §61-2-14b, §61-2-14c, §61-2-14d, §61-2-14e, §61-2-14f, §61-2-14g, §61-2-14h, §61-2-15a, §61-2-16a, §61-2-26, §61-2-27, §61-2-27a, §61-2-28, §61-2-29, §61-2-29a, §61-2-29b, §61-2-30, §61-3-20a, §61-3-22a, §61-3-24a, §61-3-24b, §61-3-24c, §61-3-24d, §61-3-24e, §61-3-24f, §61-3-24g, §61-3-24h, §61-3-39, §61-3-39a, §61-3-39b, §61-3-39c, §61-3-39d, §61-3-39e, §61-3-39f, §61-3-39g, §61-3-39h, §61-3-39i, §61-3-39j, §61-3-39k, §61-3-39m, §61-3-39n, §61-3-39o, §61-3-39p, §61-3-39q, §61-3-40, §61-3-41, §61-3-42, §61-3-43, §61-3-44, §61-3-45, §61-3-45a, §61-3-46, §61-3-47, §61-3-48, §61-3-48a, §61-3-49, §61-3-49a, §61-3-49b, §61-3-50, §61-3-51, §61-3-52, §61-3-53, §61-3-54, §61-3-55, §61-3-56, §61-3-57, §61-3-58, §61-3-59, §61-3A-4a, §61-3C-14a, §61-3C-14b, §61-3C-14c, §61-3E-13, §61-5-12a, §61-5-12b, §61-5-25a, §61-5-27a, §61-5-28, §61-5-29, §61-6-2, §61-6-3, §61-6-7, §61-6-14a, §61-6-18, §61-6-19, §61-6-20, §61-6-21, §61-6-22, §61-6-23, §61-6-24, §61-6-25; §61-7-9, §61-8-2, §61-8-9a, §61-8-10, §61-8-20, §61-8-25, §61-8-26, §61-8B-18, §61-8D-6, §61-8E-1, §61-8E-2, §61-8E-3, §61-9-9, §61-9-10, §61-9-11, §61-10-7, §61-10-8, §61-10-13, §61-10-14, §61-10-19, §61-10-34, §61-11-1, §61-11-3, and §61-11A-7 and of the code of West Virginia 1931, as amended; to amend and reenact §15-12-8 of said code; to amend and reenact §61-1-1, §61-1-2, and §61-1-3 of said code; to amend and reenact §61-2-1, §61-2-2, §61-2-3, §61-2-4, §61-2-5, §61-2-6, §61-2-7, §61-2-8, §61-2-9, §61-2-11, §61-2-12, §61-2-13, §61-2-14, §61-2-15, and §61-2-16 of said code; to amend and reenact §61-3-1, §61-3-2, §61-3-3, §61-3-4, §61-3-5, §61-3-6, §61-3-7, §61-3-8, §61-3-

11, §61-3-12, §61-3-13, §61-3-14, §61-3-15, §61-3-16, §61-3-18, §61-3-19, §61-3-20, §61-3-21, §61-3-22, §61-3-23, §61-3-24, §61-3-25, §61-3-26, §61-3-27, §61-3-28, §61-3-29, §61-3-30, §61-3-31, §61-3-32, §61-3-33, §61-3-34, §61-3-35, §61-3-36, §61-3-37, and §61-3-38 of said code; to amend and reenact §61-3A-3 and §61-3A-7 of said code; to amend and reenact §61-3B-2, §61-3B-3, §61-3B-4, §61-3B-5, §61-3B-6, and §61-3B-7 of said code; to amend and reenact §61-3C-2, §61-3C-3, §61-3C-4, §61-3C-5, §61-3C-6, §61-3C-7, §61-3C-8, §61-3C-9, §61-3C-10, §61-3C-11, §61-3C-12, §61-3C-13, §61-3C-14, §61-3C-15, §61-3C-16, §61-3C-17, §61-3C-18, §61-3C-19, §61-3C-20, §61-3C-21; to amend and reenact §61-3D-2 and §61-3D-3 of said code; to amend and reenact §61-3E-1, §61-3E-3, §61-3E-4, §61-3E-5, §61-3E-6, §61-3E-7, §61-3E-8, §61-3E-9, §61-3E-10, and §61-3E-12 of said code; to amend and reenact §61-4-1, §61-4-2, §61-4-3, §61-4-4, §61-4-5, §61-4-6, §61-4-7, §61-4-8, and §61-4-9 of said code; to amend and reenact §61-5-1, §61-5-2, §61-5-3, §61-5-4, §61-5-5, §61-5-6, §61-5-7, §61-5-8, §61-5-9, §61-5-10, §61-5-11, §61-5-12, §61-5-13, §61-5-14, §61-5-15, §61-5-16, §61-5-17, §61-5-18, §61-5-19, §61-5-20, §61-5-21, §61-5-22, §61-5-23, §61-5-24, §61-5-25, §61-5-26, and §61-5-27 of said code; to amend and reenact §61-5A-9 of said code; to amend and reenact §61-6-6, §61-6-11, §61-6-12, §61-6-13, §61-6-14, §61-6-15, §61-6-16, and §61-6-17; §61-6-1, §61-6-1a, and §61-6-1b of said code; to amend and reenact §61-7-3, §61-7-4, §61-7-4a, §61-7-7, §61-7-10, §61-7-11, §61-7-11a, §61-7-12, §61-7-14, §61-7-15, and §61-7-15a of said code; to amend and reenact §61-8-1, §61-8-5, §61-8-6, §61-8-7, §61-8-8, §61-8-9, §61-8-11, §61-8-12, §61-8-14, §61-8-15, §61-8-16, §61-8-19, §61-8-19a, §61-8-19b, §61-8-19c, §61-8-21, §61-8-22, §61-8-23, §61-8-27, §61-8-27a, §61-8-28, §61-8-28a, §61-8-29, §61-8-30, and §61-8-31 of said code; to amend and reenact §61-8A-1, §61-8A-2, §61-8A-4, and §61-8A-5 of said code; to amend and reenact §61-8B-3, §61-8B-4, §61-8B-5, §61-8B-7, §61-8B-8, §61-8B-9, §61-8B-9b, §61-8B-10 and §61-8B-12 of said code; to amend and reenact §61-8C-1, §61-8C-2, §61-8C-3, §61-8C-3a, and §61-8C-3b of said code; to amend and reenact §61-8D-1, §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4, §61-8D-4a, §61-8D-5, §61-8D-5a, §61-8D-7, §61-8D-8, and §61-8D-10 of said

code; to amend and reenact §61-9-1, §61-9-2, §61-9-3, §61-9-4, §61-9-5, §61-9-6, §61-9-7, and §61-9-8 of said code; to amend and reenact §61-10-1, §61-10-2, §61-10-3, §61-10-4, §61-10-5, §61-10-6, §61-10-9, §61-10-10, §61-10-11, §61-10-11a, §61-10-11b, §61-10-15, §61-10-16, §61-10-17, §61-10-20, §61-10-21, §61-10-22, §61-10-23, §61-10-30, §61-10-31, §61-10-32, and §61-10-33, of said code; to amend and reenact §61-11-1a, §61-11-6, §61-11-8, and §61-11-8a of said code; to amend and reenact §61-12-8, §61-12-9, and §61-12-13 of said code; to amend and reenact §61-13-3 of said code; to amend and reenact §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, and §61-14-8 of said code; to amend and reenact §61-15-2 and §61-16-2 of said code; to amend said code by adding thereto a new section, designated §30-29-9a; to amend said code by adding a new section, designated §55-2-23; to amend said code by adding thereto nine new sections, designated §61-2-17, §61-2-18, §61-2-19, §61-2-20, §61-2-21, §61-2-22, §61-2-23, §61-2-24, and §61-2-25; to amend said code by adding thereto two new sections, §61-3-9, §61-3-10, and §61-3-17; to amend said code by adding thereto a new section, designated §61-3B-8; to amend said code by adding thereto two new sections, §61-3C-22 and §61-3C-23; to amend said code by adding thereto a new article, designated §61-3F-1, §61-3F-2, §61-3F-3, §61-3F-4, §61-3F-5, §61-3F-6, §61-3F-7, §61-3F-8, §61-3F-9, §61-3F-10, §61-3F-11, §61-3F-12, §61-3F-13, §61-3F-14, §61-3F-15, §61-3F-16, and §61-3F-17; to amend said code by adding thereto a new section designated §61-4-10; to amend said code by adding thereto following five new sections, designated §61-8-5a, §61-8-6a, §61-8-8a, and §61-8-8b, to amend said code by adding thereto six new sections, designated §61-8B-4a, §61-9-6a, §61-10-1a, §61-10-9a, §61-10-9b, and §61-10-10a; to amend said code by adding thereto a new article designated §61-17-1, §61-17-2, §61-17-3, §61-17-4, §61-17-5, and §61-17-6; and to amend said code by adding a new article designated §61-18-1, §61-18-2, §61-18-3, and §61-18-4; all relating to railroad employees being conservators of the peace; special railroad policemen; and the powers and duties of the same; relating to shooting ranges; limitations on nuisance actions; and noise ordinances; relating generally to criminal activity and the punishment thereof; relating to crimes against the government,

treason, the definition of the crime of treason, and penalties therefor, the crime of failure to give information of treason and its penalty, and the crime of desecration of the flag, and its penalty; relating to crimes against the person, first and second degree murder defined, and punishment for the same; delineating provisions for allegations in indictment for homicide; defining voluntary manslaughter and the penalty thereof; defining involuntary manslaughter, and specifying the penalty for the same; defining concealment of a deceased human body, and specifying the penalty for the same; clarifying that Homicide is punishable within the state if injury occurs within and death without, or vice versa; defining an attempt to kill or injure by poison, and specifying the penalty for the same; defining the crime of abortion and the penalty for the same; defining malicious or unlawful assault, assault, and battery, and specifying the penalties for each and aggravated factors and enhanced penalties; explaining provisions of sentencing for such acts committed by incarcerated persons; defining assault during the commission of or attempt to commit a felony, and specifying the penalty for the same; delineating that for violent crimes against the elderly a sentence is not subject to suspension or probation; defining harassment, and providing penalties, and certain definitions for the same; defining strangulation, suffocation, and asphyxiation and providing definitions and penalties for the same; defining robbery or attempted robbery and specifying the penalties for the same; defining extortion, and attempted extortion by threat, and specifying the penalty for these; defining kidnapping and specifying penalties for the same; defining concealment or removal of a minor child from custodian or from person entitled to visitation; and setting forth penalties and defenses for the same; providing that one aiding or abetting in kidnapping or in concealing or removing a minor child is guilty as a principal, and explaining venue for those offenses; defining unlawful restraint and providing penalties for the same; prohibiting the purchase or sale of a child, setting the criminal penalty for the same, and providing definitions and exceptions; the failure to remove doors from abandoned refrigerators, freezers and other appliances, and providing penalties for the same; providing definitions for various forms of domestic

violence and criminal penalties; providing definitions and criminal penalties for the abuse or neglect of an incapacitated adult; providing criminal penalties for the death of an incapacitated adult by a caregiver; defining and providing criminal penalties for the financial exploitation of an elderly person, protected person or incapacitated adult; recognizing an embryo or fetus as a distinct unborn victim of certain crimes of violence against the person; relating to crimes against property; arson; the degrees of arson, and definitions and criminal penalties for the same; burning, or attempting to burn, insured property and the criminal penalty for the same; causing injuries during an arson-related crime, and the criminal penalties for the same; recovery of costs incurred in fighting fires caused by arson; defining burglary, the entry of dwelling house or outbuilding, and providing criminal penalties for the same; defining entry of a house, building, vehicle, or enclosed property, the criminal penalties for the same, and specifying counts in indictment for the same; manufacture or possession of burglary tools, and the criminal penalties for the same; setting forth criminal offenses involving theft detection shielding devices, their criminal penalties and providing for detention of persons suspected of this offense; grand larceny, aggravated grand larceny, and petit larceny distinguished, setting forth the criminal penalties for each, defining larceny of bank notes, checks, writings of value and book accounts, and delineating the determination of value in larceny; explaining receiving or transferring stolen goods and providing a criminal penalty; providing a criminal penalty for bringing into this state, receiving or disposing of property stolen in another state; embezzlement, and the criminal penalties for the same; falsifying accounts, and the criminal penalties for the same; Possession or use of automated sales suppression devices, and the criminal penalties for the same; the offenses of destroying or concealing a will, and embezzlement by fiduciary, and the criminal penalties for the same; obtaining money, property and services by false pretenses, disposing of property to defraud creditors, and the criminal penalties for each of these; the offenses of attempted or fraudulent use, forgery, traffic of credit cards, possession and transfer of credit cards and credit card making equipment, the false or fraudulent use of telephonic services, and the criminal penalties for these offenses;

intercepting or monitoring customer telephone calls, and the criminal penalties for the same; requirements for finding fraudulent schemes and provisions for the cumulation of amounts where a common scheme exists, and the criminal penalties for the same; the casting away, destroying, or interfering with floating craft or material, and the criminal penalties for the same; interference with or destruction of buoys, signal lights or other aids to navigation, and the criminal penalties for the same; the offense of malicious killing of animals by poison or otherwise, and the criminal penalties for the same; the removal out of a county of property securing a claim, and the criminal penalties for such offense; the fraudulent disposition of personal property in possession by virtue of lease, notice to return, failure to return, and penalties where such property is not returned; noting a right to immediate possession in such instances; making a false statement as to financial condition of person, firm or corporation, and the criminal penalty for the same; publication of false advertisements, and the criminal penalty for the same; fraudulently obtaining food or lodging, and the criminal penalty for the same; intoxication of a person in charge of locomotive engine or car, and the criminal penalty for the same; the offenses of jumping on or off car or train in motion; driving vehicle upon track or bridge except at crossings, and the criminal penalty for the same; procuring gas, water or electricity, by device, with intent to defraud, and the criminal penalty for the same; placing a dam or obstructions in watercourses, and the criminal penalty for the same; setting forth requirements for the purchase of scrap metal by scrap metal purchasing businesses, salvage yards, or recycling facilities; requiring certificates, records, and reports of such purchases; providing criminal penalties for violations of these provisions; setting forth requirements for the purchase of items by precious metals and gem dealers, records to be kept by them, and delineating prohibited acts, and the criminal penalty for the same; criminalizing the unauthorized use of dumpsters and setting forth penalties; defining the offense of identity theft and providing a penalty; criminalizing the failure to pay for gasoline and providing a penalty; the offense of scanning device or re-encoder fraud, delineating when it is a felony; providing definitions; and setting forth criminal penalties for the same; the offense of possession of

bogus receipts or universal product codes with intent to defraud, and the criminal penalties for the same; the offense of misrepresentation of past or present military status or military awards to obtain anything of value, and delineating criminal penalties for the same; relating to shoplifting; prescribing penalties; defining the crime of organized retail theft, and providing penalties for that offence, all relating to trespass; trespass in a structure or conveyance and penalties for the same; trespass on property other than a structure or conveyance and penalties for the same; trespass on student residence premises or student facility premises of an institution of higher education and penalties for the same; trespass on state government property; aiding and abetting; penalties for each of those offenses; defining the offense of mine trespass, and penalties for the same; defining animal or crop facilities trespass; providing penalties for the same; allowing for injunctive relief in such instances; offenses involving damage to shrubbery, flowers, trees and timber; providing for a limitation of application of the relevant subsection, and providing penalties; prohibiting cutting, damaging, or carrying away without written permission, any timber, trees, growing plants or the products thereof; treble damages provided for the same; creating the Critical Infrastructure Protection Act; defining terms relevant to the same; prohibiting certain acts, including trespass and conspiracy to trespass against property designated a critical infrastructure facility; providing criminal penalties; and, allowing for certain forms of civil action in such instances; relating to the West Virginia Computer Crime And Abuse Act, defining terms; computer fraud; access to legislative or state-owned computer; criminal penalties for the same; unauthorized access to computer services and criminal penalties for the same; unauthorized possession of computer data or programs and criminal penalties for the same; alteration, destruction, etc., of computer equipment, and criminal penalties for the same; unauthorized possession of computer information, and criminal penalties for the same; disclosure of computer security information and criminal penalties for the same; computer invasion of privacy and criminal penalties for the same; fraud and related activity in connection with access devices, and criminal penalties for the same; endangering public safety, and

criminal penalties for the same; obscene, anonymous, harassing and threatening communications by computer, cell phones and electronic communication devices, and criminal penalties for the same; soliciting, etc. a minor via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; cyberbullying or specific acts of electronic harassment of minors; definitions; criminal penalties for the same; exceptions; use of a computer as an instrument of forgery; civil relief and damages available; defenses to criminal prosecution; venue; prosecution under other criminal statutes not prohibited; personal jurisdiction; and, severability; relating to the theft of cable television services, the acquisition of cable television services, and penalties for wrongfully acquitting the same; sale or transfer of a device or plan intended for acquisition or diversion, and criminal penalties for the same; Illegal possession of destructive devices, explosive materials or incendiary devices; and the criminal penalty for the same; criminal use of destructive device, explosive material or incendiary device; and the criminal penalty for the same; causing accidental or intentional death or injury; penalties; causing death or injury to an explosives detection animal; and the penalty for the same; manufacture, purchase, sale, advertising for sale, transporting or possession or use of a hoax bomb; possession or use in commission of a felony; and the penalty for the same; theft of explosive material from storage magazines or buildings; and the penalty for the same; receipt, possession, storage, sale or transportation of stolen explosive material; and the criminal penalty; wanton endangerment involving destructive devices, explosive materials or incendiary devices; and the criminal penalty; contraband, seizure, forfeiture of explosive devices; relating to crimes involving worthless checks; obtaining property in return for worthless check, and the criminal penalties for the same; making, issuing, etc., worthless checks on a preexisting debt, and the criminal penalties for the same; payment as a defense to such offenses; requiring making a statement for the reason for dishonor a duty of the drawee; defining what constitutes prima facie evidence of knowledge, setting forth requirements for identity, and providing a criminal penalty for providing false information; requiring a notice of dishonor by payee, and providing for a service charge; prescribing manner of filing complaint for

warrant and the form thereof; providing guidance for a complaint, what constitutes notice of complaint, and the issuance of a warrant; delineating payment procedures, and imposing costs; providing for the payment of costs in worthless check cases, and the disposition of certain costs; requiring the preparation of a list of worthless check warrants; the use of that worthless check list upon receipt of complaint for warrant; delineating the duties of a prosecuting attorney upon receipt of notice of multiple worthless check warrants; requiring the magistrate court clerk to advise complainant; providing for the creation and operation of a program for worthless check offenders, and requirements for acceptance of a person in that program; requiring certain notice to persons accepted to the worthless check restitution program; agreement to suspend prosecution of a person accepted into the restitution program; providing for fees for participation in the worthless check restitution program; and, providing that statements by individuals referred to or participating in the worthless check restitution program are criminally inadmissible; relating to forgery, crimes against the currency, the forgery of public records, certificates, returns or attestation of a court or officer; and the criminal penalty for the same; forgery of official seals; keeping or concealing instrument for forging same; and the criminal penalty for the same; counterfeiting, and the criminal penalty for the same; making plates, etc., for forgery; possession of same; and the criminal penalty for that offense; forging or uttering other writing and the criminal penalty for the same; creation of unauthorized demand draft; possession of counterfeit currency with intent to utter; and the criminal penalty for the same; unauthorized currency, and the criminal penalty for the same; passing or receiving unauthorized currency knowingly, and the criminal penalty for the same; and, the unauthorized use, transfer, acquisition, alteration or possession of certain benefits and the criminal penalty for the same; payment cards and falsely making or lading the same, and the criminal penalty therefore; relating to crimes against public justice generally; perjury and subornation of perjury defined; false swearing defined, and the criminal penalties for perjury, subornation of perjury, and false swearing; aiding escape and other offenses relating to adults and juveniles in custody or confinement;

and criminal penalties for the same; permitting escape; refusal of custody of prisoner; and criminal penalties for the same; persons in custody of institutions or officers, escapes and aiding in escapes; and criminal penalties for the same; terms of confinement in addition to previous sentence; escapes from, and other offenses relating to, state benevolent and correctional institution, or private prison or mental health facilities and criminal penalties for the same; escape from custody of the commissioner of corrections and criminal penalties for the same; escape from custody of the director of juvenile services; refusal of officer to make, or delay in making, arrest; and criminal penalties for the same; refusal of person to aid officer and criminal penalties for the same; refusal of officer to execute act or process of legislature or order of governor; and criminal penalty for the same; obstructing officer; fleeing from officer; making false statements to officer; interfering with emergency communications; criminal penalties for the same; definition; officer not liable for act done under statute or executive order afterward declared unconstitutional; compounding offenses and misprision and criminal penalties for the same; exacting excessive fees and criminal penalties for the same; issuing fraudulent fee bills and criminal penalties for the same; alteration, concealment or destruction of public record by officer and criminal penalty for the same; larceny, concealment or destruction of public record by person not officer; and criminal penalty for the same; corrupt summoning of jurors to find biased verdict; and criminal penalty for the same; procuring the summoning of biased juror by party other than officer; and criminal penalty for the same; discrimination against employee summoned for jury duty; and criminal penalty for the same; contempt of court; what constitutes contempt; jury trial; presence of defendant; criminal penalty for the same; fraudulent official proceedings; causing a public employee or official to file a fraudulent legal process and criminal penalty for the same; impersonation of a public official, employee or tribunal; and criminal penalties for the same; impersonation of a public official or tribunal; impersonation of a law-enforcement officer; and criminal penalties for the same; subsequent offense; failure to perform official duties and criminal penalty for the same; the failure to meet an obligation to pay support to a minor and criminal

penalties for the same; relating to bribery and corrupt practices, and the criminal penalties for such offenses; relating to crimes against the peace generally; mobs and lynching, and the criminal penalties for the same; liability of county or city in such instances; disturbance of religious worship and the criminal penalty for the same; disturbance of schools, societies, and other assemblies and the criminal penalty for the same; loitering on school property and the criminal penalty for the same; exceptions, camping upon governmental grounds or lawns and the criminal penalty for the same; public nuisance, false reports concerning bombs or other explosive devices and the criminal penalty for the same; falsely reporting an emergency incident and the criminal penalty for the same; willful disruption of governmental processes; offenses occurring at State Capitol Complex; and the criminal penalties for the same; threats of terrorist acts, conveying false information concerning terrorist acts and committing terrorist hoaxes prohibited; and the criminal penalties for the same; prohibiting violations of an individual's civil rights; and the criminal penalties for the same; wearing masks, hoods or face coverings and the criminal penalty for the same; and falsely reporting child abuse and the criminal penalty for the same; classifying criminal penalties for failing to register as a sex offender, failure to provide information change, and providing false information to the sex offender registry; deleting requirement that a person be deemed a rioter if they failed to provide required assistance at a riot; classify the penalty for crime of failure to obey an order given at a riot or unlawful assembly; providing that the crime of disorderly conduct is a petty offense; defining the crime of bigamy; providing a misdemeanor penalty for bigamy; providing definitions related to the crimes of pimping, prostitution and pandering; defining the crime of prostitution; providing the penalty for prostitution; providing that a medical report certifying no sexually transmitted disease reduces penalty for prostitution; providing criminal penalty for solicitation of prostitute; providing enhanced criminal penalty for solicitation of an individual for prostitution who is less than 18 years of age, mentally defective or incapacitated; providing fines for soliciting prostitution be paid to the Crime Victims Compensation Fund in designated circumstances; clarifying the

crime pandering; providing that a second offense of pandering, recruitment involving coercion or force, and recruitment of persons under the age of 18 are felony offenses; establishing that parents consenting to using a minor or mentally defective person for prostitution is guilty of a felony; establishing that causing a person to engage in prostitution because of debt or to receive value is subject to misdemeanor penalty; establishing that a person who forces, intimidates or threatens a spouse to engage in prostitution commits a felony offense; providing respective criminal penalties; establishing the criminal offense of abducting, enticing or harboring a child for prostitution; providing a criminal penalty; establishing the crime of promoting and advancing prostitution; defining a house of prostitution in context of promoting prostitution; permitting character evidence; providing criminal penalty, including additional fine; establishing the offense of sexual solicitation; providing a criminal penalty including additional fine; providing an affirmative defense to sexual solicitation for victims of trafficking; providing affirmative defenses to prostitution relating to human trafficking, abduction and mental defect or incapacitation; establishing aggravating circumstances, restitution and eligibility for Compensation Award to Victims of Crimes; providing that law enforcement notify DHHR of child victims; providing that any property used for or derived from prostitution is subject to forfeiture; providing that persons convicted be debarred from state or local contracts; clarifying that criminal indecent exposure cannot occur if victim grants permission; classifies criminal penalties for indecent exposure; classifies criminal penalties for inhaling or drinking certain intoxicating compounds; defines 'step-relative' in context of the crime of incest; establishes that intercourse between two consenting adult step-relatives is not incest; classifies criminal penalty for incest; defines desecration and classifies criminal penalties for unlawful disinterment, desecration, injury to a grave marker or damage to cemetery; prohibits certain demonstrations at a funeral; classifies criminal penalty for prohibited funeral demonstrations; classifies criminal penalty for obscene, anonymous and threatening phone calls; classifies criminal penalties for cruelty to animals; classifies criminal penalty for

animal fighting; classifies criminal penalty for attending an animal fighting venture; classifies criminal penalty for wagering at an animal fighting venture; establishes circumstances, sufficiency and application of a search warrant related to animal cruelty; extends search warrant authority for birds or animals kept for fighting to natural resources police; clarifies extent of searches without a warrant for fighting animals or birds; classifying criminal penalty for unlawful admission of children to places injurious to health or morals; classifying criminal penalty for under age false identification; classifying criminal penalty for criminal invasion of privacy; classifying criminal penalty for nonconsensual public disclosure of private intimate images; classifying criminal penalty for criminal loitering within certain distances of minor victims of sexually violent offenses or offenses; classifying penalties for disclosing or making photographs of accident or emergent situations public; classifying penalties for therapeutic deception; expanding definition of computer applied to obscene matter and minors; classifying criminal penalties for distribution and display to minor of obscene matter; classifying criminal penalties for use of obscene matter with intent to seduce minor; classifying criminal penalties for use of minor to produce obscene matter or assist in doing sexually explicit conduct; classifying criminal penalties for sexual assault in the first degree; classifying criminal penalties for sexual assault in the second degree; providing definitions of terms related to the criminal offense of sexual extortion; establishing the elements of the crime of sexual extortion; classifying criminal penalties for sexual assault in the third degree; classifying criminal penalties for sexual abuse in the first degree; classifying criminal penalties for sexual abuse in the second degree; classifying criminal penalties for sexual abuse in the third degree; classifying criminal penalties for imposition of sexual acts on persons incarcerated or under supervision; providing a definitions of 'coerce' and 'visually portray' in the context of the crime of filming sexually explicit conduct of minors; classifying criminal penalty for producing a visual portrayal of a minor in sexually explicit conduct; providing for enhanced penalty when parent distributes material displaying a child under their care in sexually explicit conduct; classifying penalties when any person distributes

or exhibits material displaying a minor in sexually explicit conduct; classifying penalties for production, display or distribution of visual portrayals of partially clothed minors; defining 'visual portrayal' in context of prohibited possession, manufacture or distribution of inappropriate sexual portrayals by a minor; clarifying the definition of 'parent' in context of child abuse to include step or foster parent; classifying criminal penalties for murder of custodial child for failure or refusal to supply necessities; clarifying definition of 'recognized method of religious healing' in context of murder of custodial child for failure or refusal to supply necessities; classifying criminal penalties for death of a child by child abuse; classifying criminal penalties for child abuse causing or creating a risk of injury; classifying the criminal penalty for female genital mutilation; classifying the criminal penalty for child neglect resulting in death; in context of the crime of child neglect resulting in death, clarifying that care through recognized method of religious healing in lieu of medical treatment may not constitute neglect; defining recognized method of religious healing; classifying the criminal penalty for sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; classifying the criminal penalty for procuring, authorizing or inducing another to engage in sexual acts with a child under their care or custody; sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; parent, guardian, custodian, or person in a position of trust procuring, authorizing, inducing a to a child sixteen or older; definition of terms related to nuisances; designated elements for maintaining a nuisance; providing standing to bring an action to abate a nuisance; venue for a nuisance action; evidence and proof related to an action to abate nuisance; provisions and procedures related to an action to enjoin a nuisance; prima facie evidence of a nuisance; prosecution of a nuisance complaint; provisions for dismissal of a nuisance action; award of costs related to a nuisance action; when existence of nuisance established permanent injunction required; order of abatement for a nuisance; elements of a nuisance abatement order; removal and sale of movable property from a nuisance; liability of officers disposing of property from a nuisance proceeding; criminal offense of contempt related to nuisance proceedings; definitions related to

gaming and gambling; criminal offense for possessing or dealing in unlicensed gaming devices; seizure of unlicensed gaming or gambling devices; criminal offense for permitting a gambling device on premises under unauthorized ownership, leasehold, occupation or possession; criminal offense of acting as a guard or interfering with lawful intervention for gambling premises; criminal offense of unauthorized wagering on outcomes of uncertain events or prohibited games; criminal offense for a unauthorized commercial gambling at a hotel or tavern; criminal offense for cheating at gambling; criminal offense of unauthorized dealing in gambling device; criminal offense of unauthorized installation of a gaming device; criminal offense for unauthorized sale of a voucher or certificate for gambling on outcome of sporting events, games of skill or other sport or contest; declaring premises for unauthorized commercial gambling a nuisance; defining lottery and raffle; criminal offense for unauthorized operation of a lottery or raffle; criminal offense of keeping policy or numbers slips; seizure of designated gambling devices and equipment; provides seizure authority for gambling articles or apparatuses; classifying criminal penalties for crime of certain public officials with pecuniary interest in certain public contracts; classifying the criminal offense of unlawful showing of pictures, advertisement or theatrical productions calculated to arouse prejudicial ire or feelings; classifying the criminal offense of lobbying on the floor of the legislature; classifying the crime of employers who fail or refuse to pay contracted employment benefits or contributions; classifying the crime of unlawful use of the prefix of Doctor; classifying the criminal penalty for bribery; clarifying the elements of the crime of bribery; classifying the criminal penalty for debt pooling; clarifying the elements of the crime of debt pooling; classifying the criminal penalty for failure to maintain and affix a cover for a water well; classify the penalty for the crime of conspiracy; classify the penalty for the crime of unlawful contact with a corrections employee or a member of the parole board; classify the penalty for prohibited sale of certain caffeine products; classify the criminal penalties in the Critical Infrastructure Protection Act; classify the criminal penalties for punishment of principals in the second degree and designated accessories; classify

the criminal penalties for attempted crimes; classify the criminal penalties for solicitation to commit certain crimes; classify the criminal penalties for crimes related to post mortem examinations; classify the criminal penalties for failing to secure a cremation permit; clarify evidentiary admissibility of autopsy reports and investigations; classify the penalties for organized criminal enterprise offenses; classify the criminal penalties for the offense of human trafficking; classify the criminal penalties for the offense of forced labor; classify the criminal penalties for the offense of using adults or minors in debt bondage; classify the criminal penalties for the offense of coercing or compelling an individual to engage in commercial sexual; classify the criminal penalties for the offense of patronizing a victim of sexual servitude; establishing that an individual convicted of a human trafficking offense who is sentenced to life without mercy is not eligible for parole; classify the criminal penalty for money laundering; classify the criminal penalty for prohibited use of unmanned aircraft systems; classify criminal offenses and respective sentencing dispositions; establishing that felonies are classified into six categories and misdemeanors are classified into three categories; providing that petty offenses are not classified; establishing that criminal classification is derived from the defining criminal section or chapter; establishing that petty offenses are specifically designated to include any crime without specified designation or classification; providing that offenses noted outside Chapter 61 which are not designated as a felony, misdemeanor or petty offense, are punished under the prescribed statutory penalty; unless provided otherwise felony imprisonment sentence is a term of definite years; establishes respective range of felony terms of imprisonment into six classifications; establishes respective range of misdemeanor terms of imprisonment within three classifications; providing discretion to the sentencing court to treat a class 6 felony as a class 1 misdemeanor with noted exceptions; providing the trial court impose its sentence within designated range of maximum and minimum terms; requiring the court to consider aggravating and mitigating circumstances as well as the pre-sentence report; providing potential increased sentence for crimes near a school which may exceed maximum sentencing

limits; provides that a felony sentence must be a definite term of years served in the state department of corrections; establishes requirements for transfer of custody; provides a range of imprisonment term for all six felony classes; providing that misdemeanor sentences are for a definite term to be served at somewhere other than the state department of corrections; establishes respective limitations of imprisonment for the three classes of misdemeanors; provides discretion to the court in certain circumstances, to treat a class 6 felony as a class 1 misdemeanor; provides for reimbursement of incarceration costs for misdemeanor offenses; provides court with discretion to increase sentence by one year for offenses near a school; establishes that school vicinity sentence enhancement may exceed statutory limit; further providing that if the victim offense is a child but is not within the designated range of a school the court may consider relevant circumstances and increase the sentence two years; establishing fines for felony offenses; establishing fines for misdemeanor offenses; for purposes of sentencing, defines an 'enterprise' as any entity other than a person; provides graduated penalty of fines imposed upon enterprise for criminal offenses; establishes that a judgment of fine against an enterprise constitutes a lien; establishes relevant factors for the court to consider when sentencing an enterprise for criminal conduct; requires the court to order a person incarcerated for a criminal offense to pay incarceration costs; and, establishes factors for the court to consider when assessing payment of incarceration costs"; to the Committee on the Judiciary.

By Delegates Barnhart, Maynard and Hansen:

H. B. 2031 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-9-1, §5B-9-2, §5B-9-3, §5B-9-4, §5B-9-5, §5B-9-6, §5B-9-7, §5B-9-8 and §5B-9-9, all relating to enacting the West Virginia Development Achievements Transparency Act; providing a short title; providing legislative purpose and findings; providing for definitions; outlining reporting requirements for entities providing a development subsidy; directing the Auditor to create a searchable website to view development subsidy data; detailing the items required to be provided on the Auditor's searchable website;

protecting confidentiality of certain subsidy data; providing penalties related to the accuracy and timeliness of information reported; and permitting the Auditor to hold public hearings or trainings to ensure compliance with the article”; to the Committee on Government Organization then the Judiciary.

By Delegates Hamrick, Howell and Hanna:

H. B. 2032 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to issuing specialty motor vehicle registration plates for businesses owning a fleet of 25 or more vehicles; establishing application and qualification requirements; and establishing fees for specialty registration therefor”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Hamrick and McGeehan:

H. B. 2033 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1-1g; to amend and reenact §18B-1-2 of said code; and to amend and reenact §18B-1B-6 of said code; all relating to public higher education governance by establishing matrix necessary for an institution of higher education to become exempt from the Higher Education Policy Commission, and identifying Fairmont State University, Shepherd University, and West Liberty University as exempted schools based on the matrix criteria”; to the Committee on Education.

By Delegates Hamrick and Paynter:

H. B. 2034 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5DD-1, §16-5DD-2, §16-5DD-3, §16-5DD-4, and §16-5DD-5; all relating to establishing a comprehensive substance addiction recovery center certification and grant program in this state; providing for certification criteria; providing for eligibility criteria to receive a grant; providing for ranking priorities of grant applicants; providing for grant award limitations; providing for reporting requirements of grant recipients; providing for the creation of the Comprehensive Substance Addiction Recovery Center Fund; providing for funding; providing for permitted expenditures from the fund; providing that money in the fund

remains in the fund at the end of the fiscal year; and providing for an effective date”; to the Committee on Health and Human Resources then Finance.

By Delegates Hamrick and Paynter:

H. B. 2035 - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to permitting the resident lineal descendants of landowners to hunt, trap or fish on that resident landowner’s property without a license”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Howell and Martin:

H. B. 2036 - “A Bill to amend and reenact §30-40-17 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that real estate brokers, associate brokers, and salespeople have a fixed office location”; to the Committee on Government Organization.

By Delegate Pethtel:

H. B. 2037 - “A Bill to amend and reenact §19-18-1 of the Code of West Virginia, 1931, as amended, relating to providing protections, under certain circumstances, to owners of livestock and other domestic animals when retrieving the animals after they have trespassed on the property of another”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Boggs:

H. B. 2038 - “A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to revising requirements relating to the issuance and renewal of handicap vehicle placards”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Boggs, Toney and Paynter:

H. B. 2039 - “A Bill to amend and reenact §18A-2-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-5-102 of said code, all relating to expunging records of unsubstantiated complaints made by the Department of Health and Human Resources against teachers three years following investigation of the complaint”; to the Committee on Education then the Judiciary.

By Delegate Barnhart:

H. B. 2040 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25d, relating to requiring the West Virginia Secondary Schools Activities Commission to adopt and implement a ‘Heat and Humidity Practice Policy’ for all interscholastic athletic events of the students in public secondary schools”; to the Committee on Education.

By Delegate Barnhart:

H. B. 2041 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-23A-1, relating to creating the County Budget Flexibility Act; permitting a county to hold over unspent budgetary funds and excess revenue for future uses; requiring those funds be deposited in a county’s Future Needs Fund; authorizing the use of those funds for future or unexpected needs; making findings; and setting forth an intent”; to the Committee on Political Subdivisions then Finance.

By Delegates Howell, J. Jeffries, Foster, Martin and D. Jeffries:

H. B. 2042 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9t, relating to exempting sales of small arms and small arms ammunition from state sales and use taxes”; to the Committee on Finance.

By Delegates Howell and Fast:

H. B. 2043 - “A Bill to amend and reenact §5B-2I-4 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Tourism Office to enter into an agreement with the Division of Highways to provide staff at the welcome centers and highway rest areas; and to create displays promoting in-state tourism at the welcome centers and rest areas”; to the Committee on Technology and Infrastructure then Finance.

By Delegate Howell:

H. B. 2044 - “A Bill to amend and reenact §24-6-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-6-15; all relating to

establishing Next Generation 911 services in this state; providing for expanded definitions; establishing a commission to study Next Generation 911 services; providing for commission membership; providing for travel expense reimbursement under certain conditions; establishing the commission's duties; requiring a preliminary report to the Joint Committee on Government and Finance; requiring a final report to the Joint Committee on Government and Finance and to the Governor; and establishing an effective date and termination date of the commission"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Howell:

H. B. 2045 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to providing limitations on nuisance actions against fire department and emergency medical services fixed sirens under certain circumstances"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegates Howell and J. Jeffries:

H. B. 2046 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §11-21-25, §11-21-26, and §11-21-27 all relating to creating three refundable tax credits for volunteer fire fighters, emergency medical responders, emergency medical services practitioners, and ambulance drivers for qualifying service, training expenses and mileage expenses"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegate Howell:

H. B. 2047 - "A Bill to amend and reenact §29-22C-2, §29-22C-3, §29-22C-4, §29-22C-6, §29-22C-13, §29-22C-14, §29-22C-17, §29-22C-18, §29-22C-19, §29-22C-29, and §29-22C-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-25-2, §29-25-3, §29-25-8, §29-25-12, §29-25-14, §29-25-15, §29-25-16, §29-25-17, §29-25-18, §29-25-22, §29-25-25, and §29-25-27 of said code, all relating to changing the licensing requirement for certain casino employees from a licensure to a registration; and granting emergency rule-making authority"; to the Committee on Government Organization.

By Delegates Lovejoy and Toney:

H. B. 2048 - “A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to Deputy Sheriff Retirement System; amending definition of ‘partially disabled’”; to the Committee on Pensions and Retirement then Finance.

By Delegates Lovejoy and Fleischauer:

H. B. 2049 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-13, relating to the Senior Farmers Market Nutrition Program; making legislative findings and intent; creating the Senior Farmers Market Nutrition Program Fund; and requesting additional moneys to be added to the fund”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Lovejoy, Hott and Zukoff:

H. B. 2050 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, §19-38-5, §19-38-6, and §19-38-7, all relating to creating West Virginia Healthy Food Crop Block Grant Program; stating findings; defining terms; creating fund; providing general revenue to fund grants for five years; partnering with nonprofit food and farm organization; establishing grant selection committee and membership; providing method for allocating grants; limiting grants; providing for rulemaking; and establishing program review reports”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Lovejoy and Rohrbach:

H. B. 2051 - “A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers’ compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment; providing for diagnosis; noting that treatment can be conducted by other licensed mental health professionals once the initial diagnosis has been made by a psychiatrist; providing that continuing benefits are contingent upon

continued treatment; and, requiring the Joint Committee on Volunteer Fire Departments and Emergency Medical Services to study the implementation of this provision and report to the Legislature with modifications or additions to this section”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary then Political Subdivisions.

By Delegates Lovejoy, Toney and Paynter:

H. B. 2052 - “A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board”; to the Committee on the Judiciary then Finance.

By Delegates Howell and Hott:

H. B. 2053 - “A Bill to amend and reenact §16-5-5 and §16-5-29 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5-39, all relating to authorizing the Division of Motor Vehicles to issue certain vital records in the custody of the State Registrar; to require the Division of Motor Vehicles to adhere to the State Registrar’s rules; authorize the Division of Motor Vehicles to collect a fee for issuing vital records and transmit those fees to the State Registrar monthly; and require the Commissioner of the Division of Health and Human Resources and Commissioner of the Division of Motor Vehicles to enter into a Memorandum of Understanding to implement a program that allows the Division of Motor Vehicles access to certain vital records to issue to customers”; to the Committee on Technology and Infrastructure then Finance.

By Delegate McGeehan:

H. B. 2054 - “A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-712a, all relating to requiring parents or guardians to participate in programs for juveniles in an out-of-home placement”; to the Committee on the Judiciary.

By Delegate Rowe:

H. B. 2055 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §44A-6-1, §44A-6-2, §44A-6-3, §44A-6-4, and §44A-6-5; and to amend and reenact §51-2A-2 of said code, all relating to establishing a procedure to name a kinship legal guardian; defining terms; establishing eligibility to file a petition; describing required contents for a petition; bestowing family court jurisdiction; setting fee; providing for review of petition without hearing and entry of an order of approval; and describing the scope and effect of an order of approval”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rowe and Westfall:

H. B. 2056 - “A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-7-12 of said code; and to amend and reenact §60-8-34 of said code, all relating to changing the beginning time for beer and wine sales on Sunday from one p.m. to 10 a.m.”; to the Committee on the Judiciary.

By Delegates Lovejoy, Rowan and Rohrbach:

H. B. 2057 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-6, relating to establishing the Summer Feeding for All Program; providing findings; directing a county-by-county assessment of nonschool day student initiative; food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other nonschool time periods; providing county board reporting requirements to the Office of Child Nutrition; and directing the Office of Child Nutrition to collect and distribute information regarding available food resources”; to the Committee on Education then Finance.

By Delegate Thompson:

H. B. 2058 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-6-17, relating to providing a \$1,000 pay increase for full-time adult protective service workers”; to the Committee on Health and Human Resources then Finance.

By Delegate Thompson:

H. B. 2059 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-2D-1, §20-2D-2, §20-2D-3, §20-2D-4, §20-2D-5, §20-2D-6, §20-2D-7, §20-2D-8, §20-2D-9, §20-2D-10, §20-2D-11, §20-2D-12, §20-2D-13, §20-2D-14, §20-2D-15, §20-2D-16 and §20-2D-17, all relating to establishing a system for issuing permits for persons to provide rehabilitation of orphaned, sick and injured wildlife; setting forth a purpose for the legislation; defining certain terms; establishing qualifications and duties of rehabilitators; providing for the issuance of permits by the Director of Rehab Services for the Division of Natural Resources; requiring certain standards of treatment and housing; listing criteria for revocation of permits; and providing that the Director of Rehab Services for the Division of Natural Resources may propose legislative rules”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Thompson:

H. B. 2060 - “A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to reducing the criminal penalty for possession of small amounts of marijuana or paraphernal designed for smoking or other use of marijuana”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Rowe:

H. B. 2061 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, §18C-10-5, §18C-10-6, §18C-10-7, and §18C-10-8, all relating to creating the Katherine Johnson College Award Program; providing tuition assistance to qualified students pursuing baccalaureate degrees in eligible post-secondary programs at state regional colleges or universities”; to the Committee on Education then Finance.

By Delegate Rowe:

H. B. 2062 - “A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a small business and minority populations economic and workforce

development taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegate Rowe:

H. B. 2063 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6F-504, relating to unfair or deceptive telemarketing acts or practices; providing that West Virginia Code prohibiting transmission of misleading or inaccurate caller identification information applies to communications service providers”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Rowe, Fleischauer and Hansen:

H. B. 2064 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, and §15-15-5, all relating to creating the biometric information privacy act; providing legislative findings and definitions; regulating the retention, collection, disclosure, and destruction of biometric identifiers or biometric information; providing a right of action for grievances; and construction of this article”; to the Committee on the Judiciary.

By Delegate Rowe:

H. B. 2065 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-23a, relating to allowing low income senior citizens to receive certain tax credits without filing a state income tax return”; to the Committee on Senior, Children, and Family Issues then Finance.

By Delegate Rowe:

H. B. 2066 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-

15g, relating to requiring county boards of education to provide days prior to early voting during primary and general elections for registering eligible students to vote and being transported to vote”; to the Committee on Education then Finance.

By Delegate Rowe:

H. B. 2067 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, relating to designation of social workers in the Department of Health and Human Resources to promote better student school attendance and performance, and the health and well-being of students at home; duties described; limitation on use of information obtained”; to the Committee on Education then Finance.

By Delegate Rowe:

H. B. 2068 - “A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to the establishment of a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States; and encouraging all counties and municipalities in the state to do the same”; to the Committee on Political Subdivisions then Government Organization.

By Delegate Rowe:

H. B. 2069 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-10-1, §5B-10-2, and §5B-10-3, all relating to establishment of an Economic and Community Development Task Force; composition of task force; and requiring a report of task force to Joint Committee on Government and Finance”; to the Committee on Government Organization then Finance.

By Delegate Sypolt:

H. B. 2070 - “A Bill to amend and reenact §4-1-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §4-2A-5a; and to amend said code by adding thereto a new section, designated §18A-5-7a, all relating to mandatory drug testing for state legislators and teachers”; to the Committee on Education then the Judiciary.

By Delegate Sypolt:

H. B. 2071 - “A Bill to amend and reenact §18A-5-2 of the Code of West Virginia, 1931, as amended, relating to eliminating the requirement that schools be closed on election days”; to the Committee on Education then the Judiciary.

By Delegates Sypolt, Fast, Rowan and Paynter:

H. B. 2072 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate to support adoption; and establishing fees”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Sypolt and Rowan:

H. B. 2073 - “A Bill to amend and reenact §16-4-20 of the Code of West Virginia, 1931, as amended, relating to making it a felony to knowingly expose another individual to HIV without his or her informed consent; establishing criminal penalties; and imposing civil liability”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sypolt and Hansen:

H. B. 2074 - “A Bill to amend and reenact §22-6A-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-6A-12a, all relating to requiring continuous monitoring of air, noise, dust and particulates; requiring the operator to undertake the best available control technology if standards for air, noise, dust or particulates are exceeded; and changing the set back from horizontal well work activity to a residence to 1,500 feet from the limit of well work disturbance”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate J. Pack:

H. B. 2075 - “A Bill to amend and reenact §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to removing the registration fee for a vehicle operating on a combination of electricity and petrochemical fuels”; to the Committee on Technology and Infrastructure then Finance.

By Delegates J. Pack, McGeehan, Howell, Cooper and Lovejoy:

H. B. 2076 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to removing all costs and fees from a Silver Star registration plate”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Summers and Fast:

H. B. 2077 - “A Bill to repeal §9-5-19 of the Code of West Virginia, 1931, as amended; to repeal §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-5, §16-2D-6, §16-2D-7, §16-2D-8, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-12, §16-2D-13, §16-2D-14, §16-2D-15, §16-2D-16, §16-2D-17, §16-2D-18, §16-2D-19, and §16-2D-20 of said code; to repeal §16-2N-3 of said code; to repeal §16-29A-20 of said code; to repeal §16-29B-1, §16-29B-8, §16-29B-12, §16-29B-13, §16-29B-14, §16-29B-15, and §16-29B-30 of said code; to repeal §49-2-124 of said code; to amend and reenact §16-2D-1 of said code; to amend and reenact §16-5Y-3 and §16-5Y-12 of said code; and to amend and reenact §33-15B-5 of said code, all relating to eliminating the certificate of need program; fixing an effective date; deleting references to the certificate of need program throughout the code and making technical corrections”; to the Committee on Health and Human Resources.

By Delegates Rowan and Rohrbach:

H. B. 2078 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-57-1, §16-57-2, §16-57-3, and §16-57-4, all relating to creating the Nondiscrimination in Involuntary Denial of Treatment Act; requiring the provision of medical treatment under certain circumstances; requiring the disclosure of policies related to the life-preserving treatment a patient may receive or be denied; requiring the Department of Health and Human Resources to maintain and report on certain information”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Rowan:

H. B. 2079 - “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to more

equitable disbursement of funds to county boards to lessen budgetary impact of serving high cost/high acuity special needs students; eliminating requirement to annual review of rules, policies and standards and federal law and report to Legislative Oversight Commission; defining high cost/high acuity special needs; and providing for method of fund disbursement”; to the Committee on Education then Finance.

By Delegates Rowan and Fast:

H. B. 2080 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45a, relating to permitting a county school board to accrue instructional days or portions thereof during years of good weather and use them in years of inclement weather”; to the Committee on Education.

By Delegates Zukoff and Barrett:

H. B. 2081 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-71c, relating to tax on income of nonresidents for natural resources royalty payments received from lessees; providing legislative findings; defining terms; providing for withholding of estimated tax liabilities from natural resources royalty payments for nonresidents by lessees; providing exceptions to the tax withholding requirements under certain circumstances; providing that withheld amounts be paid by lessees to the Tax Commissioner on behalf of the nonresidents; providing for refunds to nonresidents for overpayment; requiring annual withholding statements, reconciliation, and filing requirements; requiring electronic filing under specified circumstances; providing for criminal and civil penalties in certain circumstances for non-compliance; providing for rule-making; and providing an effective date”; to the Committee on Energy and Manufacturing then Finance.

By Delegate Rohrbach:

H. B. 2082 - “A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-19-2a, all relating to taxes on soft drinks and soft drink syrups; and changing persons responsible for the taxes”; to the Committee on Finance.

By Delegate Rohrbach:

H. B. 2083 - “A Bill to amend and reenact §16-9E-1, §16-9E-2, and §16-9E-3 of the Code of West Virginia, 1931, as amended, all relating to age verification requirements for delivery sales of tobacco, tobacco products, alternative nicotine products, or vapor products”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

By Delegate Rohrbach:

H. B. 2084 - “A Bill to amend and reenact §18B-10-7a of the Code of West Virginia, 1931, as amended, relating to tuition and fee waivers or adjustments for resident students and certain non-resident students; and by decreasing the eligibility age from 65 to 60 years of age or older”; to the Committee on Education then Finance.

By Delegate Rohrbach:

H. B. 2085 - “A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7 and, §16-9A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-9A-11, all relating to tobacco usage restrictions; modifying legislative intent; modifying definitions; prohibiting persons under the age of 21 from purchasing tobacco products, tobacco derived products, or alternative nicotine products; making it a misdemeanor to use tobacco products, tobacco derived products, or alternative nicotine products in a building used for school instruction; prohibiting sales of tobacco products, tobacco derived products, or alternative nicotine products by firm, corporation, or entity to person under age 21; providing criminal penalties for sales of tobacco products, tobacco derived products, or alternative nicotine products; providing employer authority to terminate employment of employee who violates section; making the sale of tobacco products, tobacco derived products, or alternative nicotine products permissible reason for dismissal of employee; establishing that an employee’s sale of tobacco products, tobacco derived products, or alternative nicotine products to persons under 21 be considered gross misconduct for purposes of unemployment compensation; designating the Bureau for Behavioral Health of the Department of

Health and Human Resources as the entity responsible to enforce tobacco laws and conduct compliance inspections; and prohibit sales of tobacco products, tobacco derived products, or alternative nicotine products in a display independently accessible by individuals under the age of 21”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources then the Judiciary.

By Delegate Rohrbach:

H. B. 2086 - “A Bill to amend and reenact §62-12-6 and §62-12-17 of the Code of West Virginia, 1931, all relating to requiring a parolee or probationer found to have suffered with addiction to participate in a support service upon release for a certain period of time”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegate Rohrbach:

H. B. 2087 - “A Bill to amend and reenact §16-5Y-7 of the Code of West Virginia, 1931, as amended, relating to requiring the Office of Health Facility Licensure and Certification to inspect office-based medication-assisted treatment programs at least every 24 months”; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

By Delegate Rohrbach:

H. B. 2088 - “A Bill to amend and reenact §49-4-604 of the Code of West Virginia, 1931, as amended, relating to requiring a court to verify certain conditions are met before a child who has been removed from a home may be returned to that home”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegate Martin:

H. B. 2089 - “A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to defining a work day and a one-half work day for school service personnel and removing a provision relating to employment of licensed practical nurses”; to the Committee on Education.

By Delegates Martin and Fast:

H. B. 2090 - “A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting a noninvestor-owned water or sewer public utility from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Martin, Fast, Foster and Hanna:

H. B. 2091 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-17, relating to creating a process by which voters may recall a county ordinance in a special election”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Martin and Fast:

H. B. 2092 - “A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring each high school student to complete a one-half credit course of study in personal finance as a requirement for high school graduation”; to the Committee on Education.

By Delegates Graves, Hott and Sypolt:

H. B. 2093 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5E-3a; and to amend and reenact §16-49-1 of said code, all relating to providing exemption to medical foster homes approved and annually reviewed by the United States Department of Veteran Affairs from requirements for unlicensed health care homes; providing for annual reporting regarding operation of program; and excluding medical foster homes from the definition of covered provider for purposes of WV CARES Act”; to the Committee on Veterans’ Affairs and Homeland Security then Health and Human Resources.

By Delegate Graves:

H. B. 2094 - “A Bill to amend and reenact §49-4-725 of the Code of West Virginia, 1931, as amended, relating to the juvenile restorative justice programs; providing definitions related to the

juvenile restorative justice programs; establishing particular aspects of a voluntary restorative justice program including juveniles taking responsibility for their actions, focusing on repairing harm done by facilitated communication between victim, offender, and associated third parties or stakeholders; including victim-offender mediation, peacemaking circles, and family group conferencing as aspects of the restorative justice program; providing that referral to a juvenile justice program must occur before adjudication; and include a process whereby all parties agree on how to reasonably repair the harm, which may include, but is not limited to, restitution, community service, or other reasonable sanctions”; to the Committee on the Judiciary.

By Delegate Graves:

H. B. 2095 - “A Bill to amend and reenact §7-1-14 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §7-10-1a and §7-10-6; to amend and reenact §7-10-2 and §7-10-4 of said code; to amend said code by adding thereto two new sections, designated §19-20-12a and §19-20-27; to amend and reenact §19-20-22 and §19-20-26; to amend and reenact §61-8-19 of said code; and to amend said code by adding thereto two new sections, designated §61-8-19d and §61-8-19e, all relating generally to providing increased protections for the welfare of domestic animals; requiring facilities for the care of stray, abandoned, and surrendered animals and providing for access by the public; defining terms; updating the duties of humane officers; specifying standards for the operation of animal shelters; requiring inspections; establishing sanctions for violation of the standards of operation; defining an owner’s duty of care for companion animals; requiring an owner to confine unspayed female dogs in estrus; requiring dog breeders to provide written disclosures to purchasers; specifying minimum levels of care to be provided by dog breeders; defining when a dog is unfit for sale by a dog breeder and providing remedies therefor; increasing the penalty for a second offense of cruelty to animals; defining the criminal offenses of unlawful confinement of domestic animals and hoarding of animals; establishing criminal penalties; and providing for mental health treatment in certain circumstances involving hoarding of animals”; to the Committee on the Judiciary.

By Delegates Graves, Barrett, Hanna, Skaff and Lovejoy:

H. B. 2096 - “A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §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 development office; defining development office and multi-state distribution; excluding short-term depreciation from credit; raising the minimum threshold of cumulative annual expenditures necessary to qualify for credit; establishing an annual limit in credits available; requiring the development office to develop a database of locations, music, and other resources to be made available to film production teams; providing development office discretion to determine if project negatively portrays West Virginia; requiring state agencies to solicit bids from West Virginia vendors for film or video projects if available; and giving retroactive effect to film investment tax credit program”; to the Committee on Finance.

By Delegates Doyle, Toney and Rohrbach:

H. B. 2097 - “A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to calculating net enrollment for home-school students enrolled in one virtual school course in the public school system; to the Committee on Education then Finance.

By Delegate Doyle:

H. B. 2098 - “A Bill to repeal §30-27-11a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-27-1 and §30-27-3 of said code; and to amend said code by adding thereto a new section, designated §30-27-8c, all relating to permits issued by the Board of Barbers and Cosmetologists; repealing the requirement for shampoo assistant to have permits; amending defined terms; and authorizing the board to establish an apprenticeship program for cosmetologists”; to the Committee on Government Organization.

By Delegate Doyle:

H. B. 2099 - “A Bill to amend and reenact §1-2-2c of the Code of West Virginia, 1931, as amended, relating to the redistricting of the Senate into 16 two-member senatorial districts and redistricting the House into 96 single member districts; how future house districts are to be drawn; and, that the redistricting is to begin in 2022 based on the 2010 census”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Doyle:

H. B. 2100 - “A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to requiring new commercial and industrial customers to pay for the construction of any expanded or upgraded public service district facilities if the district’s present facilities are insufficient to serve the needs of that commercial or industrial consumer; and prohibiting any costs being passed on to present consumers”; to the Committee on Workforce Development then the Judiciary.

By Delegates Doyle and Hansen:

H. B. 2101 - “A Bill to amend and reenact §11-13X-13 of the Code of West Virginia, 1931, as amended, relating to reinstating the film tax credits”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Doyle and Hansen:

H. B. 2102 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-11a, relating to required notices for air quality permits prior to the permit being granted”; to the Committee on Government Organization then the Judiciary.

By Delegates Doyle and Fleischauer:

H. B. 2103 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-14, relating to requiring the Insurance Commissioner to establish an insurance program for health and medical insurance coverage to be offered in counties with limited insurance providers”; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegate Doyle:

H. B. 2104 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §54-2-22, relating to compensation paid to landowners when interest in property taken by eminent domain is for a nongovernmental entity"; to the Committee on the Judiciary.

By Delegates Doyle and Hansen:

H. B. 2105 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-19-1, §20-19-2, §20-19-3, §20-19-4, §20-19-5, §20-19-6, §20-19-7, §20-19-8, §20-19-9, §20-19-10, §20-19-11, §20-19-12, §20-19-13, and §20-19-14, all relating to requiring the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drinks and for beer, ale or other malt drinks of any alcoholic content and for certain other beverage containers; requiring the use of unredeemed bottle deposits; prescribing the powers and duties of certain state agencies and officials; and prescribing penalties and remedies"; to the Committee on Workforce Development then Government Organization.

By Delegate Hanna:

H. B. 2106 - "A Bill to amend and reenact §16-5-3 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Health and Human Resources to include in legislative rules for vital statistics that death certificates contain a space for stating 'proximate cause of death' as well as 'cause of death'"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hanna, D. Jeffries and Hansen:

H. B. 2107 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state recognition of Native American Tribes; defining terms; designating certain tribes as recognized by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling; and

providing penalty for unauthorized use of trademark”; to the Committee on Government Organization then the Judiciary.

By Delegate Hanna:

H. B. 2108 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-5A-1, relating to creating the Taxation With Representation Act whereby nonresidents of a municipality who work in that municipality and who pay user fees pursuant to a municipal ordinance may vote in municipal elections”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Hanna, Toney and Martin:

H. B. 2109 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42; to amend said code by adding thereto a new article designated §18-21A-1, §18-21A-2, §18-21A-3, §18-21A-4, §18-21A-5, §18-21A-6 and §18-21A-7; and to amend said code by adding thereto a new article, designated §18-34-1 and §18-34-2, all relating to vocational and technical education programs; requiring the State Board and Commerce Department to create lists of apprenticeships and certifications and credentials to provide to students; creating a career and technical education pilot program to introduce middle school students career and technical education opportunities in the state and requiring county school districts to provide certain information to students; establishing the Governor’s Workforce Credential; establishing requirements for the Governor’s Workforce Credential; and mandating graduation recognition for recipients of credential”; to the Committee on Education.

By Delegate Boggs:

H. B. 2110 - “A Bill to amend and reenact §18B-10-7a of the Code of West Virginia, 1931, as amended, relating to senior citizens attending college classes at state institutions without receiving college credit; reducing the fee for seniors to attend classes without college credit; and changing the age for being deemed a senior citizen”; to the Committee on Education then Finance.

By Delegates Hanna, J. Jeffries and Sypolt:

H. B. 2111 - “A Bill to amend and reenact §17-16A-29 of the Code of West Virginia, 1931, as amended, relating to including emergency response vehicles in the single fee program for EZ Pass transponders”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Thompson and Fleischauer:

H. B. 2112 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-22, relating to prohibiting provisions within settlement agreements that prevent the disclosure of factual information related to a claim filed in a civil action or a complaint filed in an administrative action, regarding: (1) Sexual assaults; (2) acts of sexual harassment; (3) acts of discrimination and harassment, retaliation or failure to prevent an act of harassment based on sex in the workplace; and (4) acts of discrimination and harassment, or retaliation based on sex in violation of the West Virginia Fair Housing Act; and providing exceptions”; to the Committee on the Judiciary.

By Delegates Fleischauer, Hansen and Sypolt:

H. B. 2113 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to paving contracts; requiring the Commissioner of Highways to establish a pilot project in Division of Highways District 4 to evaluate alternate terms in paving contracts; requiring annual reports”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Fleischauer and Lovejoy:

H. B. 2114 - “A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on disability, gender identity or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; providing for sentencing alternatives for persons convicted of violations; and designating amendments to this section as ‘Angel’s Law’”; to the Committee on the Judiciary.

By Delegates Linville, Skaff and Maynard:

H. B. 2115 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-11, relating to creating the Economic Diversification Act of 2021 for the purpose of income tax relief, by state, county, and municipal government, to new or existing businesses whose product or service offered is not currently offered in the state; requiring the Secretary of Commerce to appoint a commission to determine eligibility; providing that commission to be composed of government officials and private citizens; limiting the tax relief to a maximum period of eight years; and providing for rule making”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate Boggs:

H. B. 2116 - “A Bill to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of Highways to verify legal employment status of contractors and vendor’s employees for certain road and bridge contracts”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Fleischauer, Pethel, Hansen and Sypolt:

H. B. 2117 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-4c, relating to providing certain employees of the Highways increases in annual pay; providing legislative findings; providing funding sources; providing that pay rates and employment requirements are not subject to procedures for state employees’ grievances; providing for primacy of section; limiting private causes of action; and, providing that if employee will make more than the maximum allowable by the Division of Personnel for the pay grade, this salary increase shall still take effect, and that employee shall make more than the pay grade maximum”; to the Committee on Finance.

By Delegate Fleischauer:

H. B. 2118 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g, relating to requiring county boards of education to provide

days prior to early voting during primary and general elections for registering eligible students to vote and being transported to vote”; to the Committee on Education then Finance.

By Delegates Fleischauer, McGeehan and Hansen:

H. B. 2119 - “A Bill to amend and reenact §3-3-2a of the Code of West Virginia, 1931, as amended, relating to electioneering, or distributing literature at early voting locations”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Fleischauer:

H. B. 2120 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4x, relating to health insurance and ensuring coverage for residents with preexisting conditions”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Fleischauer and Zukoff:

H. B. 2121 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9b, relating to the ‘Katherine Johnson and Dorothy Vaughan Fair Pay Act of 2021’; honoring Katherine Johnson and Dorothy Vaughan; making it unlawful for an employer to require, as a condition of employment, that an employee refrains from disclosing information about his or her wages, benefits, or other compensation or sharing information about another employee’s wages, benefits, or other compensation; making it unlawful for an employer to require a waiver of employees’ rights to disclose information about his or her wages, benefits, or other compensation or to share information about another employee’s wages, benefits, or other compensation; and limiting employers’ inquiry into applicants’ wage and salary history”; to the Committee on Workforce Development then the Judiciary.

By Delegate Fleischauer:

H. B. 2122 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-13-1, §3-13-2, §3-13-3, §3-13-4, §3-13-5, and §3-13-6, all relating to implementing The Agreement Among the States to Elect the President and Vice President by National Popular Vote; setting

forth who may be members to the agreement; establishing the manner of appointing presidential electors in the member states; setting forth the provisions of the agreement that the member states must enact into state law setting forth the responsibilities of certain officials; and defining terms”; to the Committee on the Judiciary then Finance.

By Delegate Linville:

H. B. 2123 - “A Bill to amend and reenact §11-21-4e of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11B-2-33, all relating to reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold, and further reducing those rates when that threshold is reached again; establishing a personal income tax reduction fund and providing for deposits into the personal income tax reduction fund from sales and use taxes, derived from certain lottery games that utilize an electronic computer and a video screen, racetrack table games, lottery games that are derived from limited video lottery operations, derived from sports wagering at a secondary location of a licensed racetrack, and derived from interactive gaming at a primary or secondary location of a licensed racetrack; specifying rate reductions; providing for deposits from personal income tax reduction fund into general revenue fund; imposing duties on the State Tax Commissioner and other state agencies officers; and providing for investment and disposition of fund”; to the Committee on Finance.

By Delegates Fleischauer and Fast:

H. B. 2124 - “A Bill to amend and reenact §11-16-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-4 of said code, all relating to requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage to cover the premises of the licensee; establishing statutory minimum level of insurance coverage; and directing the Alcoholic Beverage Control Commissioner, upon a finding that either statutory minimum insurance coverage is inadequate, to increase statutory minimum coverage amounts by legislative rule”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Fleischauer:

H. B. 2125 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2 and §18-2L-3; and to amend and reenact §18-5-13a of said code, all relating to the creation of a School Consolidation Task Force; designating membership of Task Force; establishing Task Force purpose to study effects of school closures in the last 30 years; and to place a moratorium on school closure and consolidation for five years, unless special referendum in county passed by voters”; to the Committee on Government Organization then Education.

By Delegates Fleischauer and Hansen:

H. B. 2126 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, §16-63-6, §16-63-7, §16-63-8, and §16-63-9, all relating to creating the West Virginia Residential Furniture and Children’s Products Flame Retardants Act administered and enforced under the authority of the Commissioner of the Bureau for Public Health; prohibiting the use of certain flame-retardant chemicals in certain products; legislative findings; definitions; rule-making authority; when replacement chemicals may be used; exemptions to requirements; requiring report to Joint Committee on Government and Finance; requiring certificate of compliance; injunctive relief for violations; and providing civil penalties for violations”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Fleischauer:

H. B. 2127 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating to the state’s Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver; requiring the West Virginia Bureau for Medical Services to file a request with the Centers for Medicare & Medicaid Services to reinstate the terms of the state’s amended Intellectual/Developmental Disability Waiver that was approved and in place prior to July 1, 2017; and requiring the bureau to seek legislative approval before filing a future request with the Centers for Medicare & Medicaid Services

to amend or renew an Intellectual/Developmental Disability Waiver in a manner that alters the scope or nature of services provided under a current waiver”; to the Committee on Health and Human Resources then Finance.

By Delegate Fleischauer:

H. B. 2128 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, and §5-11C-4, all relating to creating the Family Protection Act; making it illegal to discriminate against an individual regarding his or her family responsibilities; defining terms; and setting forth remedies and enforcement powers”; to the Committee on Workforce Development then the Judiciary.

By Delegate Fleischauer:

H. B. 2129 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-6C-1, §22-6C-2 and §22-6C-3, all relating to establishing an industrial water extraction fee; placing a one-cent fee on every gallon of water extracted for industrial use; placing an additional one-cent fee on every gallon of water extracted for industrial use that is transported over state roads; requiring measuring of water withdrawals by a specified method; defining terms; and providing rule-making authority”; to the Committee on Energy and Manufacturing then Finance.

By Delegate Fleischauer:

H. B. 2130 - “A Bill to amend and reenact §46A-2-122 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-6-101, §46A-6-102 and §46A-6-109 of said code, all relating to the Consumer Credit and Protection Act; and declaring that its provisions apply to residential leases, landlords, tenants and residential rental fees a landlord may charge in a general lease of residential real property”; to the Committee on the Judiciary.

By Delegate Fleischauer:

H. B. 2131 - “A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended, relating to clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or

region where the waste originates”; to the Committee on Political Subdivisions then Government Organization.

By Delegate Fleischauer:

H. B. 2132 - “A Bill to amend and reenact §22-6A-8, §22-6A-10 and §22-6A-12 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-6A-12a; and to amend and reenact §22-6B-3, §22-6B-5 and §22-6B-7 of said code, all relating generally to horizontal well control standards; changing an elective obligation to a mandatory one; requiring notice in certain instances be sent to the occupants of residential property; prohibiting the limit of disturbance of a well site to be closer than 1,500 feet of an occupied dwelling; providing that a notice include certain information; establishing standards relating to air, noise, light and dust; permitting landowners be compensated for any decrease in the values of the land for its highest and best use; requiring the notice of a claim be also provided to an occupant of residential structure on the property; and establishing a statute of limitations for claims being filed”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Fleischauer:

H. B. 2133 - “A Bill to repeal §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, and §21-5G-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-1A-3 and §21-1A-4 of said code, all relating to repealing the West Virginia Workplace Freedom Act and restoring prior law; and authorizing employers, through agreement with a labor organization, to require membership in the organization as a condition of employment”; to the Committee on Workforce Development then the Judiciary then Finance.

By Delegate Fleischauer:

H. B. 2134 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-29, relating to providing that state retirees’ insurance benefits be restored to the benefit levels that existed in 2015”; to the Committee on Pensions and Retirement then Finance.

By Delegate McGeehan:

H. B. 2135 - “A Bill to amend and reenact §6-9A-4 of the Code of West Virginia, 1931, as amended, relating to provide that political party caucus meetings are not exempt from open proceedings requirements”; to the Committee on Government Organization then the Judiciary.

By Delegates McGeehan and Paynter:

H. B. 2136 - “A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, all relating to granting counties and municipalities a portion of the net terminal income from racetrack video lottery”; to the Committee on the Judiciary then Finance.

By Delegate McGeehan:

H. B. 2137 - “A Bill to repeal §47-11A-1, §47-11A-2, §47-11A-3, §47-11A-4, §47-11A-5, §47-11A-6, §47-11A-7, §47-11A-8, §47-11A-9, §47-11A-11, §47-11A-12a, and §47-11A-14 of the Code of West Virginia, 1931, as amended, all relating to repealing the article on unfair trade practices”; to the Committee on the Judiciary.

By Delegates McGeehan and Anderson:

H. B. 2138 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-1a, relating to the West Virginia National Guard; requiring an official declaration of war or an action to call forth the state militia by the United States Congress before members of the West Virginia National Guard may be released from state control to participate in active duty combat”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates Paynter, Toney and J. Jeffries:

H. B. 2139 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12m, relating to permitting residential customers of electric utilities to deduct up to 50 percent of their electric utility payments from their federal adjusted gross income for personal income tax purposes”; to the Committee on Energy and Manufacturing then Finance.

By Delegates Paynter, McGeehan and Martin:

H. B. 2140 - "A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended, relating to redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency"; to the Committee on Banking and Insurance then Finance.

By Delegates D. Jeffries, McGeehan, Foster and Hanna:

H. B. 2141 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9-9, relating to participation in school sports"; to the Committee on Education.

By Delegates Toney and Paynter:

H. B. 2142 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29, relating to establishing seniority rights for public employees; defining when seniority begin; setting standards for accumulation of seniority; requiring notice of job postings; requiring registers or certified lists of eligible applicants; allowing senior employees the first right of refusal for extra duty, overtime and promotions; and determining seniority in case of absence"; to the Committee on Workforce Development then Government Organization.

By Delegates Toney and Paynter:

H. B. 2143 - "A Bill to amend and reenact §18A-4-15 of the Code of West Virginia, 1931, as amended, relating to declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment as substitute bus operators without effect on their retirement benefit"; to the Committee on Education then Finance.

By Delegates Toney, Rowan and Paynter:

H. B. 2144 - "A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to modifying the definitions and pay grades of certain school cafeteria personnel"; to the Committee on Education then Finance.

By Delegate Toney:

H. B. 2145 - "A Bill to amend and reenact §18A-4-8 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating

to student aide class titles for school service personnel”; to the Committee on Education.

By Delegates Hamrick and Hanna:

H. B. 2146 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to providing a personal income tax credit for taxpayers who have foster children in their care”; to the Committee on Health and Human Resources then Finance.

By Delegate Thompson:

H. B. 2147 - “A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to providing that the Division of Motor Vehicles identification cards be issued at no cost to applicants”; to the Committee on Technology and Infrastructure then Finance.

By Delegate Thompson:

H. B. 2148 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, §11-29-5, §11-29-6, §11-29-7 and, §11-29-8, all relating to imposing a general data mining service tax on commercial data operators; making legislative findings; definitions; establishing a valuation method; establishing the tax and the rate of tax; requiring the proceeds be deposited into the Public Employees Insurance Agency Financial Stability Fund; and requiring rule-making”; to the Committee on the Judiciary then Finance.

By Delegate Hamrick:

H. B. 2149 - “A Bill to amend and reenact §11-21-16 of the Code of West Virginia, 1931, as amended, relating to allowing a personal income tax deduction for a foster care child”; to the Committee on Health and Human Resources then Finance.

By Delegates Thompson, Boggs and Rowan:

H. B. 2150 - “A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to driving restrictions in school zones; specifying that the speed limit restriction for school zones applies during school recess or while

children are going to or leaving school during opening or closing hours and whenever school zone flashing beacons are active; requiring that school zone flashing beacons be activated whenever students are present at a school for student activities occurring outside of a school's regular hours of operation"; to the Committee on Technology and Infrastructure then Education.

By Delegates Howell and Martin:

H. B. 2151 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-6a, relating to listing contractor classifications on a contractor license"; to the Committee on Government Organization.

By Delegates Howell, Hott, Fast and Martin:

H. B. 2152 - "A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating to requiring that, in order to graduate from high school or obtain a General Educational Development (GED) diploma, a pupil must correctly answer at least 60 of the 100 questions listed on a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services; and requiring a school to document on the pupil's transcript that the pupil has passed the test"; to the Committee on Education.

By Delegates Howell, Hanna and Martin:

H. B. 2153 - "A Bill to amend and reenact §5-16-23 of the Code of West Virginia, 1931, as amended, relating to permitting former members of the Legislature to remain eligible for insurance plans offered to state officers or employees; providing for certain conditions to remain eligible; and providing that the former member's continued participation in the insurance plans offered to state officers and employees does not require the state to bear, absorb or otherwise raise costs associated with a former member's continued participation"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Howell and Foster:

H. B. 2154 - "A Bill to amend and reenact §30-1-19 of the Code of West Virginia, 1931, as amended, relating to requiring all boards to be located in the same area and office space"; to the Committee on Government Organization.

By Delegates Toney, Paynter and Lovejoy:

H. B. 2155 - “A Bill to amend and reenact §18A-4-8 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to creating three separate job titles for school bus operators; and establishing pay scales”; to the Committee on Education then Finance.

By Delegate Capito:

H. B. 2156 - “A Bill to amend and reenact §21-5D-2 and §21-5D-4 of the Code of West Virginia, 1931, as amended, all relating generally to the payment of salary or wages under the Parental Leave Act”; to the Committee on the Judiciary then Finance.

By Delegates J. Jeffries and D. Jeffries:

H. B. 2157 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated as §18-2-7g, relating to sexuality; forbidding displays relating to sexuality in public school facilities and forbidding the teaching of sexuality in public schools”; to the Committee on Education.

By Delegate J. Jeffries:

H. B. 2158 - “A Bill to amend and reenact §24-1-3 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; providing for election and removal of commissioners; setting terms of office for elected commissioners; removing the requirement that at least one commissioner be an attorney; and removing the prohibition that no more than two commissioners be from the same political party”; to the Committee on Government Organization then the Judiciary.

By Delegates J. Jeffries, Paynter, Hanna, D. Jeffries and Maynard:

H. B. 2159 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, and §15-15-6, all relating to preserving and protecting the right to keep and bear arms; defining acts which constitute infringements upon the right to keep and bear arms; articulating the constitutional limits on these infringements and making findings in defense of the right; declaring all infringements under federal law or authority to be

against the rights of the people and to be legally void; declaring the duty of courts and law-enforcement agencies to protect the rights of law-abiding citizens, including the right to keep and bear arms; providing causes of action against persons who knowingly infringe upon these rights; providing for awards of specified damages, costs, and attorneys' fees; and barring the employment of certain persons by the state or its political subdivisions for infringing actions taken under color of federal law"; to the Committee on the Judiciary.

By Delegate Howell:

H. B. 2160 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-16, relating to issuing identification documents to homeless individuals residing at homeless shelters within this state at no cost; stating legislative intent; defining terms; creating a process by which a homeless individual may apply for certain identifying documents to be provided at no cost; requiring the division to issue certain identifying documents to eligible homeless individuals at no cost; and requiring the commissioner to develop forms"; to the Committee on the Judiciary then Finance.

By Delegate J. Pack:

H. B. 2161 - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §18-2-44, relating to the removal of standardized testing in public schools; providing for legislative findings; providing for a definition of standardized testing; providing for common standardized assessments used in this state; providing for removal of standardized testing with certain exceptions; providing for funding used for standardized testing be used for college-level readiness tests, such as the ACT and the SAT; and providing for an effective date"; to the Committee on Education.

By Delegate J. Pack:

H. B. 2162 - "A Bill to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating to qualifications for a commercial driver's license permit; providing that a commercial driver's license instruction permit may be issued to persons enrolled in a vocational program that requires a

commercial driver's license and the person will turn 18 years of age before completing the vocational program"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate J. Pack:

H. B. 2163 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, relating to the disclosure of nonpublic personal information required in employment cases; and providing a civil penalty"; to the Committee on the Judiciary.

By Delegates J. Pack and Howell:

H. B. 2164 - "A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring certain municipalities to pay for the incarceration of inmates arrested by the municipality's police"; to the Committee on Political Subdivisions then Finance.

By Delegate J. Pack:

H. B. 2165 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-13-3a, relating to crimes against property; creating the crime of theft of rental, leased, leased-purchased, or loaned property; creating certain evidentiary presumptions related to intent; defining 'proper notice' for a written demand for return of property; requiring a written demand for return of the property; establishing property replacement value to determine the value of the theft; creating misdemeanor and felony offenses; providing criminal penalties; and, establishing the agreements to which this section applies"; to the Committee on the Judiciary.

By Delegates J. Pack and Fleischauer:

H. B. 2166 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §33-51-11, relating to reducing the cost of prescription drugs; and requiring certain compensation received from a pharmaceutical manufacturer, developer, or labeler to be used for benefit of covered persons"; to the Committee on Health and Human Resources.

By Delegate McGeehan:

H. B. 2167 - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to personal property tax; exempting motor vehicles from personal property tax”; to the Committee on Technology and Infrastructure then Finance.

By Delegate McGeehan:

H. B. 2168 - “A Bill to repeal §29-22A-10d, §29-22A-10e, and §29-22A-10f of the Code of West Virginia, 1931, as amended; to repeal §29-22C-27a of said code; to repeal §29-25-22b of said code; and to amend and reenact §29-22-18d of said code, all relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom; restoring the amount that may be transferred to the Racetrack Modernization Fund to 2013 rates; eliminating certain statutory distributions to the State Excess Lottery Revenue Fund; restoring statutory distributions to capital reinvestment, purse funds and development funds to 2013 rates; and eliminating the statutory authorization for distributions to be paid on a pro rata basis”; to the Committee on Finance.

By Delegate McGeehan:

H. B. 2169 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, and §16-2Q-3, all relating to the right to life guaranteed to all human beings and providing definitions”; to the Committee on the Judiciary.

By Delegate Paynter:

H. B. 2170 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a person’s credit history in certain insurance transactions”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates D. Jeffries, Fast, Rowan and Martin:

H. B. 2171 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-2-31, to be called the Vulnerable Child Protection Act, relating to the

prohibition of certain medical treatments and procedures upon a minor, including an emancipated minor, for the purpose of attempting to change or affirm the minor's perception of the minor's sex, if that perception is inconsistent with the minor's genetic sex at birth and making such medical treatments and procedures a felony unless specific exceptions exist as defined"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Capito:

H. B. 2172 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to establishing a tax credit against West Virginia personal income tax liability tax credit for student loan payments on interest; providing for definitions; establishing the tax credit; providing for the tax credit to be claimed by the taxpayer the year of graduation; providing the tax credit may be claimed for nine tax years after graduation; providing that any year the tax credit is not claimed is forfeited; establishing certain conditions for the taxpayer to claim the credit; and permitting the Tax Commissioner to require forms, filings or other such methods to claim the tax credit"; to the Committee on Finance.

By Delegates D. Jeffries and Fleischauer:

H. B. 2173 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-1D-1, §16-1D-2, §16-1D-3, and §16-1D-4; and to amend said code by adding thereto three new sections, designated §33-15-4s, §33-15-4t and §33-15-23, all relating generally to transparency in health care; creating the Health Care Transparency Act; requiring the Bureau for Public Health to produce an estimate for creating and maintaining a health care price transparency tool, with technical support from the Health Care Authority, that is accessible by the public; setting forth transparency tool requirements; establishing new disclosure requirements for health care providers, hospitals, and insurers; requiring insurers to develop an access plan for consumers; establishing how surprise bills are to be handled in certain circumstances; defining the term 'surprise bill'; and requiring rule-making"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Phillips and McGeehan:

H. B. 2174 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2020; prohibiting the relocation, removal, alteration, renaming, rededication, or other disturbance of any statue, monument, memorial, nameplate, or plaque which is located on public property and has been erected for, or named, or dedicated in honor of certain historical military, civil rights, and Native American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances”; to the Committee on Government Organization.

By Delegates D. Jeffries, J. Jeffries, Foster and Hanna:

H. B. 2175 - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to removing the condition requiring any person over 21 years of age possess a valid permit to possess a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress and egress to a public school provided certain conditions are met”; to the Committee on the Judiciary.

By Delegates Phillips, D. Kelly and Paynter:

H. B. 2176 - “A Bill to amend and reenact §61-5-10 of the Code of West Virginia, 1931, as amended, relating to making it a criminal offense to escape or attempt to escape from the custody of a Community Corrections program”; to the Committee on the Judiciary.

By Delegates Phillips, Hott, McGeehan and Hansen:

H. B. 2177 - “A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to state issued identification cards; and permitting the issuance of a state issued identification card without a photo on the card, based upon certification that taking a photograph would violate religion tenet

or religious belief”; to the Committee on Government Organization.

By Delegates D. Jeffries, Hott, Hanna and Martin:

H. B. 2178 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-22a; and to amend and reenact §15-5-26 of said code, all relating to providing exemptions from certain taxes for out-of-state businesses, out-of-state affiliates of in-state businesses, and their employees for work responding to declared disasters and states of emergency; making legislative findings; defining terms; specifying tax exemptions and their scope; establishing filing and notice procedures; and providing an immediate date of effect”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate D. Jeffries:

H. B. 2179 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-1L-1, §15-1L-2, §15-1L-3, §15-1L-4, and §15-1L-5; and to amend and reenact §15-5-1, §15-5-2, and §15-5-3 of said code, all relating to the West Virginia Division of Homeland Security and Emergency Management; providing for legislative findings; providing for definitions; establishing the West Virginia Civil Authority; providing West Virginia Division of Homeland Security and Emergency Management to have authority over the West Virginia Civil Authority; establishing the powers and duties over the authority; providing for the authority to hire and administer employees; providing for conditions of employment for employees; providing that employees are entitled to participate in health and welfare plans, state retirement plans, and workers compensation and unemployment programs as a benefit of employment; providing that the West Virginia Division of Homeland Security and Emergency Management coordinate efforts with the office of the Governor; providing for altered definitions; and providing that the West Virginia Division of Homeland Security and Emergency Management is continued under the office of the Governor”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates D. Jeffries and Hott:

H. B. 2180 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt; to amend said code by adding thereto a new section, designated §8-12-22; and to amend said code by adding thereto a new section, designated §30-1-27, all relating to prohibiting the regulation and licensing of occupations by local government; declaring state authority to regulate trades, occupations, and professions; prohibiting regulation of occupations by county commissions; prohibiting municipalities from enacting or enforcing laws regulating trades, occupations, and professions; and preserving the authority of local governments to regulate certain projects, construction, and modifications"; to the Committee on Government Organization.

By Delegates D. Jeffries and Hanna:

H. B. 2181 - "A Bill to amend and reenact §11-21-16 of the Code of West Virginia, 1931, as amended, relating to allowing a personal income tax deduction for a stillborn child"; to the Committee on Finance.

By Delegate Rohrbach:

H. B. 2182 - "A Bill to amend and reenact §16-53-1 and §16-53-2 of the Code of West Virginia, 1931, as amended, relating to the Ryan Brown Fund; disposition and allocation of funds to health care facilities or offering health services for children under one year of age suffering from Neonatal Abstinence Syndrome"; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

By Delegate Rohrbach:

H. B. 2183 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-11, relating to the posting of information regarding the West Virginia Tobacco Quitline"; to the Committee on Health and Human Resources.

By Delegate Rohrbach:

H. B. 2184 - "A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to increasing

the penalties for exposure of governmental representatives, including emergency medical service personnel, to fentanyl or any other harmful drug or chemical agent”; to the Committee on the Judiciary.

By Delegate Rohrbach:

H. B. 2185 - “A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the state Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets to be deposited into the State Treasury in the General Revenue Fund of the state, and exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; prohibiting agreements to settlement or agreement terms that are contrary to the depositing of funds in the State Treasury; requiring quarterly transfer of funds from the Consumer Protection Recovery Fund into the General Revenue Fund; authorizing the deposit and expenditure of attorney fees, expenses and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring quarterly reporting by the Attorney General as to the disposition of matters; and repealing provisions governing the disposition of certain fees of the Attorney General taxed as costs in legal proceedings”; to the Committee on the Judiciary then Finance.

By Delegate Rohrbach:

H. B. 2186 - “A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-7, and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to tobacco usage restrictions; Legislative findings and intent; raising the legal age for the purchase of tobacco, tobacco products, tobacco derived products, alternative nicotine products and vapor products to 21”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Rohrbach:

H. B. 2187 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to providing an earned income tax credit against the personal income tax”; to the Committee on Finance.

By Delegate Rowe:

H. B. 2188 - “A Bill to amend and reenact §16-5S-9 of the Code of West Virginia, 1931, as amended, relating to establishing reimbursement rates for congregate and in-home meals”; to the Committee on Senior, Children, and Family Issues then Finance.

By Delegate Rowe:

H. B. 2189 - “A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to changing the title of the Commissioner of Culture and History to the Curator of Arts, Culture, and History; and to increase the salary of the curator to \$95,000”; to the Committee on Government Organization then Finance.

By Delegate Rowe:

H. B. 2190 - “A Bill to amend and reenact §8-12-16 of the Code of West Virginia, 1931, as amended, relating to authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership under certain circumstances”; to the Committee on Political Subdivisions then Government Organization.

By Delegate Rowe:

H. B. 2191 - “A Bill to amend and reenact §17-4-18 of the Code of West Virginia, 1931, as amended, relating to requiring paving contracts for state highways to have special requirements to prevent potholes”; to the Committee on Technology and Infrastructure then Finance.

By Delegate Rowe:

H. B. 2192 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12m; and to amend said code by adding thereto a new section, designated §11-24-23h, all relating to creating a tax credit for

improving facades in historic districts; providing that individuals and corporations are entitled to a 25 percent tax credit of the replacement cost of historic facades; and setting forth conditions”; to the Committee on Finance.

By Delegate Rowe:

H. B. 2193 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-30-14a, relating to social workers and creating a litigation practice license for social workers”; to the Committee on Government Organization then the Judiciary.

By Delegate Rowe:

H. B. 2194 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-22 and §16-1-22a, all relating to social determinants of health; establishing the Minority Health Advisory Team including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates”; to the Committee on Health and Human Resources then Finance.

By Delegate Sypolt:

H. B. 2195 - “A Bill to amend and reenact §17C-4-7 of the Code of West Virginia, 1931, as amended, relating to motor vehicle crash reports; requiring law-enforcement officers to submit reports of crashes to the owners and/or drivers of the vehicles involved in the crash in the same manner that law-enforcement officers are required to submit reports of crashes to the Division of Highways; and requiring the investigating law-enforcement officer, within 24 hours of a motor vehicle crash, to share the owner/operator and insurance information for all the involved parties with all the other

involved parties and/or their insurance agents”; to the Committee on the Judiciary.

By Delegate J. Pack:

H. B. 2196 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to providing a tax credit for families who have foster children in their care”; to the Committee on Health and Human Resources then Finance.

By Delegate Howell:

H. B. 2197 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, relating to regulation of firearms, firearms accessories and ammunition; creating the ‘West Virginia Firearms Freedom Act’; providing legislative declarations of authority; definitions; exceptions; and providing that firearms manufactured in this state have the words ‘Made in West Virginia’ clearly stamped on the firearm”; to the Committee on the Judiciary.

By Delegate Howell:

H. B. 2198 - “A Bill to amend and reenact §5A-3-48 of the Code of West Virginia, 1931, as amended, relating to prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle; authorizing those employees to use personal vehicles and be reimbursed at the regular mileage rate for travel on state business; and requiring promulgation of rules relating to this amendment”; to the Committee on the Judiciary.

By Delegate Howell:

H. B. 2199 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-32-1, §22-32-2, §22-32-3, and §22-32-4, all relating to creating the Intrastate Coal and Use Act; establishing that the environmental regulation of coal and certain coal products mined and used within the state are exclusively regulated by the West Virginia Department of Environmental Protection; stating the legislative authority; and defining terms”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates J. Jeffries, McGeehan and Foster:

H. B. 2200 - “A Bill to amend and reenact §11-16-11b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60-7-9, all relating to special licenses for one-day charitable events for the sale, serving, and auctioning of nonintoxicating beer, nonintoxicating craft beer, and alcoholic liquors when raising money for artistic, athletic, charitable, educational, or religious purposes”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates J. Jeffries, McGeehan and Paynter:

H. B. 2201 - “A Bill to repeal §15-1F-7 of the Code of West Virginia, 1931, as amended, relating to unlawful military organizations”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates J. Jeffries, Fast, D. Jeffries and Maynard:

H. B. 2202 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-4-1, §5B-4-2, §5B-4-3, and §5B-4-4, all relating to creating the West Virginia Intrastate Commerce Improvement Act; and ensuring that businesses, organizations and employers doing business in West Virginia are subject to uniform nondiscrimination laws and obligations”; to the Committee on Government Organization then the Judiciary.

By Delegates J. Jeffries, Paynter and D. Jeffries:

H. B. 2203 - “A Bill to amend and reenact §17-16A-13 of the Code of West Virginia, 1931, as amended, relating to ending tolls on the West Virginia Turnpike effective July 1, 2021”; to the Committee on Technology and Infrastructure then Finance.

By Delegates J. Jeffries, Paynter, D. Jeffries and Maynard:

H. B. 2204 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing for a special ‘Don’t Tread On Me’ license plate”; to the Committee on Technology and Infrastructure then Finance.

By Delegate McGeehan:

H. B. 2205 - “A Bill to repeal §55-12A-3, §55-12A-6, §55-12A-7, §55-12A-8 and, §55-12A-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §55-12A-1, §55-12A-2, §55-12A-4 and, §55-12A-5 of said code, all relating to the procedure for claiming abandoned mineral interests; creating a procedure to quiet title to abandoned mineral interests by serving notice on a mineral rights owner; and requiring the filing of an affidavit with the county clerk within 60 days thereafter”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate McGeehan:

H. B. 2206 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-5, relating to school curricular standards and assessments; discontinuing the use of common core standards and assessments in the state”; to the Committee on Education.

By Delegate McGeehan:

H. B. 2207 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9t, relating to creating the Save the Hospitals Act; exempting nonprofit hospitals that provide a certain amount of uncompensated care from sales tax and requiring West Virginia Hospital Finance Authority to promulgate rules to effectuate this section”; to the Committee on Health and Human Resources then Finance.

By Delegate McGeehan:

H. B. 2208 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting social security benefits from personal income tax”; to the Committee on Finance.

By Delegate McGeehan:

H. B. 2209 - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-12 of said code, all relating to exempting firefighters and volunteer firefighters from payment of income and real and

personal property taxes”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegate McGeehan:

H. B. 2210 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax”; to the Committee on Education then Finance.

By Delegate McGeehan:

H. B. 2211 - “A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended, relating to abolishing the personal income tax”; to the Committee on Finance.

By Delegate McGeehan:

H. B. 2212 - “A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee”; to the Committee on Pensions and Retirement then Finance.

By Delegate McGeehan:

H. B. 2213 - “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to the hunting of coyotes; permitting year-round hunting of coyotes using artificial light or night vision technology and permitting hunting of coyotes at any hour”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate McGeehan:

H. B. 2214 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to allowing a taxpayer a personal income tax credit for each dependent that participated in home educational instruction for the most recent academic year”; to the Committee on Education then Finance.

By Delegate McGeehan:

H. B. 2215 - “A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-5 of said code, all relating to the criteria for political party status; allowing a group of affiliated voters to become a recognized political party if the group’s candidate receives one percent of the votes in an election for any one of six statewide offices, including that of Governor, Secretary of State, Treasurer, Auditor, Attorney General or Commissioner of Agriculture; allowing a group of affiliated voters to become a recognized political party if 5,000 or more individuals have identified as members of the group on their current voter registration forms; and requiring voting registration forms to provide a space for individuals who do not select a political party affiliation to write the name of a group of affiliated voters to which they belong”; to the Committee on the Judiciary.

By Delegate McGeehan:

H. B. 2216 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to providing that all future federal, state and local statutes, ordinances, laws, orders, rules, and any other actions which attempt to restrict, tax, or regulate the possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of firearms, firearm accessories, ammunition and their accouterments are invalid and unenforceable; making it a felony to attempt to enforce a federal, state or local statute, ordinance, law, order, rule, or any other action which attempts to restrict, tax, or regulate possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of firearms, firearm accessories, ammunition or their accouterments; prohibiting such laws, orders, rules, policies and other actions by executive departments and state agencies, and providing a felony for violation; providing definitions; making findings; providing penalties; requiring the Attorney General to defend citizens of West Virginia who are prosecuted by the United States government for violation of a federal law relating to the possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying,

manufacture, or repair of a firearm, a firearm accessory or ammunition; providing exemptions; providing for retroactivity; and providing that ex post facto laws are not created”; to the Committee on the Judiciary.

By Delegate McGeehan:

H. B. 2217 - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-12 of said code, all relating to exempting law-enforcement officers who are members of a municipal paid police department, county sheriff’s office or the State Police from payment of income and personal property taxes”; to the Committee on Political Subdivisions then Finance.

By Delegate Rohrbach:

H. B. 2218 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-5-3a, relating to creating an enhanced penalty for certain aggravated serious traffic offenses; requiring a person to first be convicted of the underlying offense before the enhanced penalty is permitted to be assessed; and prohibiting the enhanced penalty from increasing a misdemeanor offense to a felony offense”; to the Committee on the Judiciary.

By Delegate Rohrbach:

H. B. 2219 - “A Bill to amend and reenact §60A-9-5a of the Code of West Virginia, 1931, as amended, relating to requiring pharmacist to check the Controlled Substance Monitoring Database”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

By Delegate Rohrbach:

H. B. 2220 - “A Bill to amend and reenact §61-3-49 of the Code of West Virginia, 1931, as amended, relating to providing that the sale and purchase of copper as scrap metal may not be completed with the payment of cash; and requiring a purchaser to pay only by check”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegate Westfall:

H. B. 2221 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6, §33-53-7 and §33-53-8, all relating to the establishment of an insurance innovation process; defining terms; setting forth application requirements; prohibiting certain persons from applying; providing for the acceptance or rejection of the application by the Insurance Commissioner; requiring that the Insurance Commissioner set forth certain terms and conditions that will govern a proposed insurance innovation; providing that the Insurance Commissioner issue a limited no-action letter that establishes a safe harbor under which the commissioner will not take administrative or regulatory action against a participant or client of the participant; establishing the time period of the safe harbor and for the extension thereof; setting forth the requirements that a participant must adhere to during the safe harbor period; providing for penalties regarding violations of the terms contained in a limited no-action letter; providing the right to an administrative hearing; setting forth the criteria for the Insurance Commissioner to issue an extended no-action letter; providing for what the extended no-action letter must contain; requiring that documents and other information submitted to the Insurance Commissioner in relation to the insurance innovation be confidential and privileged; allowing the Insurance Commissioner to disclose in the extended no-action letter any information necessary to clearly establish the safe harbor; and requiring the Insurance Commissioner to provide reports to the Joint Committee on Banking and Insurance regarding the activities pertaining to insurance innovation applications”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Westfall:

H. B. 2222 - “A Bill to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting vehicles from driving slow in the left lane of a roadway or interstate highway for more than a mile and a half without completely passing another vehicle; and providing exceptions”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Hansen and Zukoff:

H. B. 2223 - “A Bill to repeal §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to additional registration fees for alternative fuel vehicles”; to the Committee on Finance.

By Delegates Linville and Rohrbach:

H. B. 2224 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-2-5d; to amend and reenact §29B-1-2, §29B-1-3, and §29B-1-4; and to amend said code by adding thereto two new sections, designated §29B-1-3b and §29B-1-6a, all relating to complaints against public agencies to obtain records through the Freedom of Information Act; providing that any person may file a complaint with the Ethics Commission under certain conditions; providing that the commission use a certain standard of evidence; providing for a complete defense for public agencies acting in good faith; providing for criteria for the commission to use when determining the validity of a complaint; providing for definitions of electronic records; providing that a public agency may respond to a request for documents with an anticipated time frame the requestor may expect to receive documents; providing that electronic records are more cumbersome for public agencies to review for public information; providing that a public agency may establish a fee schedule for production of electronic records; providing criteria to establish a fee schedule; providing for criteria for a public agency to deny a request for documentation; providing for exemption of disclosure of personally identifiable information under certain circumstances; and providing for the Ethics Commission the authority to investigate complaints and render penalties”; to the Committee on the Judiciary.

By Delegates Fleischauer and Lovejoy:

H. B. 2225 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, §5B-2K-6, and §5B-2K-7, all relating to creating the Local Energy Efficiency Partnership Act; authorizing counties and municipalities, defined as ‘local units of government’, to adopt local energy efficiency partnership programs and to create districts to promote use of

energy efficiency improvements by owners of certain real property; definitions; providing for procedures to establish a program; requiring a public hearing on proposed programs; establishing program reporting requirements; providing for financing of programs through voluntary property assessments, commercial lending and other means; authorizing local units of government to issue bonds, notes and other evidences of indebtedness and to pay the cost of energy efficiency improvements from the proceeds thereof; providing for repayment of bonds, notes, and other evidences of indebtedness; authorizing certain fees; prescribing the powers and duties of certain governmental officers and entities; and providing remedies”; to the Committee on Government Organization then Finance.

By Delegate Fleischauer:

H. B. 2226 - “A Bill to amend and reenact §33-15-2a and §33-15-4, of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections designated §33-15-4x, §33-15-20a, and §33-15-23, all related to accident and sickness insurance; defining surprise bills and health care providers; adding new disclosure requirements for health care providers, hospitals, and insurers; adding the requirement that insurers develop an access plan for consumers; and establishing how surprise bills are to be handled in certain circumstances”; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegate Fleischauer:

H. B. 2227 - “A Bill to amend and reenact §22-3-22a of the Code of West Virginia, 1931, as amended, relating to prohibiting blasting within 625 feet of an occupied dwelling and certain other structures”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Fleischauer:

H. B. 2228 - “A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-1-3 of said code, all relating to requiring the commissioner of the Bureau for Public Health to conduct a public health impact statement assessing the health impact of any new, or modification to, rule proposed by the secretary of the Department of

Environmental Protection; and requiring the secretary of the Department of Environmental Protection to incorporate findings of the impact statement into the proposed rule”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Fleischauer:

H. B. 2229 - “A Bill to amend and reenact §61-3-51 of the Code of West Virginia, 1931, as amended, relating to requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement authorities; and lessening the criminal penalty from a felony to a misdemeanor”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegate Fleischauer:

H. B. 2230 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3F-1, §21-3F-2, §21-3F-3, §21-3F-4, §21-3F-5, §21-3F-6, §21-3F-7, §21-3F-8 and §21-3F-9, all relating to labor; providing for healthy workplaces by providing remedies for hostile work environments; defining terms; providing an affirmative defense for employers; banning retaliation in certain circumstances; providing an employer duty to respond to third-party acts of malice; restricting applicability to employment practices not covered by existing state laws on human rights or wrongful discharge; and providing certain time limitations for commencing action”; to the Committee on Workforce Development then the Judiciary.

By Delegates Fleischauer and Lovejoy:

H. B. 2231 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29A-5-3a, relating to orders or decisions in state administrative proceedings involving contested claims of sexual harassment, sexual abuse, or sexual assault; prohibiting confidential financial terms of settlement or nondisclosure of defendant; penalties”; to the Committee on the Judiciary.

By Delegates Martin, Fast, Foster and Hanna:

H. B. 2232 - “A Bill to amend and reenact §8-12-4 of the Code of West Virginia, 1931, as amended, relating to providing a process

by which a city may hold an election to recall an ordinance”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Doyle and Zukoff:

H. B. 2233 - “A Bill to amend and reenact §18B-1B-4 of the Code of West Virginia, 1931, as amended, relating to directing the Higher Education Policy Commission to coordinate a plan to provide the first two years of post-secondary education for free tuition to state high school graduates; requiring the commission to produce a proposal to submit to the Legislature by October 1, 2021”; to the Committee on Education then Finance.

By Delegates Doyle and Hansen:

H. B. 2234 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-12a, relating to requiring public hearing for applicant of air quality permit for a facility with investment value exceeding \$25 million or with size of 20,000 square feet or larger; where hearing is to be held”; to the Committee on Workforce Development then Political Subdivisions then the Judiciary.

By Delegate Lovejoy:

H. B. 2235 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-8-1, §1-8-2, and §1-8-3, all relating to net neutrality for state government; providing legislative findings; defining terms; requiring the state to utilize net neutral Internet services and associated activities; and providing exceptions”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Hanna:

H. B. 2236 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-26, relating to unlawful panhandling and solicitation; exempting fire departments; and providing misdemeanor penalties”; to the Committee on the Judiciary.

By Delegate Boggs:

H. B. 2237 - “A Bill to amend and reenact §20-5-19 of the Code of West Virginia, 1931, as amended, relating to allowing free

camping at state parks for West Virginia resident veterans who are totally and permanently disabled”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Steele and Foster:

H. B. 2238 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-24a, relating to establishing tax credits for parents and legal guardians whose children are in a home schooling program or private school; and providing rule-making authority”; to the Committee on Finance.

By Delegates Worrell, D. Kelly and Fast:

H. B. 2239 - “A Bill to amend and reenact §16-2I-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2I-2a; to amend said code by adding thereto a new article, designated §16-2Q-1; and to amend said code by adding thereto a new article, designated §16-2R-1 and §16-2R-2, all relating to restricting the performance of abortions and acquiring, providing, receiving, otherwise transferring, or using fetal body parts; providing exceptions and criminal penalties; placing requirements on physicians; and requiring rulemaking by the Board of Medicine”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Worrell:

H. B. 2240 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-8-17, relating to choice of law provisions in franchise agreements; declaring agreement voidable if it provides the agreement to be interpreted pursuant to the law of any other state; and establishing effective date of amendments”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegate Worrell:

H. B. 2241 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-4F-1, §9-4F-2, §9-4F-3, §9-4F-4, §9-4F-5, §9-4F-6, §9-4F-7, §9-4F-8, §9-4F-9, and §9-4F-10, all relating to creating the Affordable

Medicaid Buy-In Program; requiring the Department of Health and Human Resources to develop and administer the Affordable Medicaid Buy-In Plan; creating the Health Care Affordability And Access Improvement Fund; establishing an advisory council to the Affordable Medicaid Buy-In Program; requiring a study and reports be made; defining terms; setting limitations of employers; requiring rule-making; and appropriating funds to the Health Care Affordability and Access Improvement Fund and the Department of Health and Human Resources”; to the Committee on Banking and Insurance then Finance.

By Delegate Linville:

H. B. 2242 - “A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-3-23 of said code, all relating to special license plates for vehicles titled in the name of the Division of Public Transit or purchased by the Division of Public Transit for public use; and exempting those vehicles from motor vehicle sales tax”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Linville and Lovejoy:

H. B. 2243 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-13-1, §5A-13-2, §5A-13-3, §5A-13-4, §5A-13-5, §5A-13-6, and §5A-13-7, all relating to establishing a West Virginia Saving Money and Reducing Time Prize Program; declaring legislative intent; establishing a program within the Department of Administration; providing for program coordinator; granting rule-making authority to the secretary of the department; defining criteria and subjects for prize awards; declaring eligibility of state institutions of higher learning and grounds for disqualification; requiring applications for prize awards; creating a West Virginia SMaRT Prize Review Board; declaring membership and duties; providing for determination of award and source of payments; restricting payment of awards out of realized savings; and establishing provisions for ownership and licensing of proposed solutions”; to the Committee on Education then Finance.

By Delegate Linville:

H. B. 2244 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13H-1, §11-13H-2, §11-13H-3, §11-13H-4, §11-13H-5, and §11-13H-6, all relating to a tax rebate for investing in new facilities or processes that result in additional employment and an additional demand for electrical power; legislative findings and purpose; eligibility; amount of rebate; length of rebate or credit; and providing rulemaking authority”; to the Committee on Finance.

By Delegate Linville:

H. B. 2245 - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Secondary School Activities Commission; requiring Legislative Auditor to conduct a performance audit of the commission; authorizing the inspection of records and examination of personnel; permitting subsequent performance audits to be conducted at reasonable and prudent intervals; and removing redundant wording”; to the Committee on Education then Government Organization.

By Delegate Doyle:

H. B. 2246 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-50, relating to the prohibition of manufacturing plants locating within two air miles of an existing public school without the written permission of the county school board, and requiring that permission requires majority of the school board votes”; to the Committee on Workforce Development then Political Subdivisions then the Judiciary.

By Delegate Doyle:

H. B. 2247 - “A Bill to amend and reenact §7-22-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-15-17 of said code, all relating to requiring the economic development authority and county commissions to obtain approval from county board of education for agreements that involve tax revenues that would be expended for public schools”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Steele:

H. B. 2248 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-7-9, relating to prohibiting payroll deductions to electioneering organizations”; to the Committee on the Judiciary.

By Delegates Fleischauer and Lovejoy:

H. B. 2249 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2I-1, §24-2I-2, §24-2I-3, §24-2I-4, and §24-2I-5, all relating to permitting customers and developers to enter into solar power purchase agreements; setting forth the benefits, purpose, and considerations; and granting rule-making authority”; to the Committee on Energy and Manufacturing.

By Delegates Linville and Rohrbach:

H. B. 2250 - “A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating generally to the issuance of driver licenses; permitting the waiving of certain fees for individuals who have been diagnosed by a U.S. licensed optometrist or ophthalmologist as being legally blind; providing that proof that a person seeking a driver’s license is a veteran need only be provided upon the initial application and is not required for subsequent renewals; and providing that veterans over 65 years of age be granted a lifetime driver’s license subject to an eye examination every five years”; to the Committee on Health and Human Resources then Finance.

By Delegates D. Jeffries and Hott:

H. B. 2251 - “A Bill to amend and reenact §30-1-5 and §30-1-19 of the Code of West Virginia, 1931, as amended; to repeal §30-2-1, §30-2-2, §30-2-3, §30-2-4, §30-2-5, §30-2-5a, §30-2-6, §30-2-7, §30-2-8, §30-3-9, §30-2-10, §30-2-11, §30-2-12, §30-2-13, §30-2-14, §30-2-15 and §30-2-16 of said code; to repeal §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-18, §30-6-19, §30-6-20, §30-6-21, §30-6-22, §30-6-22a, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of said code; to repeal §30-9-1, §30-9-2, §30-9-3, §30-9-4, §30-9-5, §30-

9-6, §30-9-7, §30-9-8, §30-9-9, §30-9-10, §30-9-11, §30-9-12, §30-9-13, §30-9-14, §30-9-15, §30-9-16, §30-9-17, §30-9-18, §30-9-19, §30-9-20, §30-9-21, §30-9-22, §30-9-23, §30-9-24, §30-9-25, §30-9-26, §30-9-27, §30-9-28, §30-9-29, §30-9-30, §30-9-31, §30-9-32, §30-9-33 and §30-9-34 of said code; to repeal §30-12-1, §30-12-2, §30-12-3, §30-12-4, §30-12-5, §30-12-6, §30-12-7, §30-12-8, §30-12-9, §30-12-10, §30-12-11, §30-12-11a, §30-12-12, §30-12-13, and §30-12-14 of said code; to repeal §30-13-1, §30-13-2, §30-13-3, §30-13-4, §30-13-5, §30-13-6, §30-13-7, §30-13-8, §30-13-9, §30-13-10, §30-13-11, §30-13-12, §30-13-13, §30-13-13a, §30-13-14, §30-13-15, §30-13-16, §30-13-17, §30-13-18, §30-13-19, §30-13-20, §30-13-21, §30-13-22, §30-13-23, and §30-13-24; to repeal §30-13A-1, §30-13A-2, §30-13A-3, §30-13A-4, §30-13A-5, §30-13A-6, §30-13A-7, §30-13A-8, §30-13A-9, §30-13A-10, §30-13A-11, §30-13A-12, §30-13A-13, §30-13A-14, §30-13A-15, §30-13A-16, §30-13A-17, §30-13A-18, §30-13A-19, §30-13A-20, §30-13A-21, §30-13A-22, §30-13A-23, §30-13A-24, and §30-13A-25 of said code; to repeal §30-17-1, §30-17-2, §30-17-3, §30-17-4, §30-17-5, §30-17-6, §30-17-7, §30-17-8, §30-17-9, §30-17-10, §30-17-11, §30-17-12, §30-17-13, §30-17-14, §30-17-15, §30-17-16, §30-17-17, §30-17-18, and §30-17-19 of said code; to repeal §30-18-1, §30-18-2, §30-18-3, §30-18-4, §30-18-5, §30-18-6, §30-18-7, §30-18-8, §30-18-9, §30-18-10, §30-18-11, §30-18-12, and §30-18-13 of said code; to repeal §30-19-1, §30-19-2, §30-19-3, §30-19-4, §30-19-5, §30-19-6, §30-19-7, §30-19-8, §30-19-9, §30-19-10, §30-19-11, §30-19-12, §30-19-13, §30-19-14, §30-19-15, §30-19-16 and §30-19-17 of said code; to repeal §30-22-1, §30-22-2, §30-22-3, §30-22-4, §30-22-5, §30-22-6, §30-22-7, §30-22-8, §30-22-9, §30-22-10, §30-22-11, §30-22-12, §30-22-13, §30-22-14, §30-22-15, §30-22-16, §30-22-17, §30-22-18, §30-22-19, §30-22-20, §30-22-21, §30-22-22, §30-22-23, §30-22-24, §30-22-25, §30-22-26, §30-22-27, and §30-22-28 of said code; to repeal §30-25-1, §30-25-2, §30-25-3, §30-25-4, §30-25-5, §30-25-6, §30-25-7, §30-25-8, §30-25-9, §30-25-10, §30-25-11, §30-25-12, §30-25-13, §30-25-14, §30-25-15, §30-25-16, §30-25-17, and §30-25-18 of said code; to repeal §30-27-1, §30-27-2, §30-27-3, §30-27-4, §30-27-5, §30-27-6, §30-27-7, §30-27-8, §30-27-8a, §30-27-8b, §30-27-9, §30-27-10, §30-27-11, §30-27-11a, §30-27-12, §30-27-13, §30-27-14, §30-27-15, §30-27-16, §30-27-17, §30-

27-18, §30-27-19, §30-27-20, §30-27-21, §30-27-22, §30-27-23, and §30-27-24 of said code; to repeal §30-29-1, §30-29-2, §30-29-3, §30-29-4, §30-29-5, §30-29-6, §30-29-7, §30-29-8, §30-29-9, §30-29-10, §30-29-11, §30-29-12, and §30-29-13 of said code; to repeal §30-38-1, §30-38-2, §30-38-3, §30-38-4, §30-38-5, §30-38-6, §30-38-7, §30-38-8, §30-38-9, §30-38-10, §30-38-11, §30-38-12, §30-38-13, §30-38-14, §30-38-15, §30-38-16, §30-38-17, §30-38-18, and §30-38-19 of said code; to repeal §30-38A-1, §30-38A-2, §30-38A-3, §30-38A-4, §30-38A-5, §30-38A-6, §30-38A-7, §30-38A-8, §30-38A-9, §30-38A-10, §30-38A-11, §30-38A-12, §30-38A-13, §30-38A-14, §30-38A-15, §30-38A-16, and §30-38A-17 of said code; to repeal §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-8, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-17, §30-39-18, §30-39-19, §30-39-20, and §30-39-21 of said code; to repeal §30-40-1, §30-40-2, §30-40-3, §30-40-4, §30-40-5, §30-40-6, §30-40-7, §30-40-8, §30-40-9, §30-40-10, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-23, §30-40-24, §30-40-25, §30-40-26, and §30-40-27 of said code; to amend said code by adding thereto a new article, designated §30A-1-1, §30A-1-2, §30A-1-3, §30A-1-4, §30A-1-5, §30A-1-6, §30A-1-7, §30A-1-8, §30A-1-9, §30A-1-10, §30A-1-11, §30A-1-12, §30A-1-13, §30A-1-14, §30A-1-15, §30A-1-16, §30A-1-17, §30A-1-18, §30A-1-19, §30A-1-20, §30A-1-21, §30A-1-22, §30A-1-23, §30A-1-24, §30A-1-25, §30A-1-26, §30A-1-27, §30A-1-28, and §30A-1-29; to amend said code by adding thereto a new article, designated §30A-2-1, §30A-2-2, §30A-2-3, §30A-2-4, §30A-2-5, §30A-2-6, §30A-2-7, §30A-2-8, §30A-2-9, §30A-2-10, §30A-2-11, §30A-2-12, §30A-2-13, §30A-2-14, §30A-2-15, §30A-2-16, §30A-2-17, §30A-2-18, §30A-2-19, §30A-2-20, §30A-2-21, §30A-2-22, §30A-2-23, §30A-2-24, §30A-2-25, §30A-2-26, §30A-2-27, §30A-2-28, §30A-2-29, §30A-2-30, §30A-2-31, §30A-2-32, and §30A-2-33; to amend said code by adding thereto a new article, designated §30A-3-1, §30A-3-2, §30A-3-3, §30A-3-4, §30A-3-5, §30A-3-6, §30A-3-7, §30A-3-8, §30A-3-9, §30A-3-10, §30A-3-11, §30A-3-11a, §30A-3-12, §30A-3-13, and §30A-3-14; to amend said code by adding thereto a new article, designated §30A-4-1, §30A-4-2, §30A-4-3, §30A-4-

4, §30A-4-5, §30A-4-6, §30A-4-7, §30A-4-8, §30A-4-9, §30A-4-10, §30A-4-11, §30A-4-12, §30A-4-13, §30A-4-13a, §30A-4-14, §30A-4-15, §30A-4-16, §30A-4-17, §30A-4-18, §30A-4-19, §30A-4-20, §30A-4-21, §30A-4-22, §30A-4-23, and §30A-4-24; to amend said code by adding thereto a new article, designated §30A-5-1, §30A-5-2, §30A-5-3, §30A-5-4, §30A-5-5, §30A-5-6, §30A-5-7, §30A-5-8, §30A-5-9, §30A-5-10, §30A-5-11, §30A-5-12, §30A-5-13, §30A-5-14, §30A-5-15, §30A-5-16, and §30A-5-17, to amend said code by adding thereto a new article, designated §30A-6-1, §30A-6-2, §30A-6-3, §30A-6-4, §30A-6-5, §30A-6-6, §30A-6-7, §30A-6-8, §30A-6-9, §30A-6-10, §30A-6-11, §30A-6-12, §30A-6-13, §30A-6-14, §30A-6-15, §30A-6-16, §30A-6-17, §30A-6-18, §30A-6-19, §30A-6-20, §30A-6-21, §30A-6-22, §30A-6-23, §30A-6-24, and §30A-6-25; to amend said code by adding thereto a new article, designated §30A-7-1, §30A-7-2, §30A-7-3, §30A-7-4, §30A-7-5, §30A-7-6, §30A-7-7, §30A-7-8, §30A-7-9, §30A-7-10, §30A-7-11, §30A-7-12, §30A-7-13, §30A-7-14, §30A-7-15, §30A-7-16, §30A-7-17, §30A-7-18, §30A-7-19, §30A-7-20, §30A-7-21, §30A-7-22, §30A-7-23, §30A-7-24, §30A-7-25, §30A-7-26, §30A-7-27, and §30A-7-28; to amend said code by adding thereto a new article, designated §30A-8-1, §30A-8-2, §30A-8-3, §30A-8-4, §30A-8-5, §30A-8-6, §30A-8-7, §30A-8-8, §30A-8-9, §30A-8-10, §30A-8-11, §30A-8-12, §30A-8-13, §30A-8-14, §30A-8-15, §30A-8-16, §30A-8-17, §30A-8-18, and §30A-8-19; to amend said code by adding thereto a new article, designated §30A-9-1, §30A-9-2, §30A-9-3, §30A-9-4, §30A-9-5, §30A-9-6, §30A-9-7, §30A-9-8, §30A-9-9, §30A-9-10, §30A-9-11, §30A-9-12, §30A-9-13, §30A-9-14, §30A-9-15, §30A-9-16, §30A-9-17, and §30A-9-18; to amend said code by adding thereto a new article, designated §30A-10-1, §30A-10-2, §30A-10-3, §30A-10-4, §30A-10-5, §30A-10-6, §30A-10-7, §30A-10-8, §30A-10-9, §30A-10-10, §30A-10-11, §30A-10-12, §30A-10-13, §30A-10-14, §30A-10-15, §30A-10-16, §30A-10-17, §30A-10-18, §30A-10-19, §30A-10-20, §30A-10-21, §30A-10-22, §30A-10-22a, §30A-10-23, §30A-10-24, §30A-10-25, §30A-10-26, §30A-10-27, §30A-10-28, §30A-10-29, §30A-10-30, and §30A-10-31; to amend said code by adding thereto a new article, designated §30B-1-1, §30B-1-2, §30B-1-3, §30B-1-4, §30B-1-5, §30B-1-6, §30B-1-7, §30B-1-8, §30B-1-9, §30B-1-10, §30B-1-11, §30B-1-12,

§30B-1-13, §30B-1-14, §30B-1-15, §30B-1-16, §30B-1-17, §30B-1-18, §30B-1-19, §30B-1-20, §30B-1-21, §30B-1-22, §30B-1-23, §30B-1-24, §30B-1-25, §30B-1-26, §30B-1-27, and §30B-1-28; to amend said code by adding thereto a new article, designated §30B-2-1, §30B-2-2, §30B-2-3, §30B-2-4, §30B-2-5, §30B-2-6, §30B-2-7, §30B-2-8, §30B-2-8a, §30B-2-8b, §30B-2-9, §30B-2-10, §30B-2-11, §30B-2-11a, §30B-2-12, §30B-2-13, §30B-2-14, §30B-2-15, §30B-2-16, §30B-2-17, §30B-2-18, §30B-2-19, §30B-2-20, §30B-2-21, §30B-2-22, §30B-2-23, and §30B-2-24; to amend said code by adding thereto a new article, designated §30B-3-1, §30B-3-2, §30B-3-3, §30B-3-4, §30B-3-5, §30B-3-6, §30B-3-7, §30B-3-8, §30B-3-9, §30B-3-10, §30B-3-11, §30B-3-12, and §30B-3-13; to amend said code by adding thereto a new article, designated §30B-4-1, §30B-4-2, §30B-4-3, §30B-4-4, §30B-4-5, §30B-4-6, §30B-4-7, §30B-4-8, §30B-4-9, §30B-4-10, §30B-4-11, §30B-4-12, and §30B-4-13; to amend said code by adding there to a new article, designated §30B-5-1, §30B-5-2, §30B-5-3, §30B-5-4, §30B-5-5, §30B-5-6, §30B-5-7, §30B-5-8, §30B-5-9, §30B-5-10, §30B-5-11, §30B-5-12, §30B-5-13, §30B-5-14, §30B-5-15, §30B-5-16, §30B-5-17, §30B-5-18, and §30B-5-19; to amend said code by adding thereto a new article, §30B-6-1, §30B-6-2, §30B-6-3, §30B-6-4, §30B-6-5, §30B-6-6, §30B-6-7, §30B-6-8, §30B-6-9, §30B-6-10, §30B-6-11, §30B-6-12, §30B-6-13, §30B-6-14, §30B-6-15, §30B-6-16, and §30B-6-17; to amend said code by adding thereto a new article, designated §30B-7-1, §30B-7-2, §30B-7-3, §30B-7-4, §30B-7-5, §30B-7-6, §30B-7-7, §30B-7-8, §30B-7-9, §30B-7-10, §30B-7-11, §30B-7-12, §30B-7-13, §30B-7-14, §30B-7-15, §30B-7-16, §30B-7-17, §30B-7-18, §30B-7-19, §30B-7-20, §30B-7-21, §30B-7-22, §30B-7-23, §30B-7-24, §30B-7-25, §30B-7-26, and §30B-7-27; and to amend said code by adding thereto a new article, designated §30B-8-1, §30B-8-2, §30B-8-3, §30B-8-4, §30B-8-5, §30B-8-6, §30B-8-7, §30B-8-8, §30B-8-9, §30B-8-10, §30B-8-11, §30B-8-12, §30B-8-13, §30B-8-14, §30B-8-15, §30B-8-16, §30B-8-17, §30B-8-18, §30B-8-19, §30B-8-20, and §30B-8-21, all relating to reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions; dividing current articles and practice acts from one chapter into three chapters, organized by occupational subject matter, education criteria, and other common

requirements; repealing provisions relating to administrative licensing of attorneys; retaining articles for the licensing authorities for all medically-related professions and occupations in Chapter 30; requiring any licensing board with knowledge of violations of the practice acts in any of the three chapters to report this information to the appropriate licensing authority; authorizing licensing authorities to combine administrative functions with any other licensing authority, regardless of the chapter of the code; placing articles for the licensing authorities for non-medical occupations that require a minimum of a baccalaureate degree in a new Chapter 30A and making no substantive changes in these relocated articles; adding a new article conforming the authorities, duties, restrictions, and procedural requirements of these articles with those in the original Chapter 30; placing articles for the licensing authorities for non-medical occupations that do not require a minimum of a baccalaureate degree in a new Chapter 30B and making no substantive changes in in these relocated articles; and adding a new article conforming the authorities, duties, restrictions, and procedural requirements of these articles with those in the original Chapter 30”; to the Committee on Government Organization.

By Delegates Graves, Hansen and Fleischauer:

H. B. 2252 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7g; to amend said code by adding thereto a new section, designated §9-5-28; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to requiring Medicaid and insurance coverage for treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome and other autoimmune encephalopathies, including, but not limited to, antibiotics, medication and behavioral therapies to manage neuropsychiatric symptoms, plasmapheresis, intravenous immunoglobulin therapy,

and other therapies and medications consistent with evidence-based treatment guidelines; requiring that covered treatments be recommended by the insured's licensed and properly credentialed health care professional; and providing for coverage of intravenous immunoglobulin therapy only where an insured's licensed and properly credentialed health care professional demonstrates that all other treatments have been exhausted"; to the Committee on Health and Human Resources then Finance.

By Delegate Steele:

H. B. 2253 - "A Bill to amend and reenact §29-22-12 of the Code of West Virginia, 1931, as amended, relating to forgery and other crimes concerning lottery tickets; requiring any sentencing be by determinate sentence"; to the Committee on the Judiciary.

By Delegate Steele:

H. B. 2254 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-17-3a, relating to establishing different rates of taxation for tobacco products for certain border counties"; to the Committee on Health and Human Resources then the Judiciary then Finance.

By Delegate Steele:

H. B. 2255 - "A Bill to amend and reenact §48-13-201 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-13-403a, all relating to allowing as a deduction to determine adjusted gross income for either parent student loan payments and mortgage payments not to exceed 25 percent of gross income"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegate Steele:

H. B. 2256 - "A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to providing that a municipal services user fee may not be imposed on employees of the state because of their employment status"; to the Committee on Political Subdivisions then Finance.

By Delegate Steele:

H. B. 2257 - “A Bill to amend the Code of West Virginia, as amended, by adding thereto a new section, designated §62-12-30, relating to extended supervision for certain drug offenders; establishing supervised release penalty of up to 10 years for certain drug offenders; establishing when period of supervised release begins; providing for supervision by multijudicial circuit probation officers; clarifying terms of supervised release same as those for probation; establishing a fee for supervised release; establishing that court may modify or revoke supervised release; providing court required probation officer provide written conditions; providing for supervised release following revocation; providing for delayed revocation”; to the Committee on the Judiciary.

By Delegate Steele:

H. B. 2258 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-3E-1, §16-3E-2, §16-3E-3, §16-3E-4, §16-3E-5, and §16-3E-6, all relating to establishing an intravenous drug user treatment and commitment process; defining terms; establishing a commitment procedure; requiring rule-making; and providing that an individual’s gun rights are unaffected”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegate Steele:

H. B. 2259 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to creating a cause of action for injuries suffered in a gun-free zone; legislative findings; definitions; damages recoverable; exceptions; and providing that no crime is created for carrying a concealed weapon”; to the Committee on the Judiciary.

By Delegates J. Pack, Rohrbach, Summers, Longanacre, Rowan, G. Ward, Forsht, Smith, Steele, Espinosa and Barrett:

H. B. 2260 - “A Bill to amend and reenact §49-2-111a of the Code of West Virginia, 1931, as amended, relating to the department’s obligations to enter into performance-based contracts with child-placing agencies”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates J. Pack, Rohrbach, Summers, Longanacre, Forsht, Smith, Steele, Espinosa and Graves:

H. B. 2261 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to placing a moratorium on new patients admitted to state facilities”; to the Committee on Health and Human Resources.

By Delegates Rohrbach, J. Pack, Summers, G. Ward, Smith, Steele, Espinosa and Worrell:

H. B. 2262 - “A Bill to amend and reenact §60A-9-5 and §60A-9-5a of the Code of West Virginia, 1931, as amended, all relating to the controlled substances monitoring database; removing the requirement that a veterinarian monitor the controlled substance monitoring database; adding the requirement that a pharmacist licensed by the West Virginia Board of Pharmacy monitor the controlled substance database; and updating the code to reflect previous changes”; to the Committee on Health and Human Resources.

By Delegates J. Pack, Rohrbach, Summers, G. Ward, Forsht, Smith and Worrell:

H. B. 2263 - “A Bill to amend and reenact 5-16-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-51-3, §33-51-8, and §33-51-9 of said code; and to amend said code by adding thereto a new section, designated §33-51-11, all relating generally to the regulation of pharmacy benefit managers; expanding certain definitions; regulating the reimbursements of pharmacy benefit managers; providing certain effective dates; defining certain methodologies utilized by pharmacy benefit managers; expanding the freedom of consumer choice for pharmacies and pharmacy benefit managers; setting guidelines into what pharmacy benefit plans may and may not do; and further explaining health benefit plans”; to the Committee on Health and Human Resources.

By Delegates J. Pack, Rohrbach, Summers, Rowan, Longanacre, G. Ward, Forsht and Smith:

H. B. 2264 - “A Bill to amend and reenact §16-2D-2 and §16-2D-10 of the Code of West Virginia, 1931, as amended, all relating to expanding the definition of hospital services; and exempting

hospitals and health services from certificate of need requirements”; to the Committee on Health and Human Resources.

By Delegates Rohrbach, J. Pack, Summers, Reed, G. Ward, Forsht, Smith, Steele, Espinosa and Worrell:

H. B. 2265 - “A Bill to amend and reenact §30-5-7 and §30-5-19 of the Code of West Virginia, 1931, as amended, relating to collaborative pharmacy practice and updating rulemaking authority”; to the Committee on Health and Human Resources then Government Organization.

By Delegate Rohrbach:

H. B. 2266 - “A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to expanding certain insurance coverages for pregnant women; and providing an effective date”; to the Committee on Health and Human Resources then Finance.

By Delegates Toney and Paynter:

H. B. 2267 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-15, relating to establishing an optional bus operator in residence program for school districts; requiring certain steps in an application; establishing no entitlement to employment upon completion of the program; establishing wages or salaries paid to persons completing the program; establishing employment requirements after completing the program; and not permitting seniority to accrue during completion of the program”; to the Committee on Education then Finance.

By Delegates Toney and Paynter:

H. B. 2268 - “A Bill to amend and reenact §18A-2-13 of the Code of West Virginia, 1931, as amended, relating to changing the recommended guidelines for full-day and half-day cooks to the minimum ratio of one cook for every 110 meals prepared and served”; to the Committee on Education then Finance.

By Delegate Steele:

H. B. 2269 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-3B-1,

§12-3B-2, §12-3B-3, §12-3B-4, and §12-3B-5, all relating to creating a state-wide email address directory; requiring the database of state agencies' and state employee's email addresses be available online; providing that email addresses of citizens be voluntary; providing a tax credit; prohibiting disclosure of personal email addresses; providing a penalty; defining terms; and requiring rule-making"; to the Committee on the Judiciary then Finance.

By Delegates J. Pack, Rohrbach, Summers, Longanacre, G. Ward, Forsht, Reed, Smith and Steele:

H. B. 2270 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16A-15-11, relating to transferring the Office of Medical Cannabis to the West Virginia Department of Agriculture"; to the Committee on Health and Human Resources.

By Delegates Steele and Sybolt:

H. B. 2271 - "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to compulsory immunization of public school children; and removing references to private and parochial schools from compulsory immunization"; to the Committee on Education then Health and Human Resources.

By Delegates Steele and Sybolt:

H. B. 2272 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-3E-1, §16-3E-2, §16-3E-3, §16-3E-4, §16-3E-5, and §16-3E-6, all relating to informed consent for vaccinations; providing a short title; defining terms; prohibiting discrimination against patients for declining or delaying vaccines; establishing prohibited activities; creating rights for patients; and establishing monetary penalties and revocation of licensure for violations"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Steele:

H. B. 2273 - "A Bill to amend and reenact §15A-2-1 of the Code of West Virginia, 1931, as amended, relating to dividing pretrial detention jail costs between arresting authorities"; to the Committee on the Judiciary then Finance.

By Delegate Steele:

H. B. 2274 - “A Bill to amend and reenact §48-8-101 of the Code of West Virginia, 1931, as amended; and to repeal §48-8-102, §48-8-103, §48-8-104, §48-8-105, and §48-8-106 of said code, all relating to abolishing spousal support”; to the Committee on the Judiciary.

By Delegates Summers, Hardy, Steele, Dean, Pritt, Mazzocchi, Horst, Graves and D. Jeffries:

H. B. 2275 - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to eliminating the restriction to carry a firearm on the state capitol complex grounds”; to the Committee on the Judiciary.

By Delegates D. Kelly and Fast:

H. B. 2276 - “A Bill to amend and reenact §5-1-10 of the Code of West Virginia, 1931, as amended, relating to the authorization of the Governor to seek the return of fugitives when found in another state or the District of Columbia; providing for return of persons who have been improperly released from confinement; and updating terms, titles, and cross-references”; to the Committee on the Judiciary.

By Delegates Steele, Rowan and Rohrbach:

H. B. 2277 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-3E-1, §16-3E-2, §16-3E-3, §16-3E-4, §16-3E-5 and §16-3E-6, all relating to establishing an intravenous drug user treatment and commitment process; defining terms; establishing a commitment procedure; requiring rule-making; and providing that an individual’s gun rights are unaffected”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegate Bates:

H. B. 2278 - “A Bill to amend and reenact §5-16B-6c and §5-16B-6d of the Code of West Virginia, 1931, as amended, all relating to providing Children’s Health Insurance Program coverage by creating a Children’s Health Insurance Program buy-in program for children of families above 300 percent of the federal

poverty level and who can pay the total cost”; to the Committee on Health and Human Resources then Finance.

By Delegate Bates:

H. B. 2279 - “A Bill to repeal §18B-10-7b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-4-14c; and to amend said code by adding thereto a new article, designated §18C-7a-1, §18C-7a-2, §18C-7a-3, §18C-7a-4, and §18C-7A-5, all relating to establishing a higher education scholarship program for foster children; directing a portion of the proceeds of any opioid settlement award to be placed in a special account to be administered by the State Auditor for award money to be placed in a special account, with excess subject to appropriation of the Legislature, after assuring sufficient moneys are available to fund the scholarship program; authorizing the State Auditor to promulgate necessary rules; repealing a section of the code providing tuition waivers for foster children; requiring reports on needed funds to fully fund scholarship program by the Higher Education Policy Commission; providing for title, findings and purpose of the article; granting powers and duties to the Higher Education Policy Commission including rulemaking to administer the program; providing conditions and terms of scholarship program; and providing a special revenue account to be administered by the commission to pay for scholarships”; to the Committee on Education then Finance.

By Delegate Bates:

H. B. 2280 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-5A-1, §27-5A-2, §27-5A-3, §27-5A-4, §27-5A-5, §27-5A-6, and §27-5A-7, all relating to Involuntary treatment for alcohol or another drug abuse; setting forth patients’ rights; establishing criteria for involuntary treatment; providing for petitions for 60-day and 360-day involuntary treatment; establishing financial responsibility; establishing proceedings for involuntary treatment; authorizing 72-hour emergency involuntary treatment; setting forth a procedure for failure to attend examination; providing for transportation to a

hospital or other facility; and providing for minors”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Bates:

H. B. 2281 - “A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to modifying the method of calculation of the employer and employee contribution percentages for public employee insurance premiums”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Bates:

H. B. 2282 - “A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-13A-5c; and to amend said code by adding thereto a new article, designated §11-13KK-1, §11-13KK-2 and §11-13KK-3, all relating to establishing a tax on the production of natural gas to fund the public employees insurance program; establishing a special revenue account; providing that proceeds retained in account be used for the benefit of supplementing state and employee contributions thereto; and providing that upon certification by PEIA Finance Board that fund is sufficient to maintain benefits for five-year period remaining funds subject to legislative appropriation”; to the Committee on Banking and Insurance then Energy and Manufacturing.

By Delegate Bates:

H. B. 2283 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to creating a healthy living tax credit against the personal income tax; and requiring the Tax Commissioner to propose a legislative rule to implement the credit”; to the Committee on Health and Human Resources then Finance.

By Delegate Bates:

H. B. 2284 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, and §16-63-6 all relating to creating a state-administered wholesale drug importation program monitored by the Bureau for Medical Services; defining terms; establishing criteria for program; duties of the Attorney

General and the bureau; certification of the state's wholesale drug importation program; and annual report to the Legislative Oversight Commission on Health and Human Resources"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Bates:

H. B. 2285 - "A Bill to amend and reenact §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to Capitol Complex security access; permitting the issuance of electronic keycards to certain individuals by the director of the Division of Protective Services; providing for the renewal thereof; setting expiration dates; requiring the development of forms for the application for electronic keycards by the director or his or her designee by eligible individuals; establishing application fee; allowing certain state employees to waive certain fees; providing for the deposit of application fees into a special revenue account; providing that privileges attaching to keycards are not transferable; and providing for revocation of keycards for violation of the conditions of issuance and at the discretion of the director"; to the Committee on the Judiciary then Finance.

By Delegates Bates, McGeehan, Toney and Anderson:

H. B. 2286 - "A Bill making a supplementary appropriation by adding a new item of appropriation from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue fund, to the Department of Veterans' Assistance- Veterans Home, fund, fiscal year 2020, organization 0618, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

By Delegates Hansen, Fleischauer and Hanna:

H. B. 2287 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-21, relating to the Modern Jobs Act, providing for solar energy production on formerly mined land and access to third party co-generation"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Bates:

H. B. 2288 - "A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting pay of

members of the Legislature when a budget bill has not been passed during a regular session”; to the Committee on the Judiciary then Finance.

By Delegates Steele and Sybolt:

H. B. 2289 - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to compulsory immunizations; permitting physicians to provide exemption certificates relating to required immunizations; and removing requirement for certain personnel to report persons not immunized”; to the Committee on Health and Human Resources.

By Delegate Graves:

H. B. 2290 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10Q-1, §18-10Q-2, and §18-10Q-3; and to amend and reenact §21-5C-1 of said code, all relating to initiating a State Employment First Policy to facilitate integrated employment of disabled persons; providing legislative findings; establishing a taskforce to develop a State Employment First Policy; providing for implementation of the State Employment First Policy; and providing definitions for ‘competitive integrated employment’ and ‘customized employment’”; to the Committee on Workforce Development then Government Organization.

By Delegate Bates:

H. B. 2291 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, §16A-17-5, §16A-17-6, §16A-17-7, §16A-17-8, and §16A-17-9, all relating to legalizing cannabis production, sales, and adult consumption; providing legislative purpose and findings; defining terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing production, sales, transfer, and transport of cannabis upon passing county referendums; providing procedure for county commissions to authorize county referendum on legislation of production and sales; establishing mechanisms for permitting and licensing production and sales facilities by the Bureau for Public Health and localities; authorizing the Bureau for Public Health to promulgate rules, establish licensing and

administrative penalties relating to the production, sales, transfer and transport cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund; authorizing county local sales tax to be collected and used for the benefit of county and municipal governments; providing current laws relating to employment, vehicle operation, underage use or private property use preserved; and that the operation of this article is not intended to alter West Virginia Medical Cannabis Act”; to the Committee on Health and Human Resources then the Judiciary then Finance.

By Delegates Steele, Toney, Paynter, Sypolt and Lovejoy:

H. B. 2292 - “A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to compensable diseases of certain firefighters covered by workers’ compensation; establishing rebuttable presumption of injury arising out of and in the course of employment for certain covered firefighters that develop bladder cancer, mesothelioma, and testicular cancer; and providing that the rebuttable presumption expires on July 1, 2025, unless extended by the Legislature”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegate Fleischauer:

H. B. 2293 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, and §21-5A-9, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring contractors to ascertain rates and to include rates in contract specifications; requiring annual determinations of prevailing wage rates; establishing procedures to file objections to prevailing wage rate determinations; providing for hearings, judicial review and appeal; requiring mandatory provisions in contracts and sub-contracts; providing for posting of rates and record-keeping; establishing criminal penalties for violations of the act; and limiting the scope of the law to post-

enactment contracts”; to the Committee on Workforce Development then the Judiciary then Finance.

At 12:12 p.m., on motion of Delegate Summers, the House of Delegates recessed until 6:45 p.m.

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Evening Session

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

Messages from the Senate

A message from the Senate, by

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

H. C. R. 3, Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising Joint Assembly therefor.

Joint Assembly

The Sergeant-at-Arms announced the members of the Board of Public Works, who were seated in the West Gallery of the Chamber.

The Sergeant-at-Arms then announced Chief Justice Jenkins and Justices of the Supreme Court of Appeals, who were seated in the West Gallery of the Chamber.

The Sergeant-at-Arms announced the Honorable Craig Blair, President, who entered the Hall of the House of Delegates and took the place reserved for him to the right of the Speaker, and Members of the Senate, who were seated in the North and South Galleries.

The Sergeant-at-Arms announced the special committee to wait upon His Excellency, the Governor, and escort him into the Chamber.

Delegate Rowan then announced that, pursuant to the invitation of the Legislature, His Excellency, the Governor, was present for the purpose of addressing the Joint Assembly of the Legislature.

His Excellency, the Governor was then escorted to the Well of the House. (Applause, the Members and guests rising in ovation)

The Speaker then presented the Honorable James C. Justice, who addressed the assembly as follows:

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Address by the Governor

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GOVERNOR JUSTICE: Okay. I sincerely hope everyone is doing as well as they possibly can be with all that we've gone through in this State. But I can tell you that the light of the world is shining on West Virginia right now and if you don't believe that, you're just plain not thinking right.

I'd like at this time to recognize some really, really special people, my family. Cathy and Jill are with us tonight and from beyond that, I want to go directly to my cabinet members. You know at this time, it is such a difficult time. You know, we've got for all practical purposes, all my cabinet members watching virtually. But there is one that is watching from the heavens above, Dennis Davis. A man that we just lost. A man that was in charge of all of our vets in the State. A man, a man's man. That's all there is to it.

He set out on a mission to bring billions into West Virginia and pulled it off. He set out on a mission to build facilities and have vehicles and all the different things from exempting the veterans pay from income tax. All of the different things that he set out on a mission to do, but I can tell you unequivocally just one thing and one thing alone,

Dennis Davis lived and breathed every day for our great vets. And so all of us, please let's pause in a moment of silence for a great, great Secretary that we lost.

Thank ya'll so much.

Dennis Davis was not only a terrific individual and a terrific Cabinet Secretary, he was a real friend. And you know, from time to time, this job takes you to people that maybe you don't know and you grieve and you hate for their loved ones. But this one really hits home with me. You know, four years ago I walked in here, really on the front steps out front, with a tackle box and an axe. I walked in here to tell you just from a folksy tone, a tone that people have really enjoyed to tell you the truth. But a lot of straight talk and a lot of truth and a lot of complete transparency. You see that's me. That is me through and through. I've got a lot of experience. I got a love of passion. I've got a lot of enthusiasm and I'm a godly man and proud of it.

Now, like it or not like it when they first handed me the books four years ago, there is no way to cut it. I'm a business guy and our state, for all purposes, was bankrupt, and in tough, tough shape. We drained the rainy-day fund down to levels where our roads were being — our roads were in pretty daggone tough shape and we had all kinds of issues at hand. They handed me a budget that was a projection for the next six years.

The year that we were in we were going to come up \$217 million short. The next year we were going to be \$497 million short. And then it proceeded onto \$772 million short. It was all cumulative. Now, if you were \$219 short now and you added \$427, you zoomed right above \$700 million. And when you added up another \$700 or whatever it may be it was some really tough duke. Now, we dug in. An awful lot of you were in the same time and we got new members that I absolutely congratulate in every way.

But with our new members comes all kinds of newness around us, new blood, new ideas, all kinds of good stuff. But we rolled up our sleeves, did we not, and we went to work. We went to work on a prayer that I'll get to in a little

while, and all of a sudden, things began to change. West Virginia began to really change.

And the biggest thing of all that we really needed to change was our image, the image that we knew was here and knew was good, but the image that the outside world really looked at us, they thought we were backward or we were poor or absolutely we were supposed to know our place. It was a shame. I don't subscribe to that, and I know you don't either. But let me tell you just this. We began to see a miracle, a miracle of all. A miracle of West Virginia began to evolve that's good stuff, really, really good stuff.

Now, along the way, before I go any further, I want to congratulate you. All of you who are here, I want to congratulate you on this. You had the courage to run, did you not? You know, you're going to accept rocks thrown at you. A lot of them are going to be really unfair, but you had the courage to step up and say I'll serve, I'll serve, and you've done so very admirably. And I'm sure you will do in the future very admirably.

And before I go any further I want to recognize some really, really important people. And they're the people that are the Chief Justices — the Chief Justice and Justices of our Supreme Court. And I think they're right up here. But if I could just say, Chief Justice Evan Jenkins, if you could stand please, and Justice Elizabeth Walker, Justice Tim Armstead, Justice John Hutchison and Justice William Wooton. Please give them a round of applause.

I've got a few more people to congratulate here, congratulate on them earning the positions that many of them already have. We've got a new man to the task and at hand, but if Attorney General Patrick Morrissey, Secretary of State Mac Warner, our State Auditor JB McCuskey, our Commissioner of Agriculture, Kent Leonhardt and our newly elected State Treasurer, Riley Moore, please stand, our constitutional officers.

The two leaders of the band, leaders of all you all in front of you or some of you all and everything, but our Senate President, Craig Blair, if you would stand, please, sir. And our Speaker of the House, Roger Hanshaw. And I

take it that they're standing. I can't see them, but they're back there, so you all please applaud for them.

I spoke just a second ago about the miracle of West Virginia, did I not? There have been a lot of accomplishments that have happened in the last few years from surpluses to making education our centerpiece to putting money aside for PEIA. And just imagine, imagine, for four years PEIA never raised a dime in premiums. How somebody can complain about that, I don't get it. That's just all there is to it.

We got a lot of new roads. We got a lot of pass old roads. We got a lot of work that goes on every day. We got an EZ-Pass where you can go up and down the turnpike for next to nothing. We created Jim's dreams and new jobs and hopes, and we've really combatted the drug issues, but we've got a long way to go. We absolutely adopted a new slogan, Almost Heaven, in our Tourism Department. And I will talk a little bit about that in a little while, but what an incredible job that has exploded into being.

We put real money in our state parks and we helped our veterans and we helped our seniors with Meals on Wheels and all kinds of different things, and lo and behold the miracle starts to grab hold, and then along comes COVID.

Now, just imagine this. I said the miracle of West Virginia, did I not? You know, I was interviewed just the other day on The 700 Club, Pat Robertson. And while I was being interviewed by Wendy, and I don't know her last name, Wendy was just recently married and I don't know her last name, but she's not far from here in West Virginia. And Wendy was talking and we were talking about all the different things that were happening with COVID and all the vaccination process and all the good things that we had going on. And she said to me, she said, if you can say your prayer now, what would your prayer be? And I said, well, Wendy, I said, you know, we had a day of prayer and I said a prayer, and I'm anything but Reverend Jim, and I said a prayer at that time, and I truly mean this, I don't know how in the world the words just flowed. But the Good Book tells us just do that, and words — the Good Lord will take over and the words will flow, and they did.

Now, I said, Wendy, I need to get you a video of that prayer. And you know what she said to me, she said, Governor, when was that? Well, just like anyone, I said, you know, Wendy I don't know. It was probably four or five months ago. No, probably four months ago. This just happened about a week ago. And all of a sudden on my little whiteboard thing that I have out there Jordan flashed up on my whiteboard, it was last March. She had already asked me that from the date of that prayer had I seen things change. Think about it.

And every day — the definition of coincidence, an everyday occurrence in which God chooses to remain anonymous. Think about it. How in the world — how in the world could a little state that's the poorest, how in the world could we absolutely charge to the front like we've charged? How right behind all of that could we have handled what we handled in COVID like we've handled it? I'm telling you it is truly the miracle of West Virginia.

Now, I believe with all in me that I am battle proven and I am calm under fire. I really do listen to our experts. And you know, we've made moves for the betterment of all, not made moves that were selfish for just a few. But in all of this that miracle, and that miracle has truly happened.

Now, I often ask myself a lot of times what is my real job. Well, first and foremost, it's to look out after the health and safety of the people, but secondly it's to mind the store, is it not? Because at the end of the day, if the economics don't work, nothing, nothing, that you do or I do can work. The economics has got to work. If we're going to continue to grow and every, the economics has to work. Well, we have — along the way we have pulled off the economics.

Now, we all know that we've been first in COVID in the nursing homes and first in the vaccinations and we're on the nightly news everywhere under the sun. And we've got to be really proud because, in addition to all that, every single day that goes by more and more and more will come because they see West Virginia in a different light than they seen it before.

Now, I want to take just a moment to congratulate Cathy. Cathy and I — neither one knew hardly anything

about communities and schools. Really and truly we knew that it was really started in West Virginia, in Greenbrier County, but we really didn't know anything about it. And so with all that, right behind all of that, Cathy needed to have supposedly a cause. And I donated my salary to that and slow but sure they started off as Communities and Schools. Can you just imagine this? And I want you to cheer like crazy for this, but today Communities and Schools — now, I don't blow smoke at anybody.

I'm telling you, honest to God's truth, I know what's going on in our schools in a lot of situations. I've coached forever. I've been there. I've seen the good and the bad. I am telling you without any question the most profound program that we have going on within our schools today is Communities and Schools. They have touched 49,000 kids now, 49,000 kids in 29 counties. You've got to give them a giant round of applause. Please do.

Cathy and my daughter Jill are way up here, and they are trying to be good. And that's good because I'm trying to keep them a little ways away from me now.

Now, let me take you on a ride to the future. Stimulus. You know, I've got to just tell you this this way. You see, I was really, really, and still am, really close with our President, President Trump. Close with his family. Now, I can never understand three things that happened along the way. The first thing that happened was just this. He quit having his briefings on television. Probably advisors were telling him maybe that's not the thing to do, Mr. President, because somebody in the news may trip you up. And Vice-President Biden at the time is not out campaigning or anything, and he's spending most time at his house and all that and it could really cause you a problem. Well, I believe when he was talking to the people, the people really, really, really were dialing into President Trump.

And the next thing along the way — and you make a lot of mistakes in any job as you go, but the next thing along the way was he came up with the idea, you know, Pelosi and everybody was — they were pushing a \$600 stimulus package and we came out with 400. And I said, Mr. President, why? And he said, well, what do you mean? And I said, Mr. President, all these people vote and all of

them hope for 600 and you gave them 400. It was the prudent thing to do, but at the end of the day we lost our President, didn't we?

The next thing that happened along the way was there was a stimulus package and that's what I just said. I believe the Democrats and the Republicans continued to play politics and politics and politics, and it would not move while people were really hurting. People couldn't pay their rent and their power bill and their car payment or whatever it may be. All of a sudden, our President got slowly, slowly and more and more in trouble, and we lost the election. And so today, today where we are is we have a new President, of which every single last one of you and myself should get behind and support with all in us. And the reason we should is out of total respect to the presidency of the United States of America.

Now, with all of that I say to you just this. The stimulus package that should have been passed a long time ago, in my opinion, and the President, the President, Donald Trump came out and said I want to do a trillion 800 billion dollar package. Did he not? That's exactly what he did. And it just stumbled and stumbled and stumbled. So today, today, where I am is just this. Now, I've done a lot of stuff. I've run a lot of businesses and employed thousands of people, and I know what to do in a lot of stuff. I am telling you that we as America today are still stumbling. We need to move forward aggressively and super boldly. And if we leave some money on the table, we just do. We can't under fund what we need to jump start this world. And it will jump start the world.

What's going to happen is just this. There's going to be a trillion 900 billion dollar stimulus package passed. With that there is a good chance that a lot of different things will happen to West Virginia. A lot of good things will happen to West Virginia. I can tell you, though, the stimulus packages will end, and you really need to listen to me.

West Virginia has not only dug itself out of a hole and got itself on a launch pad, it's even taken itself off and become that diamond in the rough that everybody's missed. But yet, if everything just goes back to the way it

was, I challenge every single one of you, West Virginia will fall back into being West Virginia someday.

We are on the launch pad right now. In fact, we're airborne right now. And that's why tonight, tonight I am asking all of you to join me to repeal the income state — income tax in the State of West Virginia.

Now, how do you do that? What do you got to do? There's a lot of people in this life that will work night and day to try to do nothing. That's not me. Here's how you do it. First of all, you take one bite of the elephant at a time, a big bite. You cut the income tax on everybody in the State of West Virginia except the super highest earners and you cut theirs by a third, but you cut everybody else by a half right out of the gate. You absolutely explain that just this is the way it has to be. If you do that, you're going to — the total income tax dollars are \$2.1 billion, 2.1 billion in our state, half almost of our total revenue.

Now, if you'll stay with me just one second. I'll tell you just this. If you take half of our revenue and still put it in the bucket, half of our income tax don't go away, half is still in the bucket. You've got to go back and revisit and look at tiering the severance tax on oil, gas and coal. I told you this years ago. We should help our coal companies, our gas companies, our oil companies. We should help them in every way to continue to create jobs and to go on and on all we can. But you know, my family's been in the coal business forever. And I'm going to tell you that when profits rise to levels that are beyond our imaginations, we ought to be willing to step up and pay just a little tiny bit more.

I think what we're going to have to do that's going to hit the everyday man is we're going to have to raise sales taxes by one-and-a-half percent if we're going to eliminate our income tax. We need to look at putting an additional tax on cigarettes and soda and trying to make us healthier and better, and that could be a source of revenue for us. We need to absolutely bring into taxation our professional services as well. And then you need to have a wealth tax, a tax on those that are very, very, well to do, that can pay just pay just a little bit extra. And then you need to make some cuts. The cuts need to be, in my opinion, very miniscule.

You do not need to cut to the bone, but you do need to make some cuts. By miniscule I mean very miniscule. \$25 million of cuts will get you there.

Now, at the end of the day just imagine, imagine, imagine if I were to say to me, to anybody, we can cut our income tax in half right off the get go. We'll have to pay another percent-and-a-half on our consumer sales tax. If you're not a smoker or you don't buy soda pop, that's it. For you that's pretty much it. We need to tier our severance tax on coal and gas and oil. It won't bring in a whole lot of dollars, but it will bring in a few. It is so miniscule it is unbelievable what I'm asking you to do. And with all of that along the way, with a wealth tax and a luxury tax basically that is also miniscule.

By miniscule, it can maybe only bring in 20, 30, 40 million dollars. Maybe if just for, you know, for items that you would purchase one item in excess of 5,000 or 10,000 or 30,000 or whatever, I've got a chart on all that, but I don't need to go through all that right now. And then there's that small, small level of cuts. What if I were to say to you that is our chance? The door is right here for you, West Virginia, the door stands right ready for you right now. Opportunity will flash in front of you, and if you don't go through, it closes. It's your chance. It's your real chance. The stimulus will die away. COVID will die away. And then ask yourself— step back from it and ask yourself, "How are they going to come? How are they going to come? Really and truly, how are they going to come?" This is an opportunity beyond all comparison.

Now, I would ask you to do two other things. I would ask you to establish buckets. You see, I'm really big into buckets because I believe when you put something in that bucket, it stays there. I'd ask you, first and foremost, to tab a flat, no growth budget in the State of West Virginia for the next three years.

I would also ask you in my buckets to put some considerable amount of dollars, 30 to 50 million dollars in a bucket that basically we use to entice businesses to close, to close, and to come and bring their employment to West Virginia. And the other bucket that I would like you to establish is an additional rainy day fund. You see, if we

freeze the budget at where we're at right now, our rainy day fund is absolutely adequately funded, period, right now. If we freeze the budget right now at where we're at, absolutely our rainy day fund is in great shape.

If you create that second rainy day fund, and let me tell you how you can do it, you see, by the wisdom and good stuff of a lot, a lot of people we have built surpluses, have we not? In 2019 we had 511 million extra dollars. In 2020, we got across the finish line with a surplus in a COVID year plus moving the state income tax to the next year. We still got across the finish line. We did. And what's happened now? Now what's happened is you have a surplus of cash that is extraordinary, and we continue to grow it. I would not spend it. I would set it into a bucket, a rainy day fund bucket, for the elimination of our income tax, for any shortfalls in the elimination of our income tax.

Now, the opportunity is there. It's entirely up to you. My ideas surely can be tweaked. I will listen to any and everybody, but absolutely I've given you a pathway, a pathway to eradicate our income tax. And you may say, well, Governor, we understand, but Governor, that gets us halfway there. And you said you're going to eliminate it. Stay with me just one second. In the State of West Virginia today you're growing at a pace of really, really, really close to \$300 million a year. If you think of how many will come into our state, it could blossom to who knows where. If you don't raise and spend extra money on the budget or on unnecessary items, if you have the discipline to really watch the store, the growth, the growth alone, the growth alone will take you there. And the growth alone will eliminate the rest of the balance of the income tax.

Now, I could go on about this for a long, long time. It is the single — I will promise you to God above, it is the single biggest issue that you could possibly, possibly address. You need to spend unlimited amount of time addressing this issue. This issue would transform our state like you can't imagine. And if you don't do it, you might as well just sit back and listen to old Jim who's sitting here with white hair and absolutely has had a lot of experience. You mark it down, COVID will get gone. Stimulus will get gone. And when they get gone, absolutely you'll turn back and you'll say let's build another field and they'll come

and they'll put a factory in or whatever it may be. And then when you build the field and they don't come, what next?

The downside of this, the downside is nothing. It's absolutely nothing. Soda pop and tobacco, a little bit of tiering on the severance tax, one-and-a-half percent and that's it. Not touching our property taxes for all practical purposes, absolutely not laying in additional taxes on our businesses. Tennessee has three different taxes under businesses. Their property taxes are multiples of what ours are. Think of the story. Think of the story one more time. The best in the nation with COVID. The best in the nation. The best in the nation. And now, that state is going to get rid of its incomes tax. And that state is the most northerly state in the Union to the population. They got to come through us to get to somebody else. You think they're going to come through us and go anywhere else? Four of the most beautiful seasons on the planet, the greatest people. It's our chance. It's our chance.

Now I'm going to move on. Tonight I am asking you to elevate in the cabinet — to elevate cabinet level agencies to secretaries of cabinets in two areas. You see, I am hung up like crazy on tourism and economic development. Tonight I am asking you to create two agencies, two new cabinet positions. I will put Mitch Carmichael in the economic development position and Chelsea Ruby in the tourism position. They absolutely — Mitch is stuck on “on”. Everybody that knows Mitch knows he's stuck on “on” all the time. He could probably sell bread to starving Russians on credit, you know, but — and Chelsea has done an amazing, amazing job. That's all there is to it.

Now, I'm asking us also to create the closing fund that I just said earlier. And I'm asking us to create an additional rainy day fund that we can put excess dollars — and let me give you just another tidbit. Just imagine this. Can you imagine in the State of West Virginia, today we've got \$464 million of a cash surplus today, right now - right now. We have \$178 million surplus through the first seven months of the year. And hopefully it will continue to grow, but I can't guarantee that.

Four hundred, sixty-four million dollars cash surplus right now. Absolutely what do you think? Just stay with me where you can understand what I know. What do you think's going to happen with the Biden Stimulus package? What could happen? They could forgive all of the dollars that we've put out towards unemployment. They have already backdated to January of 2020 all of the match to FEMA. What if? What if we had hundreds and hundreds and hundreds more millions dollars? Put them in the bucket. Don't spend them. For God sakes, don't throw them away because you'll spin around five times and wake up and say, huh, where are we. You won't even know what happened. Put them in the bucket.

Now, through all this, record surpluses in 2019, getting through — you know, probably the biggest accomplishment that I've ever been involved with is with our revenue people and getting us through the 2020 year with an absolute surplus. It's amazing. It's amazing. With a cannonball to the stomach on COVID and absolutely nowhere to turn and income tax all moved, the surplus, are you kidding me? Really and truly it is amazing. But with all of that, that all has happened, I've got a few announcements to make. With all of that, we have done one thing. And I give many, many kudos to my office, all the people in economic development, all the people at commerce, all the people all across all the agencies. We took all the cabinet up there and met and met and met, but we landed Hyperloop in West Virginia.

Now, we got — we got two visitors with us. We've got — well, first of all, a special thanks to Gordon Gee and all of WVU's efforts and all the stuff they put in, all the licks there. And Corby Robertson. Corby's a great personal friend and everything, and he's doing a lot of stuff. We've got some more announcements to come in regard to that, and not very — and not very too distant in the future. And John Chambers, a guy that all of us know very, very well and has done so much good in trying to help us tell our story.

In addition to that, there's Mike Snyder. And I think he's on with us right here. And Mike is with Hyperloop, and he can't — and I don't know why with this technology age, but he can't talk, but all we can do is clap for him and

thank him. So he's going to wave to us. Mike, thank you, sir.

Can you imagine, can you imagine that little state, that miracle that I talked about, that little state absolutely working with these great people that could revolutionize, revolutionize travel as we know it. They gave us validation. They've given us so much. And I told you over and over you'll always be remembered, you'll always be appreciated, and you'll be loved here beyond good sense. Thank you again, sir.

Also, at our North Central Airport I'll never forget David Hinkle and people coming in to talk to me about what was going on at North Central. And we had some dollars that were there, and so we said — I mean, after we listened to the presentation I said do it. Do it right now. Well, they did it. And I'm just going to follow my script here, but MHIRJ, MHIRJ at the North Central Airport employs 300 people today. And we just had an announcement just not long ago that they are moving their employment to 800 people and the jobs' average pay is \$28 an hour. Absolutely unbelievable. Their leader of the band is in Japan right now. And I hope I'm going to get this correctly, but Ismail Mokabel is with us — or not with us because of the time differences and everything, but I hope some way, somehow, he can hear us as well.

In addition to that, DST Innovations. Now, get this, people that make organic material, and a lot of it can come from coal, are moving right now into Morgantown and set up show there. And then they have promised in phase two to do a manufacturing process in southern West Virginia. And with all that, they hope to create a thousand, a thousand new jobs in West Virginia. Please give them a great big round of applause.

I've got to tell you this, tourism in West Virginia has exploded, has it not? Absolutely, Chelsea Ruby has done a marvelous job, beyond belief. Without any question, whatsoever, we needed to be the frog that was proud of his own pond and invest some dollars and turn that into really something really good. We've done that. You know, we absolutely — just think about this. Our parks are having millions of visitors. Absolutely, we did a hundred million

dollars of upgrades to our parks. I can't thank Steve McDaniel enough. What an incredible job he's doing. We had the best tourism add in the entire nation.

In the last two years \$250 million of tourism investment, investment in our state has come to pass. We've also welcomed the newest national park in the country, the New River Gorge National Park and Preserve. And with us tonight is a fellow that's going to even take us even further, and that's Brad Smith, the Chairman of Intuit. And Brad's right with us. And Brad has made an incredible donation to us and everything to work on a concept that would bring remote workers to West Virginia.

Now, I have a bill that is in front of you and in just a second we're going to give Brad the biggest round of applause in the world. But I have a bill in front of you to propose the attraction of remote workers to West Virginia. It's a fundamental change and a modernization to how we look at corporate tax and the corporate tax structure and how we move towards making West Virginia attractive for remote workers. We want to do it. Brad has an idea. Not only does he have an idea, he's has put his money where his mouth is and he's absolutely given us a chance to do this. So many, so many want to work from home. So many can work in other places and do great work here. This gives us a real chance. So Brad, thank you from the very, very bottom of all of our hearts. We love you. And please give him the greatest round of applause.

Drugs are still a real issue in West Virginia. COVID has really taken us off track. We had Jim's Dream and Jobs and Hope and we had some beginnings, beginnings, but we still have got to know that drugs can cannibalize us. It attacks us all, Republican, Democrat, black, white, rich, poor. It doesn't matter. It attacks us all. I'm not going to go into great, great detail, but we have — we have a fellow that's with us tonight, right there. His name is Joe Bozick. And Joe had brought a concept to us and everything and he asked me if I'd be the head coach. And that's game changers. There has been so much happened, and tonight I am announcing the game changer. In conjunction with the West Virginia Drug Intervention Institute has established a partnership, now get this, with the world-renowned Hazelden Betty Ford Foundation to bring evidence-based

prevention programs for opioid and substance abuse to all students in West Virginia schools. It is unbelievable. And tonight we've got with us — and I think this is Mark Mishek, and he is the President and CEO of Hazelden Betty Ford. And we have Angela Jerabek, and she is the founder and Executive Director of BARR — BARR, Building Assets and Reducing Risks. So please give them a giant round of applause.

Just so you'll know where I am, we made some really, really bold steps for broadband, did we not? West Virginia is deficit on broadband beyond belief. We need to do any and everything we can to blanket our state with broadband. It will make us better and better and better, and the opportunities just abound everywhere. It is the next highway construction project. We absolutely have fed dollars now pouring in, and we have real progress in broadband, but we got to do more. We got to do more. That's just all there is to it.

From the standpoint of a roads report, our roads to prosperity, you know, a long time ago we absolutely moved along the lines of if we're going to start our roads to prosperity vote, I went on the road, stayed on the road, and lo and behold, 73 percent of the people voted for it. I promised them we wouldn't raise additional taxes. We haven't raised a dime of additional taxes. And we have absolutely continued to do work and we absolutely had our roads get in this situation over decades of neglect. We still have more to do. And I want to tell you we will continue to do it.

Tonight, I also want to strongly support and hope like crazy it gets in - through this year, is an intermediate Court of Appeals. I want to announce something that is really close to our heart. We have a lady that's with us who is the Teacher of the Year. I said in my first State of the State we needed to make education our centerpiece. Not that we needed to just throw a bunch of money away in education or anything, but here is my whole thought. We had to change our image. We absolutely had to start down a pathway to really trying to change our image to the outside world.

Tonight we have a fifth-grade teacher that's with us at Tennerton, from Tennerton Elementary, in Upshur County. She's a 20-year veteran. She is sponsored by Toyota Motor Manufacturing of West Virginia, Highmark of West Virginia, Horseman Insurance, West Virginia Lottery and the West Virginia Professional Educators Association. Her name make her absolutely welcome, an achievement that is unbelievable, our Teacher of the Year, Erin Anderson.

I won't keep you a whole lot longer. I've got to just say this. I've had a team around me in this COVID deal, our COVID czar, Clay Marsh. And I owe him a bunch. Our General of National Guard, General Hoyer. Our DHHR Secretary, Secretary Crouch, and Doctor Amjad and all those all over the place, all those in our health communities and our first responders and all those that absolutely have braved this fight. Can you imagine — and I say it all the time, but can you just imagine, imagine crawling out of bed, getting your scrubs on or whatever it may be and going right into the fire as you kiss your children goodbye and hope you'll see them again later in the day, knowing you could bring it home, knowing there were so many uncertainties in the beginning and yet they went. Our grocery workers do the same thing and yet they went. They did everything for all of us. We owe them so much. But we could absolutely owe no one more than our National Guardsmen and women. 1460 of them are deployed right now. They have started our Mountaineer Challenge Academy. And now we have Mountaineer Challenge Academy II. And... and they have stood up as the leadership in the Joint Interagency Task Force for COVID Vaccination. We owe so much. I have said it so many times, to all of our military we owe everything we have, everything. And if you don't think that, you're not thinking right. Please give them a great big round of applause.

So in wrapping this thing up, you've given me an honor beyond belief. A lot of people along the way would say gosh, oh, man, I bet it's just awful being the Governor at this time. I mean, how lucky — unlucky could you have been, blah, blah, blah. But you see, I believe just this. I believe the good Lord made you who you are for a reason and he put you right here for a reason. And I believe he made me who I am for a reason. That's why this has not been a burden. It's been an honor. It's been tough and

you've had all kinds of sleepless nights and it has been really tough, but I am telling you I've got to also thank all those that are around me in my office and all the great work that they've done as well, especially you Cathy, Jill, Jay, Adam and Catherine and those little rascals J.C. and Conley. And more than anybody, in a lot of ways Baby Dog.

But before I go, let me just tell you this. West Virginia was really rolling before we got COVID. COVID, no one even knew what in the world it was. For crying out loud, at two o'clock in the day we were having schools and sporting events all over the country, Big 12 events and everything, shutting down everywhere. We had our state tournament going on right down there, and at two o'clock my team, my team was playing at 7:00. We pulled the plug and we started to work, did we not? And along the way — along the way we have done a lot of really good work. We've lost in excess of 2,175 people. And I say that because this morning it was 2,175. It's a shame and it's absolutely sad. Please always remember them in your thoughts, in your prayers, and absolutely you will see that through all this, when we were really rolling, I am now in a position of honor. And with that, I have delivered right back there to our Speaker and to our President that flat budget that I referred to. I'm very, very proud of that and we can do it. We can do every single thing that I have outlined here tonight. Before, let's tell the truth, we were 50th in all kinds of things. We were competing against Mississippi, like I said, who was going to be dead last. And we were at the blunt end of a lot of bad jokes. And now we are that diamond in the rough that people — we are not the diamond that is going to be found. We are the diamond that they have found. We are absolutely the star of the game show on the national news every single night almost. It's West Virginia, West Virginia and West Virginia. And now you've have got the reins. I'm telling you with all in me if you want to drive property values in this state up and if the border counties are concerned that somebody is going to go across and buy soda pop or they're going to buy cigarettes across the border, I would say to them just this. Those people across the border are going to come to you to live. I mean, for crying out loud, why would we be worried about such a thing as that? They're going to be coming to

you to live. Your stores are going to be filled like you can't imagine. The opportunity is right here, right now.

I can tell you just this, too. The steepest part of the mountain, if you'll just watch, any mountain you've ever climbed in your life, where's the steepest part? It's always near the top. It's always near the top. You start off like this, then it goes like this, and then all of the sudden you're standing there looking and that last little part to get from here to Cathy is almost straight up.

Most people slide back down. I'm confident that you won't. And the big question in all of our minds has been asked me over and over is where are we going to be in ten years, where are we going to be in 20 years? I'm going to tell you, and somewhere here, and who knows where they are, so I'm not going to — I'm not even going to go there because I can't even find — oh, they're here. They're here.

Think about this. Let me make sure because I didn't want to disappoint you and not have some kind of graphic. Well, okay. Say what? Okay. It's the middle one. But a lot of ways this is where we were. And this is where we are today. And this is where we want to stay. Where are we going to be in the next ten years? Where are we going to be in the next 20 years? I'm going to tell you if you'll just pay really close attention to just this one thing. I would say just this, we have a chance of being the state that has the things that we have wanted so badly that other states have had, the good things that we have wanted so badly that we didn't have, we'll be the state that has them. And you know what else we'll be? We'll be the state that doesn't have the bad things that others still have.

And the last thing, you know what we'll be able to do? We will be able to have that and we will be able to live in paradise because that's West Virginia. You all know it. All you got to do is look outside. You all know just what an opportunity we have. And so I'm going to read to you just two lines. Over the next four years I want us to be even better. I won't be satisfied until West Virginia's success is no longer a surprise, but it is what is expected. I want every other state in America to know if they want to get to the top of the mountain in anything they do, they're going to

have to go right through the Mountain State to get there.
God bless each and every one of you. Thank you so much.

The Sergeant-at-Arms escorted His Excellency, the Governor, from the Chamber.

The business of the Joint assembly having been completed, the Speaker declared the Joint Assembly dissolved.

The Members of the Senate retired to their Chamber.

The Speaker then called the House to order.

Messages from the Executive

The following communication from His Excellency, the Governor, was laid before the House of Delegates and read by the Clerk:

State of West Virginia
OFFICE OF THE GOVERNOR
Charleston, WV

February 10, 2021

EXECUTIVE MESSAGE NO. 1 FIRST REGULAR SESSION

The Honorable Roger Hanshaw
West Virginia House of Delegates
State Capitol
Charleston, WV 25305

Dear Speaker Hanshaw:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2021.

Sincerely,

Jim Justice
Governor

Upon motion of Delegate Summers, and by unanimous consent, the House returned to the Eighth Order of Business for the purpose of introducing the Budget Bill in compliance with Subdivision (4), Subsection B, Section 51, Article VI of the Constitution.

Bills Introduced

**By Delegate Hanshaw, Mr. Speaker, and Delegate Skaff
[By Request of the Executive]:**

H. B. 2022 - “A Bill making appropriations of public money out of the Treasury in accordance with Section 51, Article VI of the Constitution.”

Accompanying the Budget Bill was a document showing estimates of revenue, expenditures, etc., as required by Section 51, Article VI of the Constitution.

The Speaker referred the bill to the Committee on Finance.

Miscellaneous Business

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

- Delegate Nestor for H. B. 2009, H. B. 2167 and H. B. 2216
- Delegates Bridges, Holstein, Horst, Keaton and Sypolt for H. B. 2159
- Delegate Mandt for H. B. 2031, H. B. 2239 and H. B. 2240

At 8:08 p.m., on motion of Delegate Summers, the House of Delegates adjourned until 11:00 a.m., Thursday, February 11, 2021.

Thursday, February 11, 2021

SECOND DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, February 10, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Resolutions Introduced

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

H. C. R. 4 - "Requesting the Division of Highways name bridge number 06-049/00-008.51 (06A239), locally known as the Decker Adkins Bridge, carrying County Road 49 over Madison Creek in Cabell County, the 'U. S. Army PFC Herman H. Lucas Memorial Bridge'."

Whereas, Herman H. Lucas was born on June 24th, 1920, in Salt Rock, in Cabell County, West Virginia to Garland and Rosetta Lucas and he grew up helping to tend his family's farm near Madison Creek; and

Whereas, Herman H. Lucas enlisted in the United States Army in 1941, joining the 147th Infantry, attained the rank of Private First Class, and he was assigned to the Pacific Theater when World War II began; and

Whereas, PFC Lucas served valiantly in several major conflicts in the Pacific Theater, including Guadalcanal where he was wounded by mortar fire, the Philippines, and at Iwo Jima; and

Whereas, During the Battle of Iwo Jima, which PFC Lucas later described as “inhumane...of all the fighting and dying I’ve seen, this is the worst,” he took over his platoon upon the death of their squad leader when they were assigned a special mission to take out a heavily fortified position; this assignment took a horrible toll upon the platoon with intense fighting leaving them cut off and without food or water for three days and the loss 27 of the 29 men in the unit; and

Whereas, PFC Lucas was awarded the Purple Heart medal for his injuries, and the Bronze Star for his heroic service in combat and he also was decorated with the Asiatic Pacific Theater Ribbon, the American Defense Service Medal, the Good Conduct Medal, and the World War II Victory Medal; and

Whereas, Following the conclusion of World War II, PFC Lucas returned to West Virginia where he married Thelma Virginia Sloan and they raised three children, Elizabeth, Harold, and David Lucas, and eventually they had five grandchildren - Margaret, Christopher, Jared, Trenton, and Jenna; and

Whereas, Herman L. Lucas became an ordained minister and performed in various gospel groups, preaching and performing throughout southern West Virginia for over 50 years; and

Whereas, Herman L. Lucas passed away at the age of 92 at the home of his son, Harold, in Kentucky on December 31, 2012; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC Herman L. Lucas 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 06-049/00-008.51 (06A239), locally known as the Decker Adkins Bridge, carrying County Road 49 over Madison

Creek in Cabell County, the “U. S. Army PFC Herman H. Lucas Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC Herman H. Lucas Memorial Bridge”; and, be it

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

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

By Delegates Kimble, Hanna, J. Jeffries, Hamrick, Horst, Smith, Clark, Espinosa, Ellington, Keaton and Bruce:

H. J. R. 1 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section 2, article 12 thereof, relating to education and the supervision of free schools; clarifying that the general supervisory authority of the State Board of Education is subject to legislative enactments; allowing the board to promulgate rules; requiring rules to be submitted to the Legislature for its review and approval, amendment, or rejection; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Education then the Judiciary.

By Delegates Anderson, L. Pack, Westfall, Howell, Kimble, Fast, D. Kelly, J. Jeffries, Pritt, Horst and Phillips:

H. J. R. 2 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section nine, article IV thereof, relating to the impeachment of officials; providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate; specifying that a judgment rendered by the Senate following an impeachment trial is not reviewable by any court of this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

By Delegates Nestor, Mallow, Forsht, Wamsley, Reynolds, Clark, Barnhart, Kimes, Horst, Holstein and Reed:

H. J. R. 3 - “Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, designated one-d, relating to ad valorem property taxation; the Legislature shall have exclusive authority to establish the valuation, assessment value and classification of property in this state for purposes of ad valorem taxation, to fix maximum rates for the taxation thereof by the levying bodies, and to provide for the exemption thereof from taxation, fully or in part, all to be determined as provided by general law; providing that this legislative authority is effective beginning on and after January 1, 2023; preserving existing exemptions from taxation where provided by constitution; numbering and designating such proposed amendment; authorizing a special election on the ratification or rejection of the amendment to take place _____; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

By Delegate Bates:

H. J. R. 4 - “Proposing an amendment to the Constitution of the State of West Virginia, amending article IV thereof by adding thereto a new section, designated section thirteen, relating to the arrangement of congressional, senatorial and delegate districts after census by creating a State Apportionment Commission; designating for appointment, terms of office, duties of and eligibility for commissioners; establishing process for commission to develop plans; providing that State Apportionment Commission must submit redistricting plans to each house; providing that each house may reject its plan by a two-thirds vote of the members elected; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Fleischauer, Boggs, Pethtel and Hansen:

H. J. R. 5 - “Proposing an amendment to the Constitution of the State of West Virginia, amending article IV thereof, by adding

thereto a new section, designated section thirteen, relating to the arrangement of Congressional, Senatorial and Delegate Districts after census by creating a State Apportionment Commission; designating for appointment, terms of office, duties of and eligibility for commissioners; establishing process for Commission to develop plans; providing that State Apportionment Commission must submit redistricting plans to each house; providing that each house may reject its plan by a two-thirds vote of the members elected; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendments”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Doyle:

H. J. R. 6 - “Proposing an amendment to the Constitution of the State of West Virginia amending section fourteen, article VII thereof, relating to requiring a two-thirds vote to override a veto by the Governor; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

By Delegate J. Jeffries:

H. J. R. 7 - “Proposing an amendment to the Constitution of the State of West Virginia amending article VI thereof by adding thereto a new section, designated §32A, relating to the vote needed to raise a tax or increase a fee; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

By Delegates Linville and Rohrbach:

H. J. R. 8 - “Proposing an amendment to the Constitution of the State of West Virginia, repealing article VI, section 56 thereof; and amending section 52, article VI thereof, giving the Legislature discretion in appropriating revenue generated from motor vehicle registrations and nongame wildlife motor vehicle registration plates; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate McGeehan:

H. J. R. 9 - “Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that bills imposing a tax or license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless two-thirds of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on Finance then the Judiciary.

By Delegate Howell:

H. J. R. 10 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article ten thereof, relating to ad valorem property tax rates for citizens of the age of 65 or older; locking the value of a homestead property, for the purpose of calculating property taxes, at the assessed value when the owner-occupier turned 65 or purchased the property, whichever occurred later”; to the Committee on Finance then the Judiciary.

By Delegates Howell, Fleischauer and Martin:

H. J. R. 11 - “Proposing an amendment to the Constitution of the State of West Virginia amending section 46, article VI thereof, relating to the authority of the Legislature to regulate the manufacture and sale of alcohol; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Government Organization then the Judiciary.

By Delegates Hansen and Fleischauer:

H. J. R. 12 - “Proposing an amendment to the Constitution of the State of West Virginia, amending article three thereof by adding thereto a new section, designated section 23, relating to the Bill of Rights; proving for the right to clean air and pure water; preservation of our natural resources and public estate; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Steele:

H. J. R. 13 - “Proposing an amendment to the Constitution of the State of West Virginia amending article III thereof by adding thereto a new section, designated section twenty-three, relating to the right to hunt, fish, and harvest wildlife; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Agriculture and Natural Resources then Rules.

Bills Introduced

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

By Delegate Foster:

H. B. 2294 - “A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, 1931, as amended, relating to filing reports with the Division of Labor and removing the requirement for contractors to file payroll information on public improvement construction projects”; to the Committee on Workforce Development then the Judiciary.

By Delegate Foster:

H. B. 2295 - “A Bill to amend and reenact §61-10-15 of the Code of West Virginia, 1931, as amended, relating to pecuniary interest of county and district officers, teachers, and school officials in contracts; making an exception to criminal violation for contract for goods or supplies when the contract has been put out for competitive bid and the contract is awarded based upon lowest cost”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 2296 - “A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, and §21-11-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-42-1, §30-42-

2, §30-42-3, §30-42-4, §30-42-5, §30-42-6, §30-42-7, §30-42-8, §30-42-9, §30-42-10, §30-42-11, §30-42-12, §30-42-13, §30-42-14, §30-42-15, §30-42-16, §30-42-17, §30-42-18, §30-42-19, and §30-42-20, all relating to the West Virginia Contractor Act; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; necessity for contractor license and exemptions; procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; prerequisites to obtaining building permit and mandatory written contracts; requiring informational list for basic universal design features; providing injunction and criminal penalties for violation of article; specific administrative duties of board and record keeping by the board; authorizing to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; and misdemeanor criminal penalties for violations of article”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 2297 - “A Bill to amend and reenact §7-11-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-12-3 and §7-12-3a of said code; and to amend and reenact §8A-2-3 of said code, all relating to limiting the maximum number of appointees to certain county and municipal bodies; and imposing quorum requirements on certain county and municipal bodies”; to the Committee on Political Subdivisions then Government Organization.

By Delegate Foster:

H. B. 2298 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-3-11, relating to requiring a warning light to be erected on certain roads to warn of a traffic light ahead”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Foster:

H. B. 2299 - “A Bill to amend and reenact §17C-14-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that a vehicle may not be backed into a public street or highway unless it does not interfere with other traffic”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Foster and Fast:

H. B. 2300 - “A Bill to amend and reenact §51-9-1a of the Code of West Virginia, 1931, as amended, relating to including family court judges in the Judges’ Retirement System”; to the Committee on Pensions and Retirement then Finance.

By Delegates Foster and J. Jeffries:

H. B. 2301 - “A Bill to repeal §11-19-2 of the Code of West Virginia, 1931, as amended, relating to excise soft drink taxes”; to the Committee on Finance.

By Delegates Foster, McGeehan and J. Jeffries:

H. B. 2302 - “A Bill to repeal §48-1-210 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-239a, §48-1-239b, §48-1-239c, and §48-1-239d; to amend and reenact §48-9-102, §48-9-203 and §48-9-204 of said code; to amend said code by adding thereto a new section, designated §48-9-204a; and to amend and reenact §48-9-206, §48-9-207, §48-9-209, §48-9-403 and §48-9-601 of said code, all relating to establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

At 11:10 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 12, 2021.

Friday, February 12, 2021

THIRD DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Thursday, February 11, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 2014, Relating to role of the Legislature in appropriating federal funds,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2014 - “A Bill to amend and reenact §4-11-1, §4-11-2, §4-11-3, §4-11-4, §4-11-5, §4-11-6 and §4-11-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-1A-1 of said code; to amend and reenact §11B-1-1 and §11B-1-4 of said code; to amend and reenact §11B-2-11, §11B-2-21 and §11B-2-23 of said code; to amend and reenact §12-2-2 of said code; to amend and reenact §12-3-12 and §12-3-17 of said code; to amend and reenact §12-4-2 and §12-4-3 of said code; and to amend and reenact §15-5-6 of said code, all relating to disposition of moneys received by the state generally; specifying the role of the Legislature in appropriating federal funds; updating

references to types of federal funds; providing for appropriation of federal funds in accordance with the state constitution; updating and clarifying statutory cross-references; limiting gubernatorial authority to spend federal funds without appropriation of the Legislature; continuing and limiting spending of certain emergency funds for natural disasters without additional enactment; requiring reports to the Legislature on proposed and actual spending of those funds; removing certain emergency federal fund exclusion language from the provisions governing appropriations of federal funds; establishing controlling provisions in case of conflict of law; clarifying statutes applicable to preparation of state budget; clarifying meaning of certain terms; conditioning the Secretary of Revenue's receipt and expenditure of federal funds; providing copy of certain reports to the Legislature; enlarging matters to be reported to the Legislature regarding revenue estimates, collections and appropriations; requiring any budget reductions be made before end of fiscal year; enlarging matters to be reported in the annual Consolidated Federal Funds report; authorizing funds to be reappropriated from one fiscal year to the next, and providing circumstances under which those funds expire to the general revenue fund instead of being reappropriated; modifying certain terms; updating references to public officers; and prohibiting the suspension of any statute governing the appropriation or expenditure of public funds by the exercise of gubernatorial emergency powers,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2006, Relating to the West Virginia Contractor Licensing Act,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2006 - “A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, and §21-11-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-11A-3a of said code; to amend and reenact §5-22-1 of said code; to amend and reenact §21-1-3 of said code; to amend and reenact §21-3C-10b, and §21-3C-11 of said code; to amend and reenact §21-9-2 and §21-9-9 of said code; to amend and reenact §21-11A-2 and §21-11A-4 of said code; to amend and reenact §21-16-4 of said code; to amend and reenact §21A-10-11 of said code; to amend said code by adding thereto a new article, designated §30-42-1, §30-42-2, §30-42-3, §30-42-4, §30-42-5, §30-42-6, §30-42-7, §30-42-8, §30-42-9, §30-42-10, §30-42-11, §30-42-12, §30-42-13, §30-42-14, §30-42-15, §30-42-16, §30-42-17, §30-42-18, §30-42-19, §30-42-20, and §30-42-21, all relating to the West Virginia Contractor Licensing Act; providing for relocating the licensing of contractors from Chapter 21 to Chapter 30 of this code; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; providing for necessity for contractor license and exemptions; providing for procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; providing for prerequisites to obtaining building permit and mandatory written contracts; providing for requiring informational list for basic universal design features; providing for injunction and criminal penalties for violation of article; providing for specific administrative duties of board and record keeping by the board; establishing authorization to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; providing for misdemeanor criminal penalties for violations of article; providing for limitations on municipalities, local governments, and counties from requiring a license to perform contractor work; providing for an exemption from a contractor license for residential work up to \$10,000 and commercial work up to \$50,000; providing for an exemption from

a contractor license for a person performing landscaping and painting services; and providing for technical updates which updates code references to contractors throughout this code to the correct code,”

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report,

which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2002, Relating to Broadband,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2002 - “A Bill to repeal §31G-1-6, §31G-1-9, and §31G-1-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-2E-2, §17-2E-3, §17-2E-5, §17-2E-6, §17-2E-7, §17-2E-8, and §17-2E-9 of said code; to amend and reenact §24D-1-1, §24D-1-2, §24D-1-9, §24D-1-15, §24D-1-16, §24D-1-21, and §24D-1-26 of said code; to amend and reenact §31G-1-2 and §31G-1-4 of said code; to amend and reenact §31G-4-1 and §31G-4-2 of said code; to amend said code by adding thereto two new sections, designated §17-2E-10 and §17-2E-11; to amend said code by adding thereto a new article, designated §31G-1A-1, §31G-1A-2, §31G-1A-3, §31G-1A-4, §31G-1A-5, §31G-1A-6, §31G-1A-7, §31G-1A-8, §31G-1A-9, and §31G-1A-10; to amend said code by adding thereto a new section, designated §31G-3-3; and to amend said code by adding thereto a new article, designated §31G-6-1, §31G-6-2, and §31G-6-3 of said code, all relating to providing statutory framework to support, encourage, and expedite the expansion of broadband throughout the state of West Virginia; modifying the definition of ‘telecommunications carrier’; establishing requirements for agreements between the Division of Highways and an entity seeking to install telecommunications facilities; providing for in-

kind contribution as a required term of agreement; establish process for Division of Highways to approve or deny application; requiring the Division of Highways provide a consolidated checklist or flow chart of all state or federal regulatory requirements; providing that the provisions of this article shall apply to all installations of any kind which necessitate disturbance of ground for a length of 1,000 feet or greater in a right-of-way owned or controlled by the Division of Highways; requiring notice to the Office of Broadband of a telecommunication entity's intent to seek construction in division's right-of way; providing the Office of Broadband is responsible for ensuring compliance with certain terms and will provide the Division of Highways and the applicant with certification of such compliance; allowing a utility to apply to share trench with telecommunications carrier; providing the Office of Broadband the authority to issue certificates of compliance to the Division of Highways and applicant; requiring Office of Broadband create, seek approval for, and update a formula or matrix to determine fair market value and in kind compensation for carriers use of rights of way or telecommunications facilities owned by the Division of Highways; providing Division of Highways the authority to allow carriers the use of excess telecommunications facilities; allowing Division of Highways to transfer or assign ownership of in-kind compensation or excess telecommunications facilities to another state agency upon approval by Governor; requiring that telecommunications facilities who share trench share responsibility of compensating Division of Highways; allowing Division of Highways to require a carrier bear joint and several liability; requiring agreements to provide that two or more carriers sharing obligations must allow Division of Highways to review or audit those agreements; providing rulemaking authority to Division of Highways; establishing additional requirements for Division of Highways related to broadband installation, permitting, pathways, access, and contractor requirements; adding broadband telecommunications to Chapter on cable television and cable television system act for certain purposes; defining 'broadband' or 'broadband service' and 'broadband operator'; establishing requirements for broadband operators related to installation and construction; requiring broadband operators to indemnify the state for installation,

operation, and maintenance; establishing requirements for broadband operator related to easement; providing requirements for broadband operators to restore interrupted service; requiring broadband operator to credit subscribers for interruptions in service of more than 24 hours; establishing that broadband providers may not deny access based upon certain factors; providing that broadband service is not a utility or subject to utility regulation; defining 'applicable codes' 'unserved area' and 'underserved'; defining powers and duties of Broadband Enhancement Council; providing the Broadband Enhancement Council and Office of Broadband coordinate on bringing broadband service to unserved and underserved areas; providing Broadband Enhancement Council publicly report to the Secretary of Commerce on or before December 1 annually; creating the Office of Broadband within the Economic Development Office and under the Department of Commerce; creating the position of, and requirements for, the Director of the Office of Broadband; establishing the powers and duties of the Office of Broadband; requiring the Office of Broadband report annually to the Joint Committee on Government and Finance; requiring the Office of Broadband to map broadband in the state and establish an interactive public map; requiring certain executive agencies to cooperate and provide information to the Office of Broadband regarding AREA maps; requiring Office of Broadband Report to the Joint Committee on Technology regarding AREA maps at specified times; allowing Office of Broadband to retain outside expert consultants; providing authority to Office of Broadband to educate public on broadband service issues; allowing Office of Broadband to establish a voluntary data collection program; providing that information collected in program not subject to the Freedom of Information Act; establishing, by Office of Broadband, requirements of data collection program to be submitted to the Legislature; requiring the Office of Broadband to create guidelines for voluntary donation of rights away and similar structures to facilitate broadband development; allowing Office of Broadband to create guidelines and recommend to legislature an easement program to facilitate broadband service; allowing Office of Broadband to seek funding and grants; establishing process to protect proprietary business information provided to the Office of Broadband; excluding

proprietary business information from production under the Freedom of Information Act; providing criminal penalties for unauthorized disclosure of confidential and proprietary information; providing rulemaking authority to the Office of Broadband; establishing requirements for counties, municipalities, and political subdivisions regarding installation of conduit; defining ‘applicable codes’; providing for preemption of West Virginia Code and Code of State Rules and ordinances relating to installation of certain broadband equipment; providing for scheme of construction of language of private agreements relating to exterior installation of antennas and related equipment; providing for preemption of West Virginia Code and Code of State Rules and ordinances relating to pole attachment of certain broadband equipment; providing for scheme of construction of language of private agreements relating to pole attachment; and requiring broadband operators receiving public funds to testify, upon request, under oath before the Legislature,”

With the recommendation that the committee substitutes it do pass.

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

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

H. B. 2265, Relating to collaborative pharmacy practice and updating rulemaking authority,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2265) was referred to the Committee on Government Organization.

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

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

H. B. 2264, Hospital exemptions from certificate of need,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2264 - "A Bill to amend and reenact §16-2D-2 and §16-2D-10 of the Code of West Virginia, 1931, as amended, all relating to exemptions for hospitals from certificate of need; defining terms; and exempting hospitals performing health services from certificate of need requirements."

With the recommendation that the committee substitute do pass.

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

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

H. B. 2260, Relating to procurement of child placing services,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2260) was referred to the Committee on the Judiciary.

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

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

H. B. 2015, Requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2015 - “A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended, relating to local health department; requiring rules of local boards of health to be approved by the appointing entity; providing exemptions; and requiring the state health officer to take control of a local health department when the Governor declares a state of emergency,”

With the recommendation that the committee substitute do pass.

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

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

H. B. 2005, Relating to health care costs,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2005 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29B-6; to amend said code by adding thereto a new article, designated §33-60-1, §33-60-2, §33-60-3, §33-60-4, §33-60-5, §33-60-6, §33-60-7, §33-60-8, and §33-60-9; to amend said code by adding thereto a new article, designated §33-61-1, and §33-61-2; and to amend said code by adding thereto a new article, designated §47-29-1, all relating to health care costs generally; requiring reports to the health care authority; providing for the regulation of out-of-state healthcare providers and non-network facility based providers; providing for the disclosures of a healthcare facility and the publication of a carrier’s network; defining the responsibilities of a carrier inadvertent to out-of-state network services; providing for binding arbitration in the event of payment disputes; providing for healthcare savings cost calculations, violations and legislative rules; providing for price

transparency and a publication of prices; and providing a cost of healthcare appointment prices,”

With the recommendation that the committee substitute do pass.

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

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

H. B. 2004, Permit a licensed health care professional from another state to practice in this state through telehealth when registered with the appropriate West Virginia board,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2004 - “A Bill to amend and reenact §30-1-26 of the Code of West Virginia, 1931, as amended, relating to telehealth; establishing a registration; permitting healthcare practitioners licensed in other states to practice in West Virginia using telehealth services and providing rulemaking authority,”

With the recommendation that the committee substitute do pass.

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

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

H. B. 2262, Amend who shall report and review the controlled substance monitoring database,

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

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

Your Committee on Education has had under consideration:

H. B. 2013, Relating to the Hope Scholarship Program,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2213) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 2001, Relating generally to creating the West Virginia Jumpstart Savings Program,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2001 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-21-12m and §11-21-25; to amend said code by adding thereto a new section, designated §11-24-10a; to amend said code by adding thereto a new article, designated §18-30A-1, §18-30A-2, §18-30A-3, §18-30A-4, §18-30A-5, §18-30A-6, §18-30A-7, §18-30A-8, §18-30A-9, §18-30A-10, §18-30A-11, §18-30A-12, §18-30A-13, §18-30A-14, §18-30A-15, and §18-30A-16, all relating generally to creating the West Virginia Jumpstart Savings Program; providing a short title; providing legislative findings; defining terms; requiring the program to be operable by a certain date; creating the West Virginia Jumpstart Savings Board; establishing requirements for board membership, appointment, and procedures; establishing the powers of the board; authorizing the board to promulgate legislative rules; establishing the duties and powers of the Treasurer related to the program; establishing the Jumpstart Savings Trust and Trust Fund and requirements for said fund; establishing the Jumpstart Savings Expense Fund and establishing requirements for said fund;

authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; establishing requirements for opening a Jumpstart Savings account and making deposits to an account; providing requirements for distributions from an account; providing when distributions from an account are treated as income for taxation purposes; specifying expenditures of account distributions that are qualified expenses; allowing a personal income tax decreasing modification for certain contributions to an account; allowing a personal income tax decreasing modification for distributions from an account used for qualified expenses; allowing a tax credit against personal income tax or corporate net income tax for certain matching contributions to accounts of employees; allowing a personal income tax decreasing modification for a rollover of distributions from a college savings account to a Jumpstart Savings account; allowing a personal income tax decreasing modification for a rollover of distributions from a Jumpstart Savings account to a West Virginia ABLE account; providing reporting and auditing requirements for the Jumpstart Savings Program; authorizing certain training and educational entities and employers to share information with the board and the Treasurer related to program participation; exempting certain personal information regarding program participants from disclosure under the state's Freedom of Information Act; limiting liability of the Treasurer related to the program; and requiring the board to promulgate certain legislative rules,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. B. 2012, Relating to public charter schools,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2012 - “A Bill to amend and reenact §18-5G-1, §18-5G-2, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-9, §18-5G-10, and §18-5G-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §18-5G-13, §18-5G-14, and §18-5G-15, all relating to public charter schools; providing for a liberal interpretation; prohibiting the conversion of private schools; prohibiting any sort of profit or monetary consideration by elected officials in relation to charter schools; limiting the authorization of public charter school; creating a process by which to appeal the authorizer’s decision to the West Virginia Board of Education; creating virtual public charter schools in West Virginia; establishing the West Virginia Professional Charter School Board; providing for members, appointments, and meetings; and making technical improvements and corrections,”

With the recommendation that the committee substitute do pass.

Resolutions Introduced

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

By Delegates McGeehan, J. Jeffries, Fast, Paynter, Hanna and Martin:

H. J. R. 14 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section fifty-one, article VI thereof, relating to the establishment of a general fund expenditure limit; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

By Delegates Steele, McGeehan, Howell and Higginbotham:

H. J. R. 15 - “Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof, relating to exempting honorably discharged veterans of the Armed Forces of the United States who have been determined to have a one hundred percent disability from ad valorem property taxation

on the full amount of assessed value of a primary residence and all personal property; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

By Delegate Bates:

H. J. R. 16 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, relating to imposing term limits for senators and delegates; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

By Delegate Foster:

H. J. R. 17 - “Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to exempting from ad valorem taxation personal property in the form of manufacturing inventory and manufacturing equipment; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2019 - “A Bill to amend and reenact §5B-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-2-1, §5B-2-2, §5B-2-3, §5B-2-3b, §5B-2-4, §5B-2-4a, §5B-2-5, §5B-2-6, §5B-2-6a, §5B-2-9a, §5B-2-10, §5B-2-14, §5B-2-15, §5B-2-16, and §5B-2-17 of said code; to amend and reenact §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7, and §5B-2I-8 of said code; to amend and reenact §5F-1-2 of said code; and to amend and reenact §5F-2-1 of said code, all relating to reorganizing and redesignating certain agencies of the Department

of Commerce; clarifying the divisions that report to the cabinet secretary of the Department of Commerce; removing the West Virginia Development Office from the Department of Commerce and redesignating the West Virginia Development Office as the Department of Economic Development; removing reference to the Division of Energy under the Department of Commerce; removing the West Virginia Tourism Office from the Department of Commerce and redesignating the West Virginia Tourism Office as the Department of Tourism; removing the Tourism Commission from the Department of Commerce and redesignating the Tourism Commission as the Tourism Advisory Council; redesignating the executive director of the Development Office as the secretary of the Department of Economic Development and providing for his or her appointment and term of office; providing that the Department of Economic Development will utilize existing resources of the Department of Commerce to the fullest extent practicable and efficient; providing that the Secretary of the Department of Economic Development may exempt employees from coverage under the state's classified service; providing that the Department of Economic Development is exempt from of §5A-3-1 *et seq.* of this code; redesignating the Development Office Promotion Fund as the Economic Development Promotion and Closing Fund and allowing further uses of such fund; redesignating the executive director of the Tourism Office as the secretary of the Department of Tourism and providing for his or her appointment and term of office; providing that the Department of Tourism will utilize existing resources of the Department of Commerce to the fullest extent practicable and efficient; providing that the Department of Tourism is exempt from §5A-3-1 *et seq.*; adding the Secretary of the Department of Economic Development to the membership of the Tourism Advisory Council; updating references to the secretary and Department of Economic Development; and updating references to the secretary and Department of Tourism"; to the Committee on Government Organization.

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

H. B. 2021 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-12E-

1, §29-12E-2, §29-12E-3, and §29-12E-4, all related to the creation of and the enactment and operation of the ‘West Virginia COVID-19 Immunity Act’; to provide for certain immunities from liability for claims regarding COVID-19; to provide for definitions; to provide for exceptions; to provide for a retroactive effective date; and to provide for severability”; to the Committee on the Judiciary.

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

H. B. 2023 - “A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2D-16a; to amend said code by adding thereto a new section, designated §23-1-1h; to amend and reenact §23-5-1, §23-5-3, §23-5-5, §23-5-6, §23-5-8, §23-5-9, §23-5-10, §23-5-11, §23-5-12, §23-5-13, §23-5-15, and §23-5-16 of said code; to amend said code by adding thereto a new section, designated §23-5-8a; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend and reenact §51-2-2 of said code; to amend and reenact §51-2A-24 of said code; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2021; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial vacancies in an Intermediate Court of Appeals; transferring jurisdiction over appeals of decisions of the Health Care Authority in certificate of need reviews from the Workers’ Compensation Office of Administrative Judges to the Intermediate Court of Appeals; transferring jurisdiction over objections filed in workers’ compensation claims from the Office of Judges to the Workers’ Compensation Board of Review; terminating the Office of Judges by a certain date and transferring all powers and duties, related to objections, from the Office of Judges to the Board of Review; providing that the Insurance Commissioner shall have administrative oversight and authority over the Board of Review; adding two members to the Board of Review; providing for

appointment of new Board of Review members; providing for the appointment of members of the board of review; authorizing the Board of Review to hire hearing examiners meeting certain qualifications and classified as attorneys; requiring the chair of the Board of Review to assign a member of the Board to each objection; requiring that all orders and decisions of the Board of Review pertaining to an objection be issued and signed by a single member of the Board of Review; permitting the Board of Review member assigned to an objection to delegate certain duties to a hearing examiner; establishing the administrative powers and duties of the Board of Review; increasing the limit on the annual salary of a Board of Review member; authorizing the Board of Review to promulgate rules of practice and procedure, and establishing a process therefor; establishing duties of the chair of the Board of Review; providing that the administrative expenses of the Board of Review shall be included in annual budget of the Insurance Commissioner; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals; establishing certain procedures and other requirements for appeals of Board of Review decisions made to the Intermediate Court of Appeals; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; requiring that appeal of contested cases under the State Administrative Procedures Act be made to the Intermediate Court of Appeals; excluding certain matters from jurisdiction of the circuit courts; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; creating an Intermediate Court of Appeals in West Virginia to be operational by a certain date; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring a three-judge panel for proceedings of each district of the Intermediate Court of Appeals; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; providing for and excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing that parties to an appeal in the Intermediate Court of Appeals shall have an opportunity for a full and meaningful review on the record of

the lower tribunal and an opportunity to be heard; establishing a procedure by which parties to an appeal in the Intermediate Court of Appeals may file a motion for direct review of an appeal by the Supreme Court of Appeals in extraordinary circumstances; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for the staggered initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing a process for the initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing for an initial election of judges to the Intermediate Court of Appeals; providing for the regular election of a judge to each district of the Intermediate Court of Appeals upon the expiration of a sitting judge's term; establishing procedures for the filling of vacancies in unexpired judicial terms by appointment and in certain circumstances, subsequent election; providing that the Governor's judicial appointments must be made from a list of candidates submitted by the Judicial Vacancy Advisory Commission and are subject to advice and consent of the Senate; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during the judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the Chief Judge of the Intermediate Court of Appeals to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the administrative director of the Supreme Court of Appeals; granting the

Intermediate Court of Appeals discretion to require oral argument; authorizing the administrative director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing that the Intermediate Court of Appeals shall issue written decisions as a matter of right; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing internal effective dates; removing obsolete language from the code; and making technical corrections to the code”; to the Committee on the Judiciary then Finance.

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

H. B. 2024 - “A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended, relating to telemedicine; to expand use of telemedicine to all medical personnel; to allow for audio-only telemedicine encounters; to ensure parity for telemedicine to match in-person coverage and fees; and to limit the ability of medical personnel professional licensure boards to restrict telemedicine beyond that of this section”; to the Committee on Health and Human Resources.

**By Delegates Hanshaw (Mr. Speaker), Cooper, Jennings,
Smith, J. Pack and Steele:**

H. B. 2303 - “A Bill to repeal §15-1G-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15-1G-10, relating to the West Virginia Service Decoration and West Virginia Service Cross”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

By Delegates Higginbotham and Hanna:

H. B. 2304 - “A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating to allowances

for instructional technology and for advanced placement, dual credit and international baccalaureate programs; increasing base allocation to each county for improving instructional technology; and changing basis of determining amount to be distributed to counties for enrollment in advanced placement and dual credit programs”; to the Committee on Education then Finance.

By Delegate Higginbotham:

H. B. 2305 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-26c, relating to creating a tax credit for hiring an ex-felon”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Higginbotham, Toney and Hanna:

H. B. 2306 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-39-1, relating to governmental websites; requiring municipalities to maintain websites with specific information available to the public at no charge; requiring information to be updated; and requiring updated information be provided to the Office of Technology”; to the Committee on Government Organization.

By Delegate Higginbotham:

H. B. 2307 - “A Bill to amend and reenact §3-10-7 of the Code of West Virginia, 1931, as amended, relating to requiring vacancies in the office of county commissioner be made from a list of three legally qualified persons submitted by the appropriate party’s county executive committee”; to the Committee on the Judiciary.

By Delegates Higginbotham, Toney, Hanna and Evans:

H. B. 2308 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to creation of the Business PROMISE+ Scholarship; establishing the scholarship under the management of the Higher Education Policy Commission; creating a special revenue account; explaining funding for the scholarship; authorizing the issuance of tax credits for certain businesses; authorizing legislative rules by the Higher Education Policy Commission and the Tax Commissioner; setting student eligibility; noting business benefits

and requirements; creating a process for awarding a specific amount of funds; detailing student requirements upon receipt of the scholarship; and requiring the creation of a deferral and waiver program for certain requirements”; to the Committee on Education then Finance.

By Delegates Higginbotham, Toney, Hanna and Anderson:

H. B. 2309 - “A Bill to amend and reenact §9A-1-10 of the Code of West Virginia, 1931, as amended, relating to requiring the Secretary of the Department of Veterans’ Assistance to prescribe methods of support for families of veterans to attend funeral services for deceased veterans, such as payment for travel expenses for members of the immediate family; and requiring rule-making”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Foster, Fast and Rowan:

H. B. 2310 - “A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f, and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6, and §62-7-6a, all relating to death penalty for first degree murder; procedures, standards, and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid (‘DNA’) testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence, and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been

executed; and providing for disposition of the body”; to the Committee on the Judiciary then Finance.

By Delegate Foster:

H. B. 2311 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-12d, relating to requiring prescriptions be made by electronic means; and providing exceptions”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2312 - “A Bill to amend and reenact §48-9-601 of the Code of West Virginia, 1931, as amended, relating to ensuring that legal or biological parents have equal access to any and all copies of birth registry forms submitted to the hospital by the mother, or any other person, for the purpose of registering the birth of the child with the West Virginia Vital Registration Office”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 2313 - “A Bill to amend and reenact §29-3D-2 of the Code of West Virginia, 1931, as amended, relating to reducing the number of hours of experience needed to qualify as a journeyman sprinkler fitter from 10,000 to 3,000”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2314 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18A-4-2d and §18A-4-4a, all relating to teacher salary enhancement; requiring that to qualify for certain additional salary provisions, the teacher’s earned master’s degree or graduate work toward or following obtaining a master’s degree, shall be in the field in which the teacher is teaching”; to the Committee on Education.

By Delegate Foster:

H. B. 2315 - “A Bill to amend and reenact §18C-7-6 and §18C-7-7 of the Code of West Virginia, 1931, as amended, relating to PROMISE Scholarship Program requirements; requiring repayment of scholarship if student is not employed in West

Virginia following graduation, under certain circumstances”; to the Committee on Education then Finance.

By Delegate Foster:

H. B. 2316 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-1-13a, relating to allowing access to the Department of Environmental Protection’s electronic submission system by all persons, as well as multiple persons involved in the submission of a specific application or other project by those persons involved in the project”; to the Committee on Government Organization.

By Delegates Foster, Fast, Lovejoy and Rowe:

H. B. 2317 - “A Bill to amend and reenact §49-4-112 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Health and Human Resources to pay the attorney fees of an adoptive parent in a subsidized adoption”; to the Committee on Health and Human Resources.

By Delegate Foster:

H. B. 2318 - “A Bill To repeal §21-1C-1, §21-1C-2, §21-1C-3, §21-1C-4, §21-1C-5, and §21-1C-6 of the Code of West Virginia, 1931, as amended, relating to repealing the West Virginia Jobs Act”; to the Committee on Government Organization.

By Delegates Foster and D. Jeffries:

H. B. 2319 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt; to amend said code by adding thereto a new section, designated §8-12-22; and to amend said code by adding a new section, designated §30-1-27, all relating to prohibiting the regulation and licensing of occupations by local government; declaring state authority to regulate trades, occupations, and professions; prohibiting regulation of occupations by county commissions; prohibiting municipalities from enacting or enforcing laws regulating trades, occupations, and professions; and preserving the authority of local governments to regulate certain projects, construction, and modifications, to be known as the ‘Statewide Uniform Licensing Act’”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2320 - “A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-5-50, relating to mandatory drug testing of all classes of employees in K through 12 schools”; to the Committee on Education then the Judiciary.

By Delegates Higginbotham, Foster, Fast and Martin:

H. B. 2321 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, §18-34-4, §18-34-5, §18-34-6, §18-34-7, §18-34-8, and §18-34-9, all relating to enacting an Educational Savings Account Program; providing a short title and definitions; providing basic elements of an educational savings account; application requirements; responsibilities of the Treasurer; establishing a Parent Review Committee; providing eligibility requirements for and rights of education service providers; including responsibilities of resident school districts; and addressing legal proceedings”; to the Committee on Education then Finance.

By Delegate Higginbotham:

H. B. 2322 - “A Bill to amend and reenact §46A-5-101 of the Code of West Virginia, 1931, as amended, relating to conforming the state Consumer Credit and Protection Act to the federal Fair Debt Collection and Practices Act”; to the Committee on the Judiciary.

By Delegates Higginbotham, Howell, J. Jeffries and Rohrbach:

H. B. 2323 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing a special vehicle registration plate for ‘2nd Amendment’ enthusiasts”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Foster, McGeehan and Toney:

H. B. 2324 - “A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to charging fees for municipal services and prohibiting municipalities from assessing fees to people on the basis of employment within the

municipal boundaries”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Foster:

H. B. 2325 - “A Bill to amend and reenact §30-27-10 of the Code of West Virginia, 1931, as amended, relating to removing the requirement of continuing education for barbers and cosmetologists”; to the Committee on Government Organization.

By Delegates Foster and Fast:

H. B. 2326 - “A Bill to amend and reenact §29-3B-3 of the Code of West Virginia, 1931, as amended, relating to exempting from licensure as an electrician a person who installs low voltage electrical wiring”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2327 - “A Bill to repeal §23-2-1d of the Code of West Virginia, 1931, as amended, relating to prime contractors liability for subcontractors failure to make proper payments for workers’ compensation coverage”; to the Committee on Workforce Development then the Judiciary.

By Delegates Foster and Fast:

H. B. 2328 - “A Bill to amend and reenact §61-3B-2 and §61-3b-3 of the Code of West Virginia, 1931, as amended, all relating to criminal trespass”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2329 - “A Bill to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to net metering; modifying method for determining rebate or discounts to customers; and requiring compliance with certain national codes”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Foster:

H. B. 2330 - “A Bill to amend and reenact §29A-1-3 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; eliminating the commissions exemption from rulemaking requirements in Chapter 29A”; to the Committee on Government Organization then the Judiciary.

By Delegates Foster and D. Jeffries:

H. B. 2331 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-21, relating to requiring that contractors performing work for government contracts on computers use software to verify the hours the contractor worked on the computer”; to the Committee on Workforce Development then Government Organization.

By Delegate Foster:

H. B. 2332 - “A Bill to repeal §30-19-2, §30-19-3, §30-19-4, §30-19-5, §30-19-6, §30-19-7, §30-19-8, §30-19-9, §30-19-10, §30-19-11, §30-19-12, §30-19-13, §30-19-14, §30-19-15, §30-19-16 and §30-19-17 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-1A-7; and to amend and reenact §30-19-1 of said code, all relating to terminating the State Board of Registration of Foresters; providing deadlines to wind up activities of the board; transferring the assets and records of the board to the Division of Forestry; creating a special fund; authorizing rule-making; and providing for the transfer and disposition of board assets and funds”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2333 - “A Bill to amend and reenact §30-27-5 of the Code of West Virginia, 1931, as amended, relating to restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products”; to the Committee on Government Organization.

By Delegates Foster and Howell:

H. B. 2334 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-27, relating to requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures undertaken or proposed to be undertaken”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2335 - “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, relating to increasing

the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor”; to the Committee on the Judiciary.

By Delegate Hanna:

H. B. 2336 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, and §18-2L-12; and to amend said code by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, and §18C-10-5, all relating generally to the establishment of the Katherine Johnson Academy as magnet school programs at colleges and universities in West Virginia; defining terms; creating a board of trustees to govern the Katherine Johnson Academy; providing for membership of the board of trustees, the selection of a chair, terms of the trustees, duties and responsibilities, setting of meetings, and establishing trustees to serve without compensation; authorizing the board of trustees to perform certain duties; providing for the appointment of a president; providing for collaboration agreements for the establishment of magnet school programs; providing for restrictions on the amount that may be charged for tuition, fees, room, board, and books; authorizing the establishment of residential programs and commuter programs at colleges and universities; establishing the Academy of Mathematics and Science and the Academy for the Performing Arts; requiring the board of trustees to select certain host institutions pursuant to a competitive bidding process; establishing certain minimum eligibility requirements for students; authorizing a host institution to determine admission and enrollment; requiring students accepted and admitted into a magnet school program to receive the PROMISE scholarship; providing for students to receive a scholarship from the Katherine Johnson Scholarship Fund; providing that no county board or college or university will be required to participate in this program; requiring the Katherine Johnson Academy, the State Board of Education, and the Higher Education Policy Commission to promulgate a joint rule for the administration of the Katherine Johnson Academy; establishing the Katherine Johnson Scholarship Fund; providing for state and

county support for the Katherine Johnson Scholarship Fund based upon per-pupil allocations; defining terms; and providing for rulemaking”; to the Committee on Education then Finance.

By Delegate Westfall:

H. B. 2337 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15F-1, §33-15F-2, §33-15F-3, §33-15F-4, §33-15F-5, §33-15F-6, and §33-15F-7, all relating to requiring medical insurance providers to include infertility services in their policies; making findings; providing for determination of infertility; providing prohibited and permissible limitations on coverage; requiring rule-making; establishing an effective date; providing for severability; and defining terms”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Westfall:

H. B. 2338 - “A Bill to amend and reenact §19-37-2 of the Code of West Virginia, 1931, as amended, relating to adding pasteurized milk and other dairy foods produced or processed in West Virginia to the list of items required to be purchased by all state-funded institutions, such as schools, colleges, correctional facilities, governmental agencies, and state parks; and authorizing the Commissioner of Agriculture to promulgate legislative rules to add additional products to the list”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Westfall:

H. B. 2339 - “A Bill to amend and reenact §61-2-15a of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for attacking an athletic official, and further defining the penalties for attacking an athletic official”; to the Committee on the Judiciary.

By Delegates Hanna, Haynes and Barnhart:

H. B. 2340 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to requiring compensation be made to certain members of the State Police for off-duty time when they are required to be on standby to be called back to work; requiring off-duty State Police

officers who are called back to work or appear in court be compensated a minimum amount; and providing a housing cost stipend for those officers who reside in, and are assigned to, one of the top five counties in median monthly housing costs”; to the Committee on Finance.

By Delegates Hanna and Haynes:

H. B. 2341 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid, for personal income tax purposes”; to the Committee on Education then Finance.

By Delegates Zatezalo and Anderson:

H. B. 2342 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-32-1, §22-32-2, §22-32-3, §22-32-4, §22-32-5, §22-32-6, and §22-32-7, all relating generally to establishing and implementing a program to decommission and reclaim wind and solar electrical generation facilities upon closure; making legislative findings; stating legislative purpose; providing a short title; defining terms; requiring the owners of a wind generation facilities and solar generation facilities to notify and provide certain information to the Department of Environmental Protection including dates when operations began and plans with cost estimates for decommissioning facilities; requiring DEP to determine and assess a reclamation bond based on a facility’s total disturbed acreage; establishing a minimum bond value of \$150,000; requiring the owners of said facilities to submit bonds payable to the state in a form and in a sum determined by the DEP, conditioned on the satisfactory decommissioning; providing that owners of said facilities may enter into alternative reclamation agreements after approval by the DEP; providing that the DEP may modify said plans after proper notification and appeals; providing exemptions from bond requirements for facilities with nameplate capacities of less than 0.5 megawatts; providing for administrative penalties for failure to submit decommissioning bonds of not more than \$10,000 for the first day and not more than \$500 for each additional day;

providing appellate rights to the Environmental Quality Board; providing transfer of ownership provisions; providing for amended plans for allowing reductions in bond amounts; providing that bond submission does not absolve owners from complying with other applicable regulations and requirements; establishing a ‘Wind and Solar Decommissioning Account’ within the Office of the West Virginia Treasurer in to which assessed penalties and accrued interest must be paid and held; providing that the account may only be used by the DEP to implement this article and adopted rules; providing that DEP shall administer this act using existing resources and the account; requiring the DEP to maintain and hold bonds or other surety received; providing for the release of bonds after the DEP is satisfied property has been properly decommissioned in accordance with the plan; providing for bond forfeiture when a facility is not properly decommissioned, if the deficiencies are not rectified; providing that the Office of Environmental Remediation or a private entity by contract may decommission facilities; providing that DEP may file suit to enforce permit and plan conditions and to recoup costs of reclamation; authorizing rulemaking; and providing effective dates”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate J. Pack:

H. B. 2343 - “A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, as amended, relating to adding emergency contact information to an individual’s driver or motorcycle license for contact in emergency situations”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate J. Pack:

H. B. 2344 - “A Bill to amend and reenact §30-10-10 and §30-10-11 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of ‘Registered Veterinary Technician’ from ‘Technician’ to ‘Nurse’”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Westfall, Hanna, Queen and Barrett:

H. B. 2345 - “A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to requiring

each county school board to employ at least one full time school nurse for each public school”; to the Committee on Education then Finance.

By Delegate Higginbotham:

H. B. 2346 - “A Bill to amend and reenact §16A-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-3-1 and §16A-3-5 of said code; and to amend and reenact §16A-13-3 of said code, all relating to the Medical Cannabis Act; adding definitions to ‘serious medical condition’; requiring rules related to use of edible medical cannabis; protecting patients from another state with medical cannabis in possession from arrest; and clarifying that colleges and private businesses shall be included in medical cannabis research programs”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Foster and D. Jeffries:

H. B. 2347 - “A Bill to amend and reenact §29-3B-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-3C-4 of said code; and to amend and reenact §29-3D-6 of said code; all relating to licensure qualifications and technical corrections”; to the Committee on Government Organization.

By Delegates Higginbotham, Hott and Martin:

H. B. 2348 - “A Bill to amend and reenact §11-10-14a of the Code of West Virginia, 1931, as amended, relating to allowing certain deductions to be made from individual personal income tax refunds; providing check-off for donations to the Make-A-Wish Foundation of Greater Pennsylvania and West Virginia for the purpose of granting wishes to children who reside in West Virginia and who have life-threatening medical conditions; to provide for disposition of such donated monies; to establish the Make-A-Wish Foundation of Greater Pennsylvania and West Virginia Fund as a special escrow fund in the State Treasury; to provide for the administration and use of moneys in the fund; to authorize the Tax Commissioner to make certain deposits into the fund; and to provide for reporting to the Joint Committee on Government and Finance”; to the Committee on Finance.

By Delegate Foster:

H. B. 2349 - “A Bill to amend and reenact §16-30-6 of the Code of West Virginia, 1931, as amended, relating to authorizing a medical power of attorney representative to sign a binding arbitration agreement with an extended care facility operated in conjunction with a hospital, an assisted living facility, a nursing home or their related entities and employees on behalf of an incapacitated person unless the representative’s authority is clearly limited”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 2350 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 2351 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-27, relating to events in municipalities licensed by the Alcoholic Beverage Control Commission”; to the Committee on Political Subdivisions then Government Organization.

By Delegate Higginbotham:

H. B. 2352 - “A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-52, relating to placing sections of political party platforms on the ballot for each primary election in a presidential election year”; to the Committee on the Judiciary.

By Delegates Higginbotham and Hanna:

H. B. 2353 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to establishing a tax credit for families who suffer the loss of a stillborn child”; to the Committee on Finance.

By Delegates Higginbotham and Toney:

H. B. 2354 - “A Bill to amend and reenact §3-1-9 of the Code of West Virginia, 1931, as amended, relating to political party committees; establishing that any elected state representative in the

West Virginia House of Delegates or the West Virginia State Senate are members of the political party upon election or appointment; permitting all elected or appointed officials to remain a member for the duration of their time in office; and permitting any elected or appointed representative to be elected as an officer for the political party committee”; to the Committee on the Judiciary.

By Delegates Higginbotham and Barrett:

H. B. 2355 - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §11-24-6c, relating to establishing a tax deduction against corporation net income tax for retail food distributors that donate certain surplus food products to school ‘backpack programs’ and school pantries; requiring rulemaking; defining terms”; to the Committee on Finance.

By Delegate Higginbotham:

H. B. 2356 - “A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to the use of medical cannabis; allowing medical cannabis to be dispensed as dry flower or plant flower and in edible forms; removing the restriction that medical cannabis not be dispensed in dry leaf or plant form; and removing the prohibition on smoking medical cannabis”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Higginbotham, Hott, Howell and Martin:

H. B. 2357 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all schools to instruct students on the Holocaust and other genocides”; to the Committee on Education then Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2358 - “A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates”; to the Committee on Finance.

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

H. B. 2359 - “A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates”; to the Committee on Finance.

Miscellaneous Business

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

- H. B. 2012:** Delegate Espinosa;
- H. B. 2031:** Delegate Storch;
- H. B. 2034:** Delegate Mandt;
- H. B. 2035:** Delegate Mandt;
- H. B. 2036:** Delegate Mandt;
- H. B. 2046:** Delegate Mandt;
- H. B. 2051:** Delegate Mandt;
- H. B. 2093:** Delegates Pack and Mandt;
- H. B. 2106:** Delegate Mandt;
- H. B. 2108:** Delegate Mandt;
- H. B. 2109:** Delegate Mandt;
- H. B. 2133:** Delegates Barach and Hansen;
- H. B. 2157:** Delegate Mandt;
- H. B. 2159:** Delegate Mandt;
- H. B. 2200:** Delegate Mandt;

H. B. 2204: Delegate Mandt;

And,

H. B. 2293: Delegates Barach and Hansen.

At 11:15 a.m., the House of Delegates adjourned until 1:00 p.m., Saturday, February 13, 2021.

Saturday, February 13, 2021

FOURTH DAY

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

The House of Delegates met at 1:00 p.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Friday, February 12, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

H. J. R. 2, Providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2019, Elevating Economic Development and Tourism Departments,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2011, Eliminating any time requirements for part time personnel to work during a working year,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2011 - "A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to eliminating any time requirements for temporary employees to work during a working year,"

With the recommendation that the committee substitute do pass.

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

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

H. B. 2266, Relating to expanding certain insurance coverages for pregnant women,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2266) was referred to the Committee on Finance.

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

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

H. B. 2263, Update the regulation of pharmacy benefit managers,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2263 – “A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-51-3, §33-51-8, and §33-51-9 of said code; and to amend said code by adding thereto a new section, designated §33-51-11, all relating generally to the regulation of pharmacy benefit managers; expanding certain definitions; regulating the reimbursements of pharmacy benefit managers; providing certain effective dates; defining certain methodologies utilized by pharmacy benefit managers; protecting consumer choice for pharmacies; setting guidelines for pharmacy benefit plans; and requiring rebates to be passed on to the consumer”,

With the recommendation that the committee substitute do pass.

Messages from the Executive

Legislative Rule-Making Review Committee Report

The following letter and report from Delegate Foster and Senator Sypolt, cochairs of the Legislative Rule-Making Review Committee, have been filed with the Clerk:

West Virginia Legislature
Legislative Rule-Making Review Committee

February 4, 2021

The Honorable Bruce Cassis
Clerk, West Virginia Senate
State Capitol
Charleston, WV 25305

The Honorable Steve Harrison
Clerk, West Virginia House of Delegates
State Capitol
Charleston, WV 25305

Gentlemen:

In accordance with the provisions of W.Va. Code, §29A-3-12, we have attached copies of the proposed legislative rules which have been submitted to and acted upon by the Legislative Rule-Making Review Committee, pursuant to the provisions of W.Va. Code, §29A-3-11, and which have not previously been submitted to the Legislature for study.

Also, attached is a report listing the proposed legislative rules considered by the Committee, and setting forth the recommendations of the Committee with respect to the proposed legislative rules. This letter also serves as a statement that a separate bill authorizing the promulgation of each proposed legislative rule has been drafted by the staff of the Legislative Rule-Making Review Committee.

In accordance with W.Va. Code, §29A-3-11, the draft bills are available for any member to introduce to the Legislature. The undersigned, as Co-Chairs of the Legislative Rule-Making Review Committee, are requesting that Senator Sypolt's name be placed on the draft bills as the sponsor in the Senate, and Delegate Foster's name be placed on the draft bills as the sponsor in the House of Delegates.

Thank you for your cooperation.

Sincerely,

Dave Sypolt, Chair
Senate

Geoff Foster, Chair
House of Delegates

Report of the Legislative Rule-Making Review Committee

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee
State Capitol
Charleston, West Virginia 25035

February 4, 2021

West Virginia Legislature
State Capitol
Charleston, West Virginia

Ladies and Gentlemen:

In accordance with the provisions of West Virginia Code, §29A-3-12, as chairpersons of the Legislative Rule-Making Review Committee we submit this report of its activities. A bill, in the form approved by the Committee, authorizing each of the proposed legislative rules below as submitted, as modified, as modified and amended, or as amended have been drafted by staff of the Legislative Rule-Making Review Committee pursuant to West Virginia Code §29A-3-11.

The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for promulgation by the respective agencies as submitted:

Agriculture, Department of
Animal Disease Control, 61 CSR 01 [H. B. 2446]

Agriculture, Department of
Inspection of Meat and Poultry, 61 CSR 16 [H. B. 2448]

Agriculture, Department of
Poultry Litter and Manure Movement into Primary Poultry
Breeder Rearing Areas, 61 CSR 28 [H. B. 2449]

Agriculture, Department of
WV Exempted Dairy Farms and Milk and Milk Products
Processing Rules, 61 CSR 40 [H. B. 2451]

DEP – Air Quality Board
Ambient Air Quality Standards, 45 CSR 08 [H. B. 2382]

DEP - Air Quality Board
Standards of Performance for New Stationary Sources, 45
CSR 16 [H. B. 2383]

- DEP – Air Quality Board
Control of Air Pollution from Combustion of Solid Waste,
45 CSR 18 [H. B. 2384]
- DEP – Air Quality Board
Control of Air Pollution from Municipal Solid Waste
Landfills, 45 CSR 23 [H. B. 2385]
- DEP – Air Quality Board
Acid Rain Provisions and Permits, 45 CSR 33 [H. B. 2386]
- DEP - Air Quality Board
Emission Standards for Hazardous Air Pollutants, 45 CSR
34 [H. B. 2387]
- DEP—Water Resources, Division of Water and Waste
Management
Hazardous Waste Management System, 33 CSR 20 [H. B.
2390]
- Fire Commission
Standards for the Certification and Continuing Education
of Municipal, County, and Other Public Sector Building
Code Officials, Building Code Inspectors and Plans
Examiners, 87 CSR 07 [H. B. 2442]
- Fire Marshal
Standards for the Certification and Continuing Education
of Municipal, County, and Other Public Sector Building
Code Officials, Building Code Inspectors and Plans
Examiners, 103 CSR 06 [H. B. 2443]
- Health and Human Resources, Department of
Hospital Licensure, 64 CSR 12 [H. B. 2428]
- Health Care Authority
Exemption from Certificate of Need, 65 CSR 29 [H. B.
2441]
- Highways, Division of
Traffic and Safety Rules, 157 CSR 05 [H. B. 2400]

Insurance Commission

Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters, 114 CSR 42 [H. B. 2411]

Livestock Care Standards Board

Livestock Care Standards, 73 CSR 01 [H. B. 2459]

Medicine, Board of

Registration to Practice During Declared States of Emergency, 11 CSR 14 [H. B. 2460]

Miner's Health Safety and Training, Office of

Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia, 56 CSR 08 [H. B. 2394]

Motor Vehicles, Department of

Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privileges, 91 CSR 05 [H. B. 2402]

Natural Resources, Division of

Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATV's and ORV's, 58 CSR 36 [H. B. 2395]

Natural Resources, Division of

Defining the Terms Used in All Hunting and Trapping, 58 CSR 46 [H. B. 2396]

Natural Resources, Division of

Special Migratory Game Bird Hunting, 58 CSR 56 [H. B. 2398]

Natural Resources, Division of

Special Waterfowl Hunting, 58 CSR 58 [H. B. 2399]

Occupational Therapy, Board of
Telehealth Practice; Requirements, Definitions, 13 CSR 09
[H. B. 2461]

Pharmacy, Board of
Licensure and Practice of Pharmacy, 15 CSR 01 [H. B.
2464]

Racing Commission
Greyhound Racing, 178 CSR 02 [H. B. 2416]

Rehabilitation Services, Division of
Ron Yost Personal Assistance Services Act Board, 198
CSR 01 [H. B. 2426]

Risk and Insurance Management, Board of
Mine Subsidence Insurance, 115 CSR 01 [H. B. 2423]

Risk and Insurance Management, Board of
Procedure for Providing Written Notification of Claims of
Potential Liability to the State or Its Employees, 115 CSR
05 [H. B. 2425]

State Emergency Response Commission
Emergency Planning and Community Right to Know, 55
CSR 01 [H. B. 2444]

State Emergency Response Commission
Emergency Planning Grant Program, 55 CSR 02 [H. B.
2445]

Tax Department
Downstream Natural Gas Manufacturing Investment Tax
Credit, 110 CSR 13GG [H. B. 2420]

The Committee submits to the Legislature the following proposed rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which were approved by the Committee with the modifications with the recommendation that the proposed rules be authorized for adoption by the respective agencies as modified:

- Agriculture, Department of
West Virginia Seed Law, 61 CSR 09 [H. B. 2447]
- Agriculture, Department of
Seed Certification Program, 61 CSR 39 [H. B. 2450]
- Alcohol Beverage Control Commission
Private Club Licensing, 175 CSR 02 [H. B. 2405]
- Alcohol Beverage Control Commission
Distilleries, Mini-Distilleries, and Micro-Distilleries, 175
CSR 10 [H. B. 2406]
- Auditor
Standards for Requisitions for Payment Issued by State
Officers on the Auditor, 155 CSR 01 [H. B. 2452]
- DEP – Air Quality Board
Control of Greenhouse Gas Emissions from Existing Coal-
Fired Electric Utility Generating Units, 45 CSR 44 [H. B.
2388]
- DEP—Water Resources, Division of Water and Waste
Management
Requirements Governing Water Quality Standards, 47
CSR 02 [H. B. 2389]
- DEP—Secretary’s Office
Voluntary Remediation and Redevelopment Rule, 60 CSR
03 [H. B. 2391]
- Development Office
Tourism Development Districts, 145 CSR 16 [H. B. 2392]
- Financial Institutions, Board of
Rule Pertaining to the Fintech Regulatory Sandbox, 106
CSR 21 [H. B. 2407]
- Funeral Service Examiners, Board of
Funeral Director, Embalmer, Apprentice, Courtesy Card
Holders and Funeral Establishments Requirements, 6 CSR
01 [H. B. 2453]

- Funeral Service Examiners, Board of
Crematory Requirements, 6 CSR 02 [H. B. 2454]
- Funeral Service Examiners, Board of
Fee Schedule, 6 CSR 07 [H. B. 2455]
- Health and Human Resources, Department of
Behavioral Health Centers Licensure, 64 CSR 11 [H. B.
2427]
- Health and Human Resources, Department of
Nursing Home Licensure, 64 CSR 13 [H. B. 2429]
- Health and Human Resources, Department of
Lead Abatement Licensing, 64 CSR 45 [H. B. 2430]
- Health and Human Resources, Department of
Emergency Medical Services, 64 CSR 48 [H. B. 2431]
- Health and Human Resources, Department of
Client Rights at State-Operated Mental Health Facilities,
64 CSR 59 [H. B. 2432]
- Health and Human Resources, Department of
Delegation of Medication Administration and Health
Maintenance Tasks to Approved Medication Assistive
Personnel, 64 CSR 60 [H. B. 2433]
- Health and Human Resources, Department of
Public Health Standards for Businesses Remaining Open
During the COVID-19 Outbreak, 64 CSR 114 [H. B. 2434]
- Health and Human Resources, Department of
Diabetes Self-Management Education, 64 CSR 115 [H. B.
2435]
- Health and Human Resources, Department of
West Virginia Clearance for Access, Registry, and
Employment Screening, 69 CSR 10 [H. B. 2436]

Health and Human Resources, Department of
Recovery Residence Certification and Accreditation
Program, 69 CSR 15 [H. B. 2437]

Health and Human Resources, Department of
Child Placing Agencies Licensure, 78 CSR 02 [H. B. 2438]

Health and Human Resources, Department of
Minimum Licensing Requirements for Residential Child
Care and Treatment Facilities for Children and
Transitioning Adults and Vulnerable and Transitioning
Youth Group Homes and Programs in West Virginia, 78
CSR 03 [H. B. 2439]

Health and Human Resources, Department of
Procedure to Contest the Substantiation of Child Abuse or
Neglect, 78 CSR 27 [H. B. 2440]

Hearing Aid Dealers, Board of
Rule Governing the West Virginia Board of Hearing Aid
Dealers, 8 CSR 01 [H. B. 2456]

Insurance Commission
Fingerprinting Requirements for Applicants for Insurance
Producer and Insurance Adjuster License, 114 CSR 02A
[H. B. 2408]

Insurance Commission
Insurance Adjusters, 114 CSR 25 [H. B. 2409]

Insurance Commission
Credit for Reinsurance, 114 CSR 40 [H. B. 2410]

Insurance Commission
Mental Health Parity, 114 CSR 64 [H. B. 2412]

Insurance Commission
Health Benefit Plan Network Access and Adequacy, 114
CSR 100 [H. B. 2413]

Landscape Architects, Board of
Registration of Landscape Architects, 9 CSR 01 [H. B.
2457]

- Landscape Architects, Board of
Application for Waiver of Initial Licensing Fees for
Certain Individuals, 9 CSR 04 [H. B. 2458]
- Lottery Commission
West Virginia Lottery Interactive Wagering Rule, 179 CSR
10 [H. B. 2418]
- Motor Vehicles, Department of
Examination and Issuance of Driver's License, 91 CSR 04
[H. B. 2401]
- Motor Vehicles, Department of
Compulsory Motor Vehicle Liability Insurance, 91 CSR 13
[H. B. 2403]
- Motor Vehicles, Department of
Special Purpose Vehicles, 91 CSR 25 [H. B. 2404]
- Municipal Pensions Oversight Board
Exempt Purchasing, 211 CSR 02 [H. B. 2414]
- Natural Resources, Division of
Deer Hunting Rule, 58 CSR 50 [H. B. 2397]
- Osteopathic Medicine, Board of
Licensing Procedures for Osteopathic Physicians, 24 CSR
01 [H. B. 2462]
- Osteopathic Medicine, Board of
Emergency Temporary Permits to Practice During States
of Emergency or States of Preparedness, 24 CSR 09 [H. B.
2463]
- Pharmacy, Board of
Uniform Controlled Substances Act, 15 CSR 02 [H. B.
2465]
- Pharmacy, Board of
Board of Pharmacy Rules for Continuing Education for
Licensure of Pharmacists, 15 CSR 03 [H. B. 2466]

Pharmacy, Board of

Licensure of Wholesale Drug Distributors, Third Party Logistics Providers and Manufacturers, 15 CSR 05 [H. B. 2467]

Pharmacy, Board of

Controlled Substances Monitoring Program, 15 CSR 08 [H. B. 2468]

Pharmacy, Board of

Board of Pharmacy Rules for Immunizations Administered by Pharmacists and Pharmacy Interns, 15 CSR 12 [H. B. 2469]

Physical Therapy, Board of

General Provisions for Physical Therapist and Physical Therapist Assistants, 16 CSR 01 [H. B. 2470]

Physical Therapy, Board of

Fees for Physical Therapist and Physical Therapist Assistant, 16 CSR 04 [H. B. 2471]

Physical Therapy, Board of

General Provisions for Athletic Trainers, 16 CSR 05 [H. B. 2472]

Physical Therapy, Board of

Fees for Athletic Trainers, 16 CSR 06 [H. B. 2473]

Professional Surveyors, Board of

Examination and Licensing of Professional Surveyors in West Virginia, 23 CSR 01 [H. B. 2474]

Racing Commission

Thoroughbred Racing, 178 CSR 01 [H. B. 2415]

Racing Commission

Advance Deposit Account Wagering, 178 CSR 10 [H. B. 2417]

Real Estate Commission

Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business, 174 CSR 01 [H. B. 2475]

Respiratory Care, Board of

Criteria for Licensure, 30 CSR 01 [H. B. 2476]

Risk and Insurance Management, Board of

Public Entities Insurance Program, 115 CSR 02 [H. B. 2424]

Secretary of State

Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Election Systems, Software, Services and Upgrades, 153 CSR 10 [H. B. 2477]

Secretary of State

Guidelines and Standards for Electronic Notarization, 153 CSR 45 [H. B. 2478]

Senior Services, Bureau of

Shared Table Initiative for Senior Citizens, 76 CSR 06 [H. B. 2479]

Tax Department

Tax Credit for Providing Vehicles to Low-Income Workers, 110 CSR 13FF [H. B. 2419]

Tax Department

High Wage Growth Business Tax Credit, 110 CSR 13II [H. B. 2421]

The Committee submits the following legislative rule which was approved by the Committee in accordance with the provisions of West Virginia Code, §29A-3-11, with the recommendation that the proposed rule be authorized for promulgation by the respective agency with amendments:

Administration

Purchasing, 148 CSR 01 [H. B. 2422]

Labor, Division of

Steam Boiler Inspection, 42 CSR 03 [H. B. 2393]

Resolutions Introduced

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Higginbotham and Hanna:

H. J. R. 18 - “Proposing an amendment to the Constitution of the State of West Virginia, amending article VI, section 22 thereof, relating to creating split legislative regular sessions; naming the amendment; and providing a summarized statement of the purpose of such proposed amendment; to the Committee on Government Organization then the Judiciary.

Bills Introduced

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

By Delegates Pushkin, Skaff, Williams, Young, Barach, Rowe, Lovejoy and Walker:

H. B. 2360 - “A Bill to amend and reenact §61-2-1 and §61-2-2 of the Code of West Virginia, as amended, all relating to modifying the definition of first-degree murder to including the killing of a police officer or corrections officer in the line of duty and adding a mandatory life sentence without the possibility of parole for such a killing, to be known as the ‘Cassie Johnson Act’”; to the Committee on the Judiciary.

By Delegates Keaton, L. Pack, Pinson, Burkhammer, Haynes and B. Ward:

H. B. 2361 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-2-23, relating to creating an approval process by a judge of contingent fee arrangements for civil litigation; and restricting or prohibiting approval for contingent fee arrangements in instances where there

is an improbable or inconceivable likelihood of recovery for the client”; to the Committee on the Judiciary.

By Delegates Zukoff, Hornbuckle, Thompson, Cooper, Toney, Higginbotham and Ellington:

H. B. 2362 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to implementation of trauma-informed practices in schools; providing for an effective date; providing for training; providing definition of trauma-informed practices; providing for disciplinary considerations in light of trauma-informed practices; providing for a culture of acceptance among educational professionals relating to trauma-informed practices within the school; and providing for rulemaking”; to the Committee on Education.

By Delegates Foster, Summers, Storch, Phillips, Steele, Sypolt, Pinson, McGeehan, J. Jeffries, D. Jeffries and Rowan:

H. B. 2363 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto five new sections, designated §48-1-217a, §48-1-239a, §48-1-241a, §48-1-241b, and §48-9-204a; to amend and reenact §48-1-210, §48-1-218, §48-1-219, §48-1-220, §48-1-239, §48-1-241, §48-1-303, §48-9-101, §48-9-102, §48-9-201, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-208, §48-9-209, §48-9-301, §48-9-401, §48-9-402, §48-9-403, §48-9-601, §48-9-602 and §48-9-603 of said code, all relating to ‘Best Interests of the Child Protection Act of 2021’; defining ‘shared legal custody’, ‘shared physical custody’; establishing the presumption that co-equal shared legal and physical custody of children, and the maintaining of sibling, including half-sibling, relationships through co-equal shared legal and physical custody of children in cases of divorce to be in the best interests of the children and families; requiring that temporary parenting plans, parenting plans, modifications to parenting plans and parental relocations consider the presumption of co-equal shared legal and physical custody is in the best interests of a child; to require courts to consider such presumption of co-equal shared legal and physical custody being in the best interests of a child when determining significant parental decision making responsibility, legal and

physical custody and parenting time allocation; to establish certain procedural safeguards in the judicial review and allocation of parenting plans; and establish both parents' rights to school and medical records of their children, all relating generally to the public policy recognition and preservation of the fundamental constitutional rights of all parents to raise their own children and that it is presumptively in the best interest of children to be raised by both of their parents equally"; to the Committee on the Judiciary.

By Delegates Smith, Martin and Mandt:

H. B. 2364 - "A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to possessing deadly weapons on premises of educational facilities; and authorizing teachers in elementary or secondary schools to carry concealed firearms and be designated as a school protection officer"; to the Committee on Education then the Judiciary.

By Delegate Smith:

H. B. 2365 - "A Bill to amend and reenact §61-11-6 of the Code of West Virginia, 1931, as amended, relating to certain persons who are accessories to a crime before or after the fact; providing that no person who is a domestic partner to a felony offender may be deemed an accessory after the fact; removing prohibition that a servant of an offender may not be deemed an accessory after the fact; providing that an accessory to a felony who is the brother or sister, parent or grandparent, or child or grandchild of the principal offender is guilty of a misdemeanor; providing that an accessory to a misdemeanor is a misdemeanor; and providing penalties"; to the Committee on the Judiciary.

By Delegates Foster, Espinosa, Steele, Graves, Martin and Hardy:

H. B. 2366 - "A Bill to amend and reenact §29A-3-11 of the Code of West Virginia, 1931, as amended, relating to requiring agencies who have approved a proposed rule that affects fees or other special revenues to provide to the committee a fiscal note that includes the fund name, the fund number, and the past five years of the fund's revenues and expenses"; to the Committee on Government Organization.

By Delegates Foster, Espinosa, Hanna, Smith, Burkhammer and Hardy:

H. B. 2367 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-8-1b, relating to ensuring that qualified homeschool graduates are given the same postsecondary educational and career opportunities as those in public, private, or parochial schools”; to the Committee on Education.

By Delegates D. Jeffries, Summers, Tully, J. Pack, Rohrbach, Ellington, Steele, Espinosa, Linville and Howell:

H. B. 2368 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3 and §61-63-4, all relating to preserve the religious liberty and other rights during COVID-19 pandemic of patients to have visitation by clergy and family and to protect hospitals, residential and inpatient health care facilities from costly lawsuits and administrative complaints that could potentially arise by allowing patients such visitation”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Howell, B. Ward, Paynter, Barrett, Martin, Phillips, Mandt, Statler, J. Pack, Miller and D. Jeffries:

H. B. 2369 - “A Bill to amend and reenact §11A-1-3 of the Code of West Virginia, as amended, relating to allowing for monthly payments on current real and personal property taxes, with a mechanism to allow for minor charges for those that take advantage of spreading these taxes out over many months”; to the Committee on Finance.

By Delegates Howell, B. Ward, Paynter, Martin, Phillips, Mandt, J. Pack, Pinson, Miller, Sypolt and Kimes:

H. B. 2370 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to exempting sewer charges for swimming pools; requiring the owner of the pool to provide the dimensions of a pool that is being filled with water; requiring the Public Service District to calculate the volume of the pool and allow an individual to use that amount of water for filling the pool without being charged for the corresponding sewer charges, as the water does not go to the

sewer; and allowing the Public Service District to inspect the pool in order to verify the dimensions”; to the Committee on the Judiciary.

By Delegates Howell, B. Ward, Paynter, Barrett, Martin, Phillips, Mandt, Statler, Pinson, Miller and Sybolt:

H. B. 2371 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-6-12, relating to prohibiting the use of ‘script’ as change to a consumer unless the consumer gives consent”; to the Committee on the Judiciary.

By Delegates Howell, B. Ward, Paynter, Barrett, Martin, Phillips, Mandt, Statler, J. Pack, Graves and Pinson:

H. B. 2372 - “A Bill to amend and reenact §3-8-5e of the Code of West Virginia, 1931, as amended, relating to modifying the date to file pre-candidacy registration papers to the day after a general election is held”; to the Committee on the Judiciary.

By Delegates Howell, B. Ward, Paynter, Barrett, Martin, Phillips, Mandt, Statler, J. Pack, Graves and Pinson:

H. B. 2373 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-10-1, §5B-10-2, §5B-10-3, and §5B-10-4, all relating to creating the Home-Based Business Fairness Act; to expanding opportunities for home based businesses across the State of West Virginia; to limiting what particular businesses may be operated; and further defining what employees and regulations such businesses may operate under”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegates Howell, B. Ward, Paynter, Martin, Mandt, Statler, J. Pack, Pinson, Miller, D. Jeffries and J. Jeffries:

H. B. 2374 - “A Bill to amend and reenact §17A-3-3a of the Code of West Virginia, 1931, as amended, relating to requiring the proof of payment of personal property taxes on mobile homes as a prerequisite to motor vehicle registration or renewal”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Hott, Howell, B. Ward, Jennings, Rowan, Martin, Phillips, Statler, Miller, Sypolt and D. Jeffries:

H. B. 2375 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-19-1, §20-19-2, §20-19-3, §20-19-4, and §20-19-5, all relating to the Mount Storm merchant power plant in Grant County, West Virginia owned by Dominion Energy, in order to provide a means by which the State of West Virginia and Dominion Energy can come to an agreement of the value of the lake, dam and surrounding property owned by Dominion Energy; in lieu of any state tax liability owed to the State of West Virginia, and based on the agreed value of Mount Storm Lake, Dominion Energy shall have a process by which to transfer ownership of the lake, dam and surrounding property owned by Dominion Energy to the State of West Virginia in order to cover the cost of those taxes; the State of West Virginia may retain the land it received from Dominion Energy in order to build a state park/lodge similar to Stonewall Jackson State Park, but the remaining buffer land to the water line must be sold at auction in either lot form or to developers - not just one developer; the State of West Virginia shall retain the right of ways allowing for land of developable size between the right of way and the lake shore; and the State of West Virginia shall preserve certain private property owners around the lake, who have been given access by Dominion Energy to the lake by ensuring that these access points remain if the state purchases the lake, as a right of way”; to the Committee on Government Organization.

By Delegates Smith, Ellington, J. Jeffries, Horst, Paynter, Steele, Phillips, Longanacre, Nestor, Toney and Clark:

H. B. 2376 - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended; relating to allowing the concealed carry of firearms on and in Capitol grounds”; to the Committee on the Judiciary.

By Delegates Westfall and Hott:

H. B. 2377 - “A Bill repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b,

§61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f, and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6, and §62-7-6a, all relating to death penalty for first degree murder; procedures, standards and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing for automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid ('DNA') testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body"; to the Committee on the Judiciary.

By Delegates Westfall, Queen and Hott:

H. B. 2378 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-20, relating to providing enhanced criminal penalties for offenses committed against law-enforcement officers or first responders; and defining first responders"; to the Committee on the Judiciary.

By Delegates Westfall, Queen and Hott:

H. B. 2379 - "A Bill to amend and reenact §61-8-28 of the Code of West Virginia, 1931, as amended, relating to the offense of criminal invasion of privacy by visual portrayal; changing the offense from a misdemeanor to a felony and increasing the penalties for this offense"; to the Committee on the Judiciary.

By Delegates Westfall, Queen and Hott:

H. B. 2380 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-29-19, relating to banning convicted sex offenders from operating buses, limousines, amusement rides and taxicabs, including

Uber/Lyft ride-sharing services”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 2381 - “A Bill to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, as amended, relating to authorizing the suspension or dismissal of school personnel who retaliate against a student or parent who has made a complaint against teacher or school personnel for inappropriate or abusive behavior”; to the Committee on Education.

By Delegate Foster:

H. B. 2382 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2383 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2384 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2385 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from municipal solid waste landfills”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2386 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to acid rain provisions and permits”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2387 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2388 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of greenhouse gas emissions from existing coal-fired electric utility generating units”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2389 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2390 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2391 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a

legislative rule relating to the voluntary remediation and redevelopment rule”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2392 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Commerce to promulgate a legislative rule relating to tourism development districts”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2393 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to high pressure steam boiler and forced flow steam generator requirements”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2394 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners’ Health, Safety, and Training to promulgate a legislative rule relating to rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2395 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest trail system two year pilot program permitting ATV’s and ORV’s”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2396 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2397 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting rule”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2398 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2399 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2400 - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety rules”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2401 - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver’s license”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2402 - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals, and reinstatement of driving privileges”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2403 - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to compulsory motor vehicle liability insurance”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2404 - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to special purpose vehicles”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2405 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2406 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to distilleries, mini-distilleries, and micro-distilleries”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2407 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Financial Institutions to promulgate a legislative rule relating to the Fintech Regulatory Sandbox Program”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2408 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to fingerprinting requirements for applicants for insurance

producer and insurance adjuster license”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2409 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance adjusters”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2410 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2411 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to continuing education for individual insurance producers and individual insurance adjusters”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2412 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to mental health parity”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2413 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to health benefit plan network access and adequacy”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2414 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Municipal Pensions Oversight Board to promulgate a legislative

rule relating to exempt purchasing”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2415 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2416 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to greyhound racing”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2417 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to advance deposit account wagering”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2418 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia lottery interactive wagering rule”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2419 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to tax credit for providing vehicles to low-income workers”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2420 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to

downstream natural gas manufacturing investment tax credit”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2421 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to high-wage growth business tax credit”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2422 - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to purchasing”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2423 - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to mine subsidence insurance”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2424 - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to public entities insurance program”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2425 - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to procedures for providing written notification of claims of potential liability to the state or its employees”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2426 - “A Bill to amend and reenact §64-4-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Division of Rehabilitation Services to promulgate a legislative rule relating to Ron Yost Personal Assistance Services Act Board”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2427 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to behavioral health centers licensure”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2428 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2429 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to nursing home licensure”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2430 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to lead abatement licensing”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2431 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2432 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to client rights at state-operated mental health facilities”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2433 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to delegation of medication administration and health maintenance tasks to approved medication assistive personnel”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2434 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public health standards for businesses remaining open during the COVID-19 outbreak”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2435 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to diabetes self-management education”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2436 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to West Virginia clearance for access, registry, and employment screening”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2437 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Department of Health and Human Resources to promulgate a legislative rule relating to the recovery residence certification and accreditation program”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2438 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child placing agencies licensure”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2439 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2440 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to procedure to contest the substantiation of child abuse or neglect”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2441 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to exemption from certificate of need”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2442 - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire

Commission to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2443 - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Marshal to promulgate a legislative rule relating to standards for the certification and continuing education municipal, county, and other public sector building code officials, building code inspectors, and plans examiners”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2444 - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Emergency Response Commission to promulgate a legislative rule relating to emergency planning and community right to know”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2445 - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Emergency Response Commission to promulgate a legislative rule relating to emergency planning grant program”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2446 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2447 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule

relating to West Virginia Seed Law”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2448 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2449 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2450 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to seed certification program”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2451 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to WV exempted dairy farms and milk and milk products processing rules”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2452 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Auditor to promulgate a legislative rule relating to standards for requisitions for payment issued by State Officers on the Auditor”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2453 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders and funeral establishment requirements”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2454 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2455 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to fee schedule”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2456 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to rule governing the West Virginia Board of Hearing Aid Dealers”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2457 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Landscape Architects to promulgate a legislative rule relating to registration of landscape architects”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2458 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Landscape Architects to promulgate a legislative rule

relating to application for waiver of initial licensing fees for certain individuals”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2459 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Livestock Care Standards Board to promulgate a legislative rule relating to livestock care standards”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2460 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to registration to practice during declared state of emergency”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2461 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to telehealth practice; requirements, definitions”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2462 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2463 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to emergency temporary permits to practice during states of emergency or states of preparedness”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2464 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2465 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Uniform Controlled Substances Act”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2466 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to board of pharmacy rules for continuing education for licensure of pharmacists”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2467 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure of wholesale drug distributors, third party logistics providers, and manufacturers”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2468 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring program”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2469 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to

board of pharmacy rules for immunizations administered by pharmacists and pharmacy interns”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2470 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for physical therapist and physical therapist assistants”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2471 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist assistants”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2472 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for athletic trainers”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2473 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for athletic trainers”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2474 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to examination and licensing of professional surveyors in West Virginia”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2475 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2476 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Respiratory Care to promulgate a legislative rule relating to criteria for licensure”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2477 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to loan and grant programs under the Help America Vote Act (HAVA) for the purchase of voting equipment, election systems, software, services and upgrades”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2478 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to guidelines and standards for electronic notarization”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2479 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Bureau of Senior Services to promulgate a legislative rule relating to shared table initiative for senior citizens”; to the Committee on Government Organization.

Special Calendar**First Reading**

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

Com. Sub. for H. B. 2001, Relating generally to creating the West Virginia Jumpstart Savings Program,

Com. Sub. for H. B. 2002, Relating to Broadband,

Com. Sub. for H. B. 2004, Permit a licensed health care professional from another state to practice in this state through telehealth when registered with the appropriate West Virginia board,

Com. Sub. for H. B. 2005, Relating to health care costs,

Com. Sub. for H. B. 2006, Relating to the West Virginia Contractor Licensing Act,

Com. Sub. for H. B. 2012, Relating to public charter schools,

Com. Sub. for H. B. 2014, Relating to role of the Legislature in appropriating federal funds,

Com. Sub. for H. B. 2015, Requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency,

H. B. 2262, Relating to the controlled substance monitoring database,

And,

Com. Sub. for H. B. 2264, Hospital exemptions from certificate of need.

A moment of silence was held in memory of former Delegate Dave Higgins.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving a committee report.

Committee Reports

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

Your Committee on Education has had under consideration:

H. J. R. 1, Supervision of Free Schools Modification Amendment,

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

In accordance with the former direction of the Speaker, the resolution (H. J. R. 1) was referred to the Committee on the Judiciary.

Miscellaneous Business

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

H. B. 2013: Delegates Espinosa, Horst and Clark;

H. B. 2031: Delegates Queen and Westfall;

H. B. 2079: Delegate Toney;

H. B. 2121: Delegate Young;

H. B. 2263: Delegates Bates and Walker;

H. B. 2293: Delegate Young;

H. B. 2368: Delegate Pack;

And,

H. J. R. 12: Delegates Doyle and Young.

At 1:13 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 15, 2021.

Monday, February 15, 2021

SIXTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Saturday, February 13, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Summers announced that the Committee on Rules had moved Com. Sub. for H. B. 2002, Com. Sub. for H. B. 2004, Com. Sub. for H. B. 2014 and Com. Sub. for H. B. 2015 on Second Reading, Special Calendar to the House Calendar; and H. J. R. 2 on First Reading, Special Calendar, to the House Calendar.

Committee Reports

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

By Delegates Higginbotham, Horst and Longanacre:

H. B. 2536 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-5-45a, relating to expressions of legislative intent regarding equivalent instruction time and its intended use per §18-5-45; disallowing application and use when days lost due to concerted work stoppage or strike; requiring county board to withhold pay of assigned employees when school closed temporarily due to concerted work stoppage or strike; providing for subsequent application of withheld pays when certain conditions are met; providing

disposition of funds withheld and not so applied; and prohibiting school's participation in extracurricular activities during any part of a day it is closed due to concerted work stoppage or strike.”

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

Your Committee on Government Organization has had under consideration:

H. B. 2007, Provide for occupational licenses or other authorization to practice by recognition for qualified applicants from other states,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2007 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-17-5, §21-17-6, §21-17-7, §21-17-8, §21-17-9, §21-17-10, §21-17-11, §21-17-12, and §21-17-13; to amend said code by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, §29-33-4, §29-33-5, §29-33-6, §29-33-7, §29-33-8, §29-33-9, §29-33-10, §29-33-11, §29-33-12, and §29-33-13; to amend said code by adding thereto a new article, designated §30-1F-1, §30-1F-2, §30-1F-3, §30-1F-4, §30-1F-5, §30-1F-6, §30-1F-7, §30-1F-8, §30-1F-9, §30-1F-10, §30-1F-11, §30-1F-12, and §30-1F-13, all relating to occupational licensing or other authorization to practice; providing for definitions; providing for an application method for persons with a valid license in another state to be licensed in this state; providing that a person applying for licensure in this state has worked in the licensed occupation for at least one year; providing for other criteria a person must satisfy when applying for licensure in this state; establishing that an applicant seeking licensure in this state not have ever had a license revoked or suspended in another state; providing that an applicant seeking licensure in this state not have any pending investigations or disciplinary proceedings in another state; providing that the boards in every state where a person is licensed hold the applicant in good standing for licensure

in this state; providing that an applicant pay all applicable fees; providing that an applicant meet all state bonding requirements for licensure in this state; providing for an application fee that may be assessed by the board; providing for 60 days for a board to take action on a completed application; providing for an appeal mechanism for a person to appeal any decision of a board relating to occupational licensure; providing for state law preemption against any township, municipality, county, or other government to regulate occupational licensure; and providing for rulemaking authority to any board affected to carry out the provisions of the article,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2013, Relating to the Hope Scholarship Program,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2013 - “A Bill to amend and reenact §18-8-1 and §18-8-1a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9A-25,; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10, §18-31-11, §18-31-12, and §18-31-13, all relating to establishing the Hope Scholarship Program; providing for a short title and definitions; establishing the framework for the scholarship and establishing guidelines; creating the West Virginia Hope Scholarship Board and providing for membership qualifications therein; creating a process for awarding scholarships; establishing funding mechanisms for the scholarships; establishing qualified expense requirements; creating a renewal process for the scholarship; creating an administration process for the scholarships; establishing an

auditing mechanism for the scholarships and potential suspension system for providers; creating requirements and right of education service providers; establishing responsibilities of resident school districts; and providing for legal proceedings and severability,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2358, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2358 - “A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates,”

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 2358) was taken up for immediate consideration, read a first time and ordered to second 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. 2**), 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: Fleischauer, Higginbotham and Linville.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 3**), 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: Fleischauer, Higginbotham and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2358) passed.

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

On this question, the yeas and nays were taken (**Roll No. 4**), 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: Fleischauer, Higginbotham and Linville.

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. 2358) 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.

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

Your Committee on Finance has had under consideration:

H. B. 2359, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 2359) was taken up for immediate consideration and read a first time and ordered to second 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. 5**), 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: Fleischauer, Higginbotham and Linville.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 6**), 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: Fleischauer, Higginbotham and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2359) passed.

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

On this question, the yeas and nays were taken (**Roll No. 7**), 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: Fleischauer, Higginbotham and Linville.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2359) 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.

Resolutions Introduced

Delegates Holstein, Wamsley, Kimble, Mazzocchi, Barnhart, Hanna, Ferrell, Keaton, Mandt, Zatezalo, Bridges, Haynes, Horst, Longanacre, Sypolt and B. Ward offered the following resolution, which was read by its title and referred to the Committee on Veterans' Affairs and Homeland Security then Rules:

H. R. 7 - "Condemning calls to Defund the Police."

Whereas, The State of West Virginia is established on the rule of law, which upholds the founding principles of our nation; Life, Liberty, and the Pursuit of Happiness; and

Whereas, The House of Delegates of the West Virginia Legislature, recognizes imperfections that exist within law enforcement and every other institution in the great state of West

Virginia. We further recognize the importance of the work of our law enforcement officers across the state and nation; and

Whereas, Law enforcement officers are entrusted by the public to uphold and enforce the law. Law enforcement officers who abuse their positions, engage in corruption, employ excessive force, or exhibit bias betray the public trust and undermine the rule of law; and

Whereas, The duties of law enforcement officers place these individuals in harm's way more often than the average citizen; and

Whereas the state of West Virginia recognizes there is a culture of anti-law enforcement bias in this nation that must be condemned, but defunding the police would leave police departments lacking staff, underpaid, and underequipped, while also increasing the risk of unattended crime to communities throughout West Virginia; therefore, be it

Resolved by the House of Delegates:

That the State of West Virginia condemns all calls to Defund the Police across the nation, and in states, and localities.

Motions

Delegate Bates moved that Com. Sub. for H. B. 2001 be committed to the Committee on Finance.

On this motion, the same was put and did not prevail.

Bills Introduced

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

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

H. B. 2018 - "A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-6C-11a; to amend and reenact §31-15-8 of said code; and to amend said code by

adding thereto a new section, designated §31-15-8a, all relating generally to economic development loans and loan insurance issued by the state; clarifying provision stating that the Board of Treasury Investments has no fiduciary duty with regard to economic development loans administered by the Economic Development Authority; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority and providing that such records shall not be considered public records and shall be exempt from disclosure pursuant to the provisions of Chapter 29B of the code; defining terms; limiting the total amount of loan moneys that the board shall make available to the authority for the broadband loan insurance program to \$80 million; establishing requirements that must be met before broadband loan insurance moneys will be made available to the authority; providing that the board shall maintain broadband loan insurance loan moneys in a separate account in the Consolidated Fund; providing that broadband loan insurance moneys may only be drawn upon in the event of a broadband provider default on an insured debt or security instrument; limiting the amount of loan insurance that the authority may award in a single year to a single broadband provider to \$20 million; clarifying that the authority may not deduct administrative or operational costs from broadband loan insurance loan moneys; setting forth requirements that must be met before the authority may draw on broadband loan insurance moneys in the event of a broadband provider's default; requiring the authority to submit quarterly reports to the Joint Committee on Government and Finance and to the Governor containing certain information related to its loan insurance program; requiring the authority to make application forms for broadband loan insurance publicly available on its website; establishing the minimum information an applicant for broadband loan insurance shall be required to submit to the authority; establishing minimum criteria that the authority must consider in its broadband loan insurance application review process; establishing that the authority may provide loan insurance for eligible broadband providers pursuant to awards made by federally funded broadband expansion programs; providing that the authority may not issue loan insurance to a broadband provider

that has previously defaulted on any debt or security instrument insured by the authority; requiring the authority to post certain information regarding loan insurance agreements on its website; requiring the authority to adhere to certain accounting and record-keeping practices; requiring the authority to submit quarterly reports to the Board of Treasury Investments, the Joint Committee on Government and Finance, and the Governor containing certain information on insured loans and broadband projects financed by insured loans; requiring a biennial legislative audit of the broadband loan insurance program; removing obsolete language; and making technical corrections”; to the Committee on Finance.

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

H. B. 2020 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, §21-5I-6, and §21-5I-7, all relating to the West Virginia Employment Law Worker Classification Act; and clarifying definition of ‘independent contractor’”; to the Committee on the Judiciary.

By Delegates Foster and Hanna:

H. B. 2480 - “A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to state boards of examination or registration; and requiring Treasurer to transfer certain funds accumulated by the boards into the State General Fund”; to the Committee on Government Organization then Finance.

By Delegate Foster:

H. B. 2481 - “A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, 1931, as amended, relating to removing and modifying certain requirements for employers related to wages for construction of public improvements”; to the Committee on Workforce Development then Government Organization.

By Delegate Foster:

H. B. 2482 - “A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to clarifying that municipalities may enact ordinances for rates, fees, and

charges based upon actual use of services and not solely based upon an individual's employment in municipality"; to the Committee on the Judiciary.

By Delegates Foster and Higginbotham:

H. B. 2483 - "A Bill to amend and reenact §57-5-4j of the Code of West Virginia, 1931, as amended, relating to preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay for medical care or treatment"; to the Committee on the Judiciary.

By Delegate Fast:

H. B. 2484 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1B-14, relating to relocation or closure of state higher education institutions; establishing legislative findings; requiring an economic and educational accessibility impact study and plan be provided by a state institution of higher education to the Higher Education Policy Commission prior to closure or transfer of the physical presence in an existing location; requiring the commission to review, provide feedback and suggested changes to the institution desiring to close or transfer a physical presence; requiring the commission to make a recommendation to the Legislative Oversight Commission on Education Accountability (LOCEA); requiring the LOCEA to consider and take action within six months of submission; authorizing amendment of the recommended plan; authorizing transfer or closure pursuant to an approved LOCEA plan"; to the Committee on Education then the Judiciary.

By Delegate Higginbotham:

H. B. 2485 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §51-12-1, §51-12-2, §51-12-3, §51-12-4, §51-12-5, §51-12-6, and §51-12-7, all relating to enacting the Public Participation Protection Act; permitting litigants to file a special motion to dismiss a claim if the claim is in furtherance of the right of petition, free speech, or association under the United States Constitution or the West Virginia Constitution; permitting expedited hearings and appeals;

permitting the recovery of attorneys' fees and costs and sanctions; making exceptions; providing for severability; and setting an effective date"; to the Committee on the Judiciary.

By Delegates Higginbotham, Hanna and Zukoff:

H. B. 2486 - "A Bill to amend and reenact §18-2E-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18C-9-3 of said code, all relating to qualifying not-for-profit private baccalaureate institutions for the Advanced Career Education Programs and the West Virginia Invests Grant Program"; to the Committee on Education then Finance.

By Delegate Higginbotham:

H. B. 2487 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6c, relating to creating a Campus Mentors pilot program; describing Campus Mentors; requiring State Superintendent to issue request for proposals subject to appropriation and authorizing award of four three-year competitive grants; specifying eligible applicants and partner public schools; requiring partner with Campus Mentors organization; specifying criteria that define Campus Mentors program; and describing funding model and permissible expenditures"; to the Committee on Education then Finance.

By Delegate Foster:

H. B. 2488 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-10a, relating to an occupational limited license"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Foster:

H. B. 2489 - "A Bill to amend and reenact §16-5-10 of the Code of West Virginia, 1931, as amended, relating to, the preserving surnaming of children in accordance with the long-standing custom and tradition of the patronymic surnaming convention of children as recognized in common law case precedent; and titling this act as 'The Genealogical Record Integrity Act of 2020'"; to the Committee on the Judiciary.

By Delegates Gearheart, Mandt, J. Jeffries, Ellington, Criss, Haynes and Kimes:

H. B. 2490 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-2-2a, relating to requiring a transfer from reappropriated revenue accounts to General Revenue Fund”; to the Committee on Finance.

By Delegates Foster and D. Jeffries:

H. B. 2491 - “A Bill to amend and reenact §30-18-2 of the Code of West Virginia, 1931, as amended, all relating to the eligibility and application requirements for private investigator and security guard licensure”; to the Committee on Government Organization.

By Delegates Evans, Fleischauer and Paynter:

H. B. 2492 - “A Bill to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for DUI causing death when a child is present in the vehicle at the time of the accident”; to the Committee on the Judiciary.

By Delegates Criss, Anderson, Graves, Householder, Barrett, Espinosa, Storch, Rohrbach and Gearheart:

H. B. 2493 - “A Bill to amend and reenact §11-6K-1 and §11-6K-3 of the Code of West Virginia, 1931, as amended, all generally relating to the assessment and valuation of industrial property and natural resource property; for assessments made on or after July 1, 2022, providing that the arithmetic means for annual production and average coal price to value coal properties shall be based upon the full calendar year immediately preceding the July 1st assessment date; providing that the Tax Commissioner shall utilize an average coal density of 1800 tons per acre foot, unless clear and convincing evidence is submitted by a tax payer establishing a lower density value; providing that density information reported on returns, due on or before May 1 of each year, shall be used to determine values for the immediately following July 1 assessments; providing that the Tax Commissioner shall take into consideration economic viability and engineering considerations when establishing values for coal properties; providing that coal beds which are of a thickness of less than thirty-five inches shall

not be classified as mineable coal for valuation for property tax purposes unless there is clear and convincing evidence to the contrary; providing that no permitted coal seam may be classified for taxation as active until actual depletion of coal commences under a permit; providing that for any owner, operator, or producer which fails to make a return within the time required, any and all penalties imposed shall be equally and uniformly applied across all forms of industrial property and natural resources property; and specifying an effective date”; to the Committee on Energy and Manufacturing then Finance.

By Delegates Westfall, Queen, Smith, Barrett and Storch:

H. B. 2494 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Motor Vehicles to issue a special registration plate for autism awareness”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Westfall and Kessinger:

H. B. 2495 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32; and to amend and reenact §55-7G-4 and §55-7G-8 of said code, all relating to the filing of asbestos and silica claims; providing that a product liability defendant may not be held liable for products sold by a third party; providing that plaintiffs shall include a sworn information with any asbestos or silica action filed after the effective date of the amendments to the code; specifying the information to be included in a sworn information; providing for the dismissal without prejudice of asbestos or silica actions filed against defendants whose product or premises have not been identified; providing for the dismissal without prejudice of asbestos or silica actions for failure to comply with sworn information filing requirements; and allowing for the consolidation of any asbestos or silica actions with the consent of all parties”; to the Committee on the Judiciary.

By Delegates Householder, Graves, Criss, Rowe, Storch and Gearheart:

H. B. 2496 - “A Bill to repeal §11-3-24b and §11-3-25 of the Code of West Virginia, 1931, as amended; and to amend and

reenact §11-3-15c, §11-3-15f, §11-3-15h, §11-3-15i, §11-3-23, §11-3-23a, §11-3-24, §11-3-24a, §11-3-25a, and §11-3-32 of said code; and to amend and reenact §11-10A-1, §11-10A-7, §11-10A-8, §11-10A-10, and §11-10A-19 of said code, all generally relating to assessments and appellate rights of property owners concerning valuation, classification, and taxability of real estate and personal property taxation; providing that residential property owners may not be required to furnish a formal appraisal to establish the value of their primary residence; providing that an assessor's review is to be an informal process and defining the standard of proof which a taxpayer must meet to be no greater than a preponderance of the evidence; expanding the jurisdiction of the Office of Tax Appeals to include property tax valuation, classification, and taxability; providing that if an assessor rejects a petition, the petitioner may appeal to the county Board of Equalization and Review or the Office of Tax Appeals; allowing for certain appeals from decisions of the Tax Commissioner and Board of Equalization and Review to the Office of Tax Appeals; repealing and eliminating the Board of Assessment Appeals; providing for an increase in the number of administrative law judges and staff attorneys within the Office of Tax Appeals; providing for an effective date; and making technical changes"; to the Committee on Finance then the Judiciary.

By Delegates D. Jeffries, Dean, Householder and Pinson:

H. B. 2497 - "A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to eliminating the permit needed to hunt, trap, or fish for veterans who suffer from Post-Traumatic Stress Disorder (PTSD)"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegates Gearheart, Paynter, Maynard, Barnhart, J. Jeffries, Ellington, Criss, Householder, Haynes and Kimes:

H. B. 2498 - "A Bill to amend and reenact §17-16A-11 of the Code of West Virginia, 1931, as amended, relating to ensuring that funding to counties named in this section from the State Road Construction Account does not affect any other funding received by those counties from the State Road Fund"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Howell, Householder, Horst, Hamrick, B. Ward, Steele, Foster, Kessinger, Linville, Ellington and Hanshaw (Mr. Speaker):

H. B. 2499 - "A Bill to amend and reenact §11-6F-2 and §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, §11-13KK-4, §11-13KK-5, §11-13KK-6, §11-13KK-7, §11-13KK-8, §11-13KK-9, §11-13KK-10, §11-13KK-11, §11-13KK-12, §11-13KK-13, §11-13KK-14, §11-13KK-15, §11-13KK-16, §11-13KK-17, and adding thereto a new section designated §11-15-9t, all relating generally to taxation for the manufacturing, sale, and use of certain defined products to encourage economic growth; amending the definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending the formula for calculating the manufacturing investment tax credit amount allowed for manufacturing investment to include small arms ammunition manufacturing and small arms, ordinance and ordinance accessories manufacturing; increasing the amount of such allowable credit for said industries; creating the West Virginia Tax Credit For Federal Excise Tax Imposed Upon Small Arms And Ammunition Manufacturers; providing for administration and enforcement of the tax credit; making legislative findings; stating legislative purpose; defining terms; specifying an amount of credit allowable based upon the amount of federal excise tax paid, providing limitations based upon qualified investment amount; providing conditions for qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for carry over and forfeiture of unused tax credits; providing limitations for credits being carried over; allowing transfer of qualified investment property without forfeiture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and construction; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and

accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing for severability; and exempting sales of certain defined small arms and small arms ammunition from state sales and use taxes and providing effective dates, and removing obsolete code”; to the Committee on Finance.

By Delegate Foster:

H. B. 2500 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, and §16-63-3, all relating to establishing statewide uniformity for auxiliary container regulations”; to the Committee on Government Organization.

By Delegates Gearheart, Mandt, Ferrell, Storch, Smith, Maynard, Ellington, Criss and Householder:

H. B. 2501 - “A Bill to amend and reenact §18-9B-5 of the Code of West Virginia, 1931, as amended, relating to suspending the implementation of the school aid formula until the year 2024; requiring that all school systems be funded at the level established by the 2020-2021 budget; and providing that the Legislature develop a new funding formula to be implemented for the budget year 2024-2025”; to the Committee on Education then Finance.

By Delegates Gearheart, Mandt, Maynard, J. Jeffries, Ellington, Criss, Haynes and Kimes:

H. B. 2502 - “A Bill to amend and reenact §12-2-2 of the Code of West Virginia, 1931, as amended, relating to the forfeiture of unencumbered funds in special revenue accounts and repayment of certain percentages of the special revenue accounts to the General Revenue Fund, if these accounts have been inactive for designated periods; and prohibiting expenditures from these accounts pending the forfeiture of the funds”; to the Committee on Finance.

By Delegates Gearheart, Mandt, Ferrell, Paynter, J. Jeffries, Ellington, Criss, Householder, Haynes and Kimes:

H. B. 2503 - “A Bill to amend and reenact §17-16A-10 of the Code of West Virginia, 1931, as amended, relating to requiring the approval of the Legislature and the Governor before additional

bonds may be issued by the Parkways Authority; and requiring tolls to be removed six months following removal of encumbrances for the bonds”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Gearheart, Mandt, Storch, Howell, B. Ward, L. Pack, Ferrell, Haynes and Kimes:

H. B. 2504 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-11G-1, §62-11G-2, §62-11G-3, §62-11G-4, §62-11G-5, §62-11G-6, and §62-11G-7, all relating to creating a pilot work/incarceration prison; providing a short title; specifying offenders who are eligible to participate; establishing one work/incarceration prison; authorizing the Division of Corrections to propose rules for the operation and reporting of the work/incarceration prison; allowing a reduction in the sentence of an offender sentenced to the work/incarceration prison; providing that a serious violation of the rules result in an additional sentence; specifying a suggested appropriation; allowing the admittance of offenders from other counties; and requiring the evaluation of the work/incarceration prison”; to the Committee on the Judiciary.

By Delegates Gearheart, Mandt, Ferrell, Zatezalo, Storch, Howell, Smith, Paynter, Bridges, Maynard and J. Jeffries:

H. B. 2505 - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-22-26, relating to outdoor advertising regulated by the Commissioner of Highways; and providing exemption to licensing requirement for a person to place signs, displays or devices advertising events to be held no more frequently than once a year at locations other than where the event will be held”; to the Committee on the Judiciary.

By Delegates Gearheart, Mandt, Ferrell, Storch, Howell, Smith, Barnhart, J. Jeffries, Ellington, Criss and Householder:

H. B. 2506 - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-3-9c, relating to reduction of personnel employed by the West Virginia Department of Education; legislative findings;

establishing a maximum ratio of the number of employees of the department to the number of students enrolled in the state after June 30, 2021; and requiring the state superintendent to establish a policy to attain the ratio”; to the Committee on Education.

By Delegates Gearheart, Storch, Howell, Smith, Paynter, Bridges, Maynard, J. Jeffries, Ellington, Criss and Householder:

H. B. 2507 - “A Bill to amend and reenact §29-22B-702 of the Code of West Virginia, 1931, as amended, relating to removing limitations on advertising and promotional activities by limited video lottery retailers”; to the Committee on the Judiciary.

By Delegates Gearheart, Mandt, Ferrell, Howell, Paynter, Barnhart, J. Jeffries, Ellington, Criss and Householder:

H. B. 2508 - “A Bill to amend and reenact §5-1-22 of the Code of West Virginia, 1931, as amended, relating to requiring that any person appointed to fill a vacancy in an appointed state office possess the qualifications required by law for that vacant position”; to the Committee on the Judiciary.

By Delegates Gearheart, Mandt, Ferrell, Zatezalo, Storch, Paynter, Maynard, Barnhart, J. Jeffries, Ellington and Criss:

H. B. 2509 - “A Bill amend and reenact §3-10-4 of the Code of West Virginia, 1931, as amended, relating to filling a vacancy occurring in the House of Representatives in the Congress of the United States in the same manner as a vacancy in the Senate of the United States Congress”; to the Committee on the Judiciary.

By Delegates Foster and McGeehan:

H. B. 2510 - “A Bill to repeal §48-1-210 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-239a, §48-1-239b, §48-1-239c, and §48-1-239d; to amend and reenact §48-9-102, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-209, §48-9-401, §48-9-403, and §48-9-601 of said code; and to amend said code by adding thereto a new section, designated §48-9-204a, all relating to ‘The Parenting Fairness Act of 2021’; defining ‘shared legal custody’, ‘shared physical custody’, ‘sole legal custody’, and ‘sole

physical custody’; establishing the presumption that co-equal shared legal and physical custody of children, and the maintaining of sibling, including half-sibling, relationships through co-equal shared legal and physical custody of children, in cases of divorce is presumed to be in the best interests of the children and families; requiring that temporary parenting plans, parenting plans and modifications to parenting plans consider the presumption of shared legal and physical custody is in the best interests of a child; require court to consider presumption when making determination as to which parent has significant decision making responsibility; and establish both parents’ rights to school and medical records of child’; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2511 - “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating generally to hunting and fishing; permitting trotlines, droplines, and minnow traps to be lawful if certain conditions are met; and permitting jug fishing”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Holstein, Wamsley, Pritt, Longanacre, Kimble and Keaton:

H. B. 2512 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-39-1, §8-39-2, §8-39-3, §8-39-4, and §8-39-5, all relating to creating the right to establish a home-based business in a municipality; providing definitions; business uses; and limited reasonable regulations and restrictions and conditions by a municipality”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegate Foster:

H. B. 2513 - “A Bill to amend and reenact §64-12-1, §64-12-2, §64-12-3 and §64-12-4 of the Code of West Virginia, 1931, as amended; relating generally to repealing certain legislative, procedural, and interpretative rules promulgated by certain agencies, boards, and commissions which are no longer authorized or are obsolete; authorizing certain agencies under the Department of Administration, Department of Health and Human Resources,

Department of Revenue, and Department of Commerce to repeal certain legislative, procedural, and interpretative rules; repealing the Board of Risk and Insurance Management legislative rule relating to discontinuation of professional malpractice insurance; repealing the Department of Health and Human Resources legislative rule relating to DUI safety and treatment; repealing the Department of Health and Human Resources legislative rule relating to incorporation of the social services manual; repealing the Department of Health and Human Resources legislative rule relating to operating rules and regulations for the West Virginia Commission on Children and Youth; repealing the Department of Health and Human Resources legislative rule relating to state child fatality review team and county multidisciplinary review teams; repealing the Insurance Commissioner legislative rule relating to emergency medical services; repealing the Insurance Commissioner legislative rule relating to diabetes regulations; repealing the Racing Commission procedural rule relating to dispute resolution procedures; repealing the State Tax Department interpretative rule relating to tax shelter voluntary compliance program; repealing the State Tax Department interpretative rule relating to preference for determining successful bids; repealing the State Tax Department procedural rule relating to tobacco products excise tax on floorstocks; repealing the State Tax Department legislative rule relating to West Virginia Film Industry Investment Act; repealing the State Tax Department legislative rule relating to residential solar energy tax credit; repealing the State Tax Department legislative rule relating to Business Franchise Tax; repealing the Division of Labor legislative rule relating to hazardous chemical substances; and repealing the Division of Labor legislative rule relating to Commercial Bungee Jumping Safety Act”; to the Committee on Government Organization.

By Delegates Keaton, Barnhart, Linville, Holstein, Haynes, Booth, Ferrell, Hardy, Conley and Steele:

H. B. 2514 - “A Bill to amend and reenact §24-2-1n of the Code of West Virginia, 1931, as amended, relating to the West Virginia Business Ready Sites Program; removing minimum size restrictions and maximum number of sites permitted together with requirement that the program be pilot program; and providing that

a potential site may be identified by an economic development agency”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegates Keaton, Pinson, Wamsley, Linville, Holstein and Conley:

H. B. 2515 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-31, relating to requiring regulatory agency heads have at least one year of experience within, or with a nexus to, the regulated industry”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2516 - “A Bill to amend and reenact §21-11-3 of the Code of West Virginia, 1931, as amended, relating to the alteration of the definition of a specialty contractor under the West Virginia Contractor Licensing Act in order to specify that only specialty contractors whose work requires more than 10 percent of labor to fulfill their contracting services would be required to obtain a contractor’s license”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2517 - “A Bill to amend and reenact §21-1D-2 of the Code of West Virginia, 1931, as amended, relating to removing marijuana as a tested substance from the screening requirements of the West Virginia Alcohol and Drug-Free Workplace Act”; to the Committee on Workforce Development then the Judiciary.

By Delegate Fast:

H. B. 2518 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-109a, relating to allowing a home improvement transaction to be performed under an oral contract”; to the Committee on the Judiciary.

By Delegate Fast:

H. B. 2519 - “A Bill to repeal §21-3-19 of the Code of West Virginia, 1931, as amended, relating to employer discrimination

for use of tobacco products”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Fast:

H. B. 2520 - “A Bill to amend and reenact §5-11-10 of the Code of West Virginia, 1931, as amended, relating to requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person or entity alleged to have committed the unlawful discriminatory practice”; to the Committee on the Judiciary.

By Delegate Fast:

H. B. 2521 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to public service districts’ laying of water or sewer lines on state rights-of-way; limiting the onsite time required supervision by a state engineer; and requiring payment and performance bonds to cover a reasonable length of time for defects to be discovered”; to the Committee on Government Organization.

By Delegate Fast:

H. B. 2522 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-56, relating to requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers for smoother final repair; and providing an exception”; to the Committee on Technology and Infrastructure then Finance.

By Delegate Fast:

H. B. 2523 - “A Bill to amend and reenact §11-14-2 and §11-14-11 of the Code of West Virginia, 1931, as amended, all relating to gasoline and fuel excise tax; requiring a refund of gasoline or fuel excise tax when fuel is consumed by a commercial vehicle while that vehicle is not operated upon the highways of this state”; to the Committee on Technology and Infrastructure then Finance.

By Delegate Fast:

H. B. 2524 - “A Bill to amend and reenact §61-8D-1 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the definitions of child abuse and neglect to exclude

accidents”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegate Fast:

H. B. 2525 - “A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local special elections to be held on the days and hours of general, primary or statewide elections”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Fast:

H. B. 2526 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-6-7, relating to defining the term ‘minor boundary adjustment’ as it applies to municipal annexations”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Fast:

H. B. 2527 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-10A-7, relating to requiring a bail bondsman and bail bond enforcer submit results of drug test to Chief Judge in each jurisdiction; requiring that bail bondsman and bail bond enforcers be subject to random drug testing; creating penalty of suspension or termination for failure of, or refusal to submit to, drug test; establishing that drug test records be public”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegate Fast:

H. B. 2528 - “A Bill to repeal §5A-3-10e of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-3-11 of said code, all relating to requiring competitive bidding for all state purchases of commodities, printing and services of \$25,000 or less in cost; repealing the provision for prequalification agreement and agency-delegated bidding; requiring purchases to be made at the lowest retail cost for the desired level of quality of the commodities, printing and services; eliminating requirements for written bids for purchases of \$2,500 or less; and requiring purchases to be made at the lowest retail price available for the commodities, printing and services at the level of quality sought by

the spending unit”; to the Committee on Government Organization then Finance.

By Delegate Fast:

H. B. 2529 - “A Bill to amend and reenact §18-8-12 of the Code of West Virginia, 1931, as amended, relating to prohibiting West Virginia institutions of higher learning and state agencies from discriminating against graduates of private, nonpublic, or home schools by requiring them to submit to alternative testing as a precondition for acceptance into the institution of higher learning”; to the Committee on Education.

By Delegates Foster, Fast and Anderson:

H. B. 2530 - “A Bill to amend and reenact §21A-1A-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §23-2-1a of said code, relating to the definition of employee for the purposes of the unemployment compensation and workers compensation laws”; to the Committee on Workforce Development then Government Organization.

By Delegates Fluharty and Lovejoy:

H. B. 2531 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a person’s credit history in certain insurance transactions”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Williams, Fleischauer, Barrett, Zukoff and Hansen:

H. B. 2532 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating to requiring the Commissioner of Highways to develop a formula for allocating road funds among districts, for the benefit of the counties; making legislative findings; requiring the commissioner to solicit and consider public comments; requiring the commissioner to include certain factors in the formula; and requiring the commissioner to submit the formula to the Legislature for approval as a legislative rule”; to the Committee on Government Organization then Finance.

By Delegate Pushkin:

H. B. 2533 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-11c, relating to providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system or the Green Globes Building Initiative green building rating standard; setting forth the amount of the credit; establishing who may take the credit; establishing the amount of the credit; establishing the criteria for taking the credit; providing rule-making authority; and defining terms”; to the Committee on Government Organization then Finance.

By Delegate Pushkin:

H. B. 2534 - “A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing possession and smoking of medical cannabis by approved persons”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Fast:

H. B. 2535 - “A Bill to amend and reenact §47-15-1 and §47-15-2 of the Code of West Virginia, 1931, as amended, all relating to pyramid promotional schemes; definitions, and unlawful acts”; to the Committee on the Judiciary.

Special Calendar**Second Reading**

Com. Sub. for H. B. 2001, Relating generally to creating the West Virginia Jumpstart Savings Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2005, Relating to health care costs; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2006, Relating to the West Virginia Contractor Licensing Act; on second reading, coming up in regular order, was read a second time.

Delegate Diserio moved to amend the bill on page twenty-six, section 3, lines 11 and 12, by striking out the number “\$10,000” on line 11 and inserting in lieu thereof the number “\$5,000” and on line 12, by striking out the number “\$50,000” and inserting in lieu thereof the number “\$25,000”.

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. 8**), and there were—yeas 28, nays 69, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Barach, Barrett, Bates, Boggs, Brown, Dean, Diserio, Doyle, Evans, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Maynard, Nestor, Paynter, Pethtel, Pushkin, Rowe, Skaff, Thompson, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Fleischauer, Higginbotham and Linville

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2012, Relating to public charter schools; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Ellington and Statler, the bill was amended on page twelve, section 18-5G-6, line 24, by deleting the semicolon and inserting a period.

On page twelve, section 18-5G-6, line 25 through line 27, by deleting the word “and” and the entire subdivision (9).

On page thirty-two, section 5G-15, following line 65, by inserting a new subsection, designated subsection (k), to read as follows:

“(k) The Professional Charter School Board shall investigate official complaints submitted to it that allege serious impairments in the quality of education in a public charter school or virtual public charter school authorized in accordance with this article, or that allege such schools are in violation of the policies or laws applicable to them. The Professional Charter School Board also may at its own discretion conduct or cause to be conducted audits of the education and operation of public charter schools or virtual public charter schools authorized in accordance with this article that it determines necessary to achieve its mission of authorizing high-quality public charter schools. Upon a determination that serious impairments or violations exist, the Professional Charter School Board shall require corrective action.”

Note: The previous amendment was adopted by voice vote. Roll No. 9, with no votes cast, was generated in error and is not included in the Journal.

Delegates Pushkin and Hornbuckle moved to amend the bill on page three, section 1, line 40, by striking out the period, inserting a colon and the following proviso:

“*Provided*, That of the 10 schools established, 3 of the public charter schools shall be in school districts where children are historically underperforming and the proposed public charter school is designed to provide specialized curriculum, mentoring programs and alternative interdisciplinary frameworks which utilize evidence-based approaches to student assessment and instruction that will enhance underperforming students’ performance and graduation success.”

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. 10**), and there were—yeas 24, nays 73, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Fleischauer, Higginbotham and Linville.

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

Delegates Zukoff and Hornbuckle moved to amend the bill on page fourteen, immediately after section 6 and following the period on line 83, by inserting the following:

“§18-5G-8. Application to establish public charter school.

(a) To establish a new public charter school, to convert an existing noncharter public school to a public charter school or establish a program conversion public charter school, an applicant shall submit a charter application to an authorizer. Charter authorizers shall accept and document the date and time of receipt of all charter applications.

(b) The application shall contain, at a minimum, the following information:

(1) A mission statement and a vision statement for the public charter school, including specialized academic focus, if any, to be promoted and advanced through the establishment of the public charter school;

(2) A detailed description of the public charter school’s proposed program;

(3) The student achievement goals for the public charter school’s program and the chosen methods of evaluating whether students have attained the skills and knowledge specified for those goals;

(4) The school's plan for using data derived from student evaluations and assessments, including the statewide summative assessment, to drive instruction and promote continued school improvement;

(5) An explanation of how the school's proposed program is likely to improve the achievement of traditionally underperforming students in the local school district;

(6) The proposed governance structure of the school, including a list of members of the initial governing board, a draft of bylaws that include the description of the qualifications, terms, and methods of appointment or election of governing board members, and the organizational structure of the school that clearly presents lines of authority and reporting between the governing board, school administrators, staff, any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;

(7) Plans and timelines for student enrollment, including the school primary recruitment area and policies and procedures for conducting transparent and random admission lotteries when applications for enrollment exceed capacity that are open to the public and consistent with this article;

(8) A proposed five-year budget, including the start-up year and projections for four additional years with clearly stated assumptions;

(9) Proposed fiscal and internal control policies for the public charter school;

(10) Acknowledgement that the public charter school will participate in the state's accountability system;

(11) A proposed handbook that outlines the personnel policies of the public charter school, including the criteria to be used in the hiring of qualified teachers, school administrators, and other school employees, a description of staff responsibilities, and the school's plan to evaluate personnel on an annual basis;

(12) An explanation of proposed student discipline procedures, including disciplinary procedures for students with disabilities, which shall be consistent with the requirements of due process and with state and federal laws and regulations governing the placement of students with disabilities;

(13) A description of the facilities to be used by the public charter school, including the location of the school and how the facility supports the implementation of the school's program. The school shall obtain all required occupation and operation certificates and licenses prior to the first instructional day for students;

(14) The proposed ages and grade levels to be served by the public charter school, including the planned minimum and maximum enrollment per grade per year;

(15) The school calendar and school day schedule;

(16) Types and amounts of insurance coverage to be obtained by the public charter school, which:

(A) Shall include adequate insurance for liability, property loss, and the personal injury of students comparable to noncharter public schools within the local school district operated by the county board; and

(B) May include coverage from the Board of Risk and Insurance Management pursuant to §29-12-5a of this code;

(17) A description of the food services to be provided to students attending the school;

(18) Process and procedures to be followed in the case of the closure or dissolution of the public charter school, including provisions for the transfer of students and student records to the appropriate local school district and an assurance and agreement to payment of net assets or equity after payment of debts;

(19) A code of ethics for the school setting forth the standards of conduct expected of its governing board, officers, and employees;

(20) The public charter school's plan for successfully serving students with disabilities, students who are English language learners, bilingual students, and students who are academically behind and gifted, including, but not limited to, the school's plan for compliance with all applicable federal and state laws and regulations;

(21) A description of cocurricular and extracurricular programs to be offered by the public charter school and how they will be funded and delivered;

(22) The process by which the school will resolve any disputes with the authorizer;

(23) A detailed start-up plan, including financing, tasks, timelines, and individuals responsible for carrying out the plan;

(24) The public charter school's plan for notice to parents and others of enrollment in the school as an option available for students and the school's primary recruitment area; ~~and~~

(25) The public charter school's plan for parental involvement; and

(26) A description of any transportation services to be provided to students by the school.

(c) If the applicant intends to contract with an education service provider for educational program implementation or comprehensive management, the application shall additionally require the applicant to provide the following information with respect to the educational service provider:

(1) Evidence of success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Student performance data and financial audit reports for all current and past public charter schools;

(3) Documentation of and explanation for any actions taken, legal or otherwise, against any of its public charter schools for academic, financial, or ethical concerns;

(4) The proposed duration of the service contract;

(5) The annual proposed fees and other amounts to be paid to the education service provider;

(6) The roles and responsibilities of the governing board, the school staff, and the education service provider;

(7) The scope of services and resources to be provided by the education service provider;

(8) Performance evaluation measures and timelines;

(9) Methods of contract oversight and enforcement;

(10) Investment disclosure;

(11) Conditions for renewal and termination of the contract;
and

(12) Disclosure and explanation any existing or potential conflicts of interest between the governing board and the proposed education service provider or any affiliated business entities.”

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. 11**), and there were—yeas 25, nays 72, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Fleischauer, Higginbotham and Linville

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

On motion of Delegate Ellington, the bill was amended on page four, section 5G-2, following line 17, by striking out paragraph (B) from the bill and inserting in lieu thereof a new paragraph (B) to read as follows:

“(B) Two or more county school boards who must act together and function as a single authorizer in all respects under the law when the public charter school or application to form a public charter school includes a primary recruitment area that encompasses territory in the two or more counties over which the respective boards have jurisdiction: *Provided*, That if such two or more school boards functioning together as authorizer reject the application, then one or more of the individual county boards may approve the application, but in such instance the charter school site must be located in one of the counties where the application was approved.”

Delegate Hornbuckle moved to amend the bill on page five, section 2, lines 50 and 51, by striking out (8) in its entirety and renumbering subsequent subdivisions accordingly.

And,

On pages 25 through 29, by striking out section 14 in its entirety and renumbering subsequent sections accordingly.

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. 12**), and there were—yeas 25, nays 72, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Barach, Bates, Boggs, Brown, Dean, Diserio, Doyle, Evans, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy,

Nestor, Paynter, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Fleischauer, Higginbotham and Linville

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

Delegate Hornbuckle moved to amend the bill on page eleven, section 6, line 19, following the words “of this code”, by inserting a comma and the following:

“or revoke a charter, if the authorizer finds that the charter school has substitutional non-compliance with the charter contract, and continuation of the charter school will expose students to substandard education, or create a health or safety concern for students attending the school.”

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. 13**), and there were—yeas 22, nays 75, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Fleischauer, Higginbotham and Linville.

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

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

H. B. 2262, Relating to the controlled substance monitoring database; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2264, Hospital exemptions from certificate of need; on second reading, coming up in regular order, was read a second time.

Delegate Bates moved to amend the bill on page ten, section 10, following the period on line 55, by inserting the following new paragraph to read as follows:

“The provisions of this section enacted during the 2021 Regular Session of the West Virginia Legislature become effective on July 1, 2022.”

The question being on the adoption of the amendment offered by Delegate Bates, the same was put and rejected.

The bill was then ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2011, Eliminating any time requirements for part time personnel to work during a working year,

H. B. 2019, Elevating Economic Development and Tourism Departments,

And,

Com. Sub. for H. B. 2263, Update the regulation of pharmacy benefit managers.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Fleischauer, Higginbotham and Linville.

Miscellaneous Business

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

H. B. 2081: Delegate Hansen;

H. B. 2266: Delegates J. Pack, L. Pack, Pushkin and Worrell;

H. B. 2336: Delegate Martin;

H. B. 2360: Delegate Hansen.

At 12:24 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 16, 2021.

Tuesday, February 16, 2021

SEVENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Monday, February 15, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Government Organization has had under consideration:

H. B. 2325, Removing the requirement of continuing education for barbers and cosmetologists,

And,

H. B. 2333, Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2325 - "A Bill to amend and reenact §30-27-5 and §30-27-10 of the Code of West Virginia, 1931, as amended, all relating to barbers and cosmetology; restricting the authority of the Board of Barbers and Cosmetologists to regulate

the use of commonly available retail beauty products; and removing the requirement of continuing education for barbers and cosmetologists,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2366, Requiring agencies who have approved a proposed rule that affects fees or other special revenues to provide to the committee a fiscal note,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2009, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2009 - “A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 of said code, all relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries

from withholding or diverting any portion of an employee's wages or salary for political activities without express, written authorization; providing for employee modification or withdrawal of wage withholding or diversion to expire one year after execution; providing that the prohibition against withholding or diverting wages for political activities applies to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2017; providing for criminal penalties; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; requiring the Secretary of State to promulgate forms; defining terms 'political activities' and 'agency shop fees'; modifying definition of 'deductions' to exclude amounts for union or club dues; and making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual."

With the recommendation that the committee substitute do pass.

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

By Delegates Ellington, Higginbotham, Hanna, Hamrick, Clark and Horst:

H. B. 2582 - "A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to creating a third set of conditions for which a person may be issued a professional teaching certificate for teaching in the public schools; and providing that teaching certificates granted pursuant to the new set of conditions are equivalent to certificates granted to graduates of teacher preparation programs at public higher education institutions."

Resolutions Introduced

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegate Fast:

H. J. R. 19 - "Proposing an amendment to the Constitution of the State of West Virginia to add section one-d, article X thereof, relating to legislative authority to repeal all business and inventory ad valorem property taxation on tangible personal property and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

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

H. B. 2025 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-16-6d and §11-16-11c; to amend and reenact §11-16-9 of said code; to amend said code by adding thereto two new sections, designated §19-2-13 and §19-2-14; to amend and reenact §60-1-5a of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend said code by adding thereto a new section, designated §60-4-3c; to amend and reenact §60-6-8 of said code; to amend and reenact §60-7-2 and §60-7-6 of said code; to amend said code by adding thereto five new sections, designated §60-7-8b, §60-7-8c, §60-7-8d, §60-7-8e, and §60-7-8f; to amend and reenact §60-8-2, §60-8-3, §60-8-4, §60-8-18, and §60-8-29 of said code; to amend said code by adding thereto four new sections, designated §60-8-6c, §60-8-6d, §60-8-6e, and §60-8-32a; to amend said code by adding thereto a new article, designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, and §60-8A-6; and to amend and reenact §61-8-27 of said code, all relating to creating the authority and license to deliver nonintoxicating beer or nonintoxicating craft beer with requirements, no additional fee for certain licensees, a license fee for third parties, and a

nonintoxicating beer retail transportation permit with a fee and requirements; providing certain licensees with the authority for nonintoxicating beer nonintoxicating craft beer outdoor dining and outdoor street dining; authorizing in-person or in-vehicle pick up of purchased food and nonintoxicating beer or nonintoxicating beer orders-to-go; creating an unlicensed brewer or home brewer temporary license for use at fairs and festivals, requirements, and a license fee; relating to the manufacture and sale of hard cider and wine by establishing the Agriculture Development Fund; establishing permitted expenditures from the Agriculture Development Fund; creating a new program to develop hard cider; providing for wine definitions; clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of ‘nonfortified dessert wine’; creating a private manufacturer club license for distilleries, mini-distilleries, micro-distilleries, wineries, and farm wineries, requirements, and a license fee; authorizing distilleries, mini-distilleries, and micro-distilleries to also operate wineries, farm wineries, brewers, and resident brewers; authorizing wineries and farm wineries to also operate as distilleries, mini-distilleries, micro-distilleries, brewers, and resident brewers; creating a private direct shipper license, requirements, and license fee; authorizing the ability to pre-mix alcoholic liquors, creating a permit, and permit fee per approved alcohol beverage; creating private caterer license, requirements, and license fee; creating a private club bar license, requirements, and license fee; creating a private club restaurant license, requirements, and license fee; creating a private manufacturer club license, requirements, and license fee; authorizing a distillery, mini-distillery, or micro-distillery to also obtain a winery or farm winery license; authorizing a winery or farm winery to also obtain a distillery, mini-distillery, or micro-distillery license; creating a private tennis club license, requirements, and license fee; creating a private wedding venue or barn license, requirements, and license fee; creating a one-day charitable rare, antique, or vintage liquor auction license on a limited basis for charitable purposes, requirements, and license fee; creating a private multi-vendor fair and festival license, requirements, and license fee; creating private outdoor dining and private outdoor street dining areas as legally demarcated areas that

are not a public place; authorizing and creating craft cocktail growlers, requirements, license fee, and a private cocktail delivery permit; authorizing in-person or in-vehicle pick up of purchased food and craft cocktail growler orders-to-go; clarifying penalties for failure to meet wine licensure requirements; replacing wine bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries, who are acting as either suppliers or distributors in a limited capacity, with an affidavit; providing penalties for failure to pay taxes and maintain good standing with the state; authorizing wineries and farm wineries to sell wine growlers, requirements, and no license fee; authorizing certain Class A and Class B licensees to sell wine growlers, requirements, and license fee; creating the authority and license to deliver wine with a private wine delivery license, requirements, no additional fee for certain licensees, a license fee for third parties, and a private wine retail transportation permit, requirements and a permit fee; creating private wine outdoor dining and private wine outdoor street dining areas as legally demarcated areas that are not a public place; authorizing in-person or in-vehicle pick up of purchased food and wine orders-to-go; providing that there is no separate license required to manufacture and sell hard cider under certain conditions; providing for a hard cider distributor's license; providing for hard cider exemptions to the wine liter tax; establishing a hard cider gallon tax; providing for the application of West Virginia Tax Procedures and Administration Act and West Virginia Tax Crimes and Penalties Act to the hard cider gallon tax; providing for an internal effective date; providing for a tax credit against the hard cider tax; providing for applicability of other laws; requiring regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption; providing for complementary samples to be given; establishing requirements for complementary samples; permitting the sale of wine growlers; wine growler requirements and fee, in certain circumstances; and providing additional exceptions to the criminal penalty for the unlawful admission of children to dance house for certain private clubs with approved age verifications systems"; to the Committee on Government Organization.

By Delegates Conley, Reynolds, Holstein, Bridges, Keaton, Mallow, Forsht, Barnhart, Bruce, Burkhammer and Haynes:

H. B. 2537 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, and §15-15-6, all relating to preserving and protecting the right to keep and bear arms; defining acts which constitute infringements upon the right to keep and bear arms; articulating the constitutional limits on these infringements and making findings in defense of the right; declaring all infringements under federal law or authority to be against the rights of the people and to be legally void; declaring the duty of courts and law-enforcement agencies to protect the rights of law-abiding citizens, including the right to keep and bear arms; providing causes of action against persons who knowingly infringe upon these rights; providing for awards of specified damages, costs, and attorneys’ fees; and barring the employment of certain persons by the state or its political subdivisions for infringing actions taken under color of federal law”; to the Committee on the Judiciary.

By Delegates Pushkin and Lovejoy:

H. B. 2538 - “A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining ‘sexual orientation’ and ‘gender identity’”; to the Committee on Workforce Development then the Judiciary.

By Delegates Pushkin, Zukoff and Rowe:

H. B. 2539 - “A Bill to amend and reenact §48-27-301 of the Code of West Virginia, 1931, as amended, relating to directing the Supreme Court of Appeals to create a pilot domestic violence court in Kanawha County”; to the Committee on the Judiciary.

By Delegates Pushkin and Hansen:

H. B. 2540 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-14D-1, §11-14D-2, and §11-14D-3, all relating to providing tax credits to provide vehicles to certain persons; authorizing a tax credit for individual tax payers under certain conditions; authorizing a tax credit to license automobile dealers under certain conditions; providing for definitions; establishing the minimum criteria of a qualified charitable organization; establishing the minimum criteria for an eligible vehicle to be used as the basis of the tax credit; requiring that the Tax Commissioner track the number and amount of tax credits claimed; providing that multiple qualified charitable organizations may use a percentage of total allowable tax credits for the year; providing the Tax Commissioner can develop criteria for allocating percentages of the total allowable tax credits to qualified charitable organizations; establishing the maximum amount of tax credits for tax years 2021 through 2022 at \$300,000; establishing the maximum amount of tax credits for subsequent years at \$1 million; and providing for rule-making authority”; to the Committee on Finance.

By Delegates Pushkin and Rowe:

H. B. 2541 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-13e, relating to seat belts on school buses; stating findings; requiring seat belts on every new school bus; providing authority to retrofit older buses with seat belts as funds are available; and providing for rules”; to the Committee on Education then Finance.

By Delegates Pushkin and Lovejoy:

H. B. 2542 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2 and §18-10P-3; and to amend and reenact §21-5C-1 of said code; all relating to wages of persons with disabilities; initiating a State ‘Employment First Policy’ to facilitate integrated employment of disabled persons; providing legislative findings; establishing a taskforce to develop a State Employment First Policy; providing for implementation of the State Employment First Policy; and removing the exemption from paying minimum

wages to disabled persons working in nonprofit workshops”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Pushkin:

H. B. 2543 - “A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to calculation of the school aid formula based on net enrollment at alternative and year-round schools”; to the Committee on Education.

By Delegates Hanshaw (Mr. Speaker) and Skaff:

H. B. 2544 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5, §31-15D-6, §31-15D-7, §31-15D-8, §31-15D-9, §31-15D-10, §31-15D-11, §31-15D-12, §31-15D-13, §31-15D-14, §31-15D-15, §31-15D-16, §31-15D-17, §31-15D-18, §31-15D-19, §31-15D-20, and §31-15D-21, all relating to promoting investment and future growth in small businesses in West Virginia; creating the Small Business Jumpstart Act; defining terms; establishing the transferability of tax credits; establishing the application requirements for small business growth funds; establishing process for approval of the application; providing grounds for the denial of an application; allowing submission of additional information to complete an application following denial; establishing process for Development Office to notify applicant of approval; creating duties of the fund following approval of application; establishing how an approval may lapse; for a tax credit against an entity’s state insurance premium tax liability; limiting amount of tax credit; providing for the carryforward of tax credits; prohibiting assignments of tax credit; establishing that entity participating in program not required to pay retaliatory tax; establishing when revocation of tax credit occurs; requiring reporting by small business growth funds; requiring small business growth fund pay fee to Development Office; establishing process for exiting the program; clarifying that the Development Office cannot revoke tax credit following the fund’s exit; and allowing for the Development Office to provide opinions to small business growth fund regarding investment of a small business concern”; to the Committee on Finance.

By Delegates Fast, Burkhammer, Foster, Kessinger, Conley, Martin, Pinson, D. Kelly, Pritt, Mazzocchi and Brown:

H. B. 2545 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4, and §5-11C-5, all relating to establishing the West Virginia Religious Freedom Restoration Act to ensure that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and, strict scrutiny is applied; including a short title; providing definitions; and addressing applicability, construction, remedies, and severability”; to the Committee on the Judiciary.

By Delegate Pushkin:

H. B. 2546 - “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to removing language requiring specific appropriations in order for the State Board of Education, State Department of Education, and the State Superintendent of Schools to provide education to children and adults housed in correctional facilities and regional jails”; to the Committee on Education then Finance.

By Delegate Fluharty:

H. B. 2547 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated §18-2-44; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the Stay in State tax credit against personal income for higher education tuition of certain state residents; creating credit for student loan payments of all in-state community college, college, or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit; providing for graduate and employer eligibility of payments against student loans for employees; defining terms; and providing for the board of education, State Board of Education, and

governing boards of colleges' promotion of the program"; to the Committee on Education then Finance.

By Delegate Pushkin:

H. B. 2548 - "A Bill to amend and reenact §16-18-25 and §16-18-26 of the Code of West Virginia, 1931, as amended, all relating to requiring urban renewal authorities to submit active, amended, and proposed urban renewal projects and plans to the affected local county boards of health for review and comment; requiring urban renewal authorities to meet with municipalities and communities regarding those projects and plans; and requiring urban renewal authorities to make reports and make them available to the affected local county boards of health and local residents"; to the Committee on Political Subdivisions then Government Organization.

By Delegates Pushkin and Lovejoy:

H. B. 2549 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, creating the Independent Redistricting Commission of the Joint Committee on Government and Finance; establishing the Redistricting Commission's purpose and composition; providing qualifications and appointment procedure for commission members; establishing a process for filling commission vacancies; establishing that commission members are not to receive compensation; providing for approved reimbursement of commission member expenses; providing for payment of necessary equipment and materials; requiring the commission to acquire appropriate information; requiring the commission to develop programs and procedures to draw congressional and legislative redistricting plans on the basis of the federal census; to prepare congressional and legislative redistricting; requiring the commission plan and propose congressional and legislative districts; providing specific criteria that the redistricting office must observe in proposing district mappings; requiring the redistricting office to advertise a proposed draft map of districts to the public; requiring a period for public comment on the proposed redistricting plan; providing for members of the legislature to make inquiries about the commission's methodology or proposed

redistrict mapping; requiring the commission to publish a report and final proposals for district boundaries; requiring a recommended redistricting plan to the Legislature including identical bills for consideration by the House and Senate; requiring the full Legislature to vote on plan ratification; providing for subsequent submissions of plans and vote by Legislature; requiring that commission certify to the Secretary of State that its final proposal for district boundaries is in accordance with Constitutional and legal requirements; and prohibiting certain persons from influencing or attempting to influence district mapping proposals of the redistricting office; and providing for completion of the commission's work with certain exceptions"; to the Committee on the Judiciary then Finance.

By Delegates Pushkin and Hanna:

H. B. 2550 - "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16A-5-11, all relating to the cultivation of medical cannabis; allowing patients and their caregivers to cultivate medical cannabis for patients' personal consumption"; to the Committee on Agriculture and Natural Resources then Health and Human Resources then the Judiciary.

By Delegate Pushkin:

H. B. 2551 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, §46A-6O-6, §46A-6O-7, §46A-6O-8, §46A-6O-9, and §46A-6O-10, all relating to placing upon the manufacturers of manufactured homes the duty to meet their obligations and responsibilities under the terms of the express warranties extended to the consumers in this state; and providing consumers additional remedies to enforce the warranties"; to the Committee on the Judiciary.

By Delegate Pushkin:

H. B. 2552 - "A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the removal of limitations on the expungement of certain criminal convictions"; to the Committee on the Judiciary.

By Delegate Pushkin:

H. B. 2553 - “A Bill to amend and reenact §49-2-913 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §49-2-914; and to amend and reenact §49-5-106 of said code, all relating to the juvenile justice reform oversight committee and averted costs reinvestment; creating a juvenile justice account and providing its purpose, funding and disbursements; requiring new data to be collected and compiled to allow calculation of juvenile recidivism and the outcome of programs and making this information available to the public”; to the Committee on the Judiciary then Finance.

By Delegates Fast and Martin:

H. B. 2554 - “A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to notice of discontinuance of service by a utility”; to the Committee on the Judiciary.

By Delegates Fast, Rowan, Foster, Hanna and Martin:

H. B. 2555 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required courses of instruction; and incorporating into these courses the original texts of the Declaration of Independence, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, the Federalist Papers, the Emancipation Proclamation, the Constitution of West Virginia, and their original context; and including the Federalist Papers in Celebrate Freedom Week instruction”; to the Committee on Education.

By Delegate Fast:

H. B. 2556 - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to commercial motor carriers generally; providing an exemption from regulation by the Public Service Commission for motor vehicles used exclusively in the transportation of roll-off solid waste containers; and requiring the commission to propose rules for legislative approval to implement the amended provisions of this section”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Pushkin:

H. B. 2557 - “A Bill to repeal §33-16E-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-16E-2, §33-16E-4, §33-16E-5, §33-16E-6 and §33-16E-7, all relating to increasing access to contraceptive drugs, devices, and procedures”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Pushkin:

H. B. 2558 - “A Bill to amend and reenact §15-2C-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §15-2C-2a; and to amend and reenact §15-2C-3, §15-2C-4 and §15-2C-8 of said code, all relating to creating a domestic violence registry; providing a purpose; directing the Criminal Identification Bureau of the West Virginia State Police to establish and maintain the registry; providing for confidential inquiry of persons on the registry; establishing criteria for placement on and releasing information from the registry; requiring prosecuting attorneys to provide certain information; and defining terms”; to the Committee on the Judiciary then Finance.

By Delegate Pushkin:

H. B. 2559 - “A Bill to amend and reenact §25-5-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting the private ownership or operation of a prison in West Virginia”; to the Committee on the Judiciary.

By Delegate Pushkin:

H. B. 2560 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-24-7x, to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to requiring the Public Employees Agency and other health insurance providers to provide mental health parity between behavioral health, mental health, substance use disorders and

medical and surgical procedures; providing definitions; providing mandatory coverage; providing for mandatory annual reporting; providing for rulemaking; and setting forth an effective date”; to the Committee on Banking and Insurance then Finance.

By Delegate Williams:

H. B. 2561 - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; defining food, water, shelter, and treatment; providing specifics for tethering an animal; providing for seizure of an animal for violations; increasing criminal penalties; and providing that a person in violation of this statute for a second time shall be added to a state-wide, publicly available, do not adopt or sell, registry”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Hott, D. Jeffries and D. Kelly:

H. B. 2562 - “A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section designated §22-15A-4a; all relating to litter control; providing for relocating civil and criminal penalties; providing for mirrored fines between water-based litter and land-based litter; providing for ranges of fines; providing for a specific penalty for litter relating to commercial waste that is improperly disposed of in this state; providing for verification of any court imposed community service sentence by the Department of Environmental Protection; and providing for other technical changes”; to the Committee on the Judiciary.

By Delegates Hanna and Haynes:

H. B. 2563 - “A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring certain municipalities to pay for the incarceration of inmates arrested by the municipality’s police”; to the Committee on Political Subdivisions then Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 2001, Relating generally to creating the West Virginia Jumpstart Savings 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. 14**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Brown, Conley, Hamrick and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2001) passed.

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

Com. Sub. for H. B. 2005, Relating to health care costs; 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. 15**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Brown, Conley, Hamrick and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2005) passed.

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

Com. Sub. for H. B. 2006, Relating to the West Virginia Contractor Licensing 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. 16**), and there were—yeas 68, nays 29, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Booth, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Paynter, Pethtel, Pushkin, Rohrbach, Rowe, Skaff, Storch, Thompson, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Brown, Conley and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2006) passed.

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

Com. Sub. for H. B. 2012, Relating to public charter schools; on third reading, coming up in regular order, was read a third time.

During debate on the bill, Delegate Rowe arose to a point of order regarding Fiscal Notes under House Rule 95a. The Speaker ruled that the point was not well taken because the rule does not preclude further consideration of acts by the body.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 17**), and there were—yeas 66, nays 32, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Boggs, Bridges, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Maynard, Miller, Paynter, Pethtel, Pushkin, Reynolds, Rohrbach, Rowan, Rowe, Skaff, Thompson, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Brown and Linville

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2012) passed.

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

H. B. 2262, Relating to the controlled substance monitoring database; 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. 18**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Brown and Linville

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2262) passed.

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

Com. Sub. for H. B. 2264, Hospital exemptions from certificate of need; 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. 19**), and there were—yeas 61, nays 37, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Boggs, Capito, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hanna, Hansen, Hornbuckle, Keaton, Lovejoy, Martin, Maynard, Nestor, Pack, L., Pethel, Phillips, Pinson, Pushkin, Queen, Reynolds, Rowe, Skaff, Statler, Storch, Thompson, Walker, Westfall, Williams, Young, Zatezalo and Zukoff.

Absent and Not Voting: Brown and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2264) passed.

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

On this question, the yeas and nays were taken (**Roll No. 20**), and there were—yeas 69, nays 29, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Boggs, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Martin, Maynard, Pethtel, Pinson, Pushkin, Rowe, Skaff, Statler, Steele, Storch, Thompson, Walker, Westfall, Williams, Young and Zukoff.

Absent and Not Voting: Brown and Linville

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. 2264) 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.

Second Reading

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

Com. Sub. for H. B. 2011, Eliminating any time requirements for part time personnel to work during a working year,

H. B. 2019, Elevating Economic Development and Tourism Departments,

And,

Com. Sub. for H. B. 2263, Update the regulation of pharmacy benefit managers.

First Reading

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

Com. Sub. for H. B. 2007, Provide for occupational licenses or other authorization to practice by recognition for qualified applicants from other states,

Com. Sub. for H. B. 2013, Relating to the Hope Scholarship Program,

And,

H. B. 2536, Relating to expressions of legislative intent regarding equivalent instruction time.

Leaves of Absence

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

Miscellaneous Business

Delegate Fluharty asked and obtained unanimous consent that the remarks of Delegate Diserio regarding Com. Sub. for H. B. 2006 be printed in the Appendix to the Journal.

Delegate Fluharty asked unanimous consent that the remarks of Delegates Thompson, Griffith, Young, Garcia, Hornbuckle, Zukoff, Evans and Walker regarding Com. Sub. for H. B. 2012 be printed in the Appendix to the Journal, which consent was not obtained, objection being heard.

Delegate Fluharty then so moved.

On this question, the yeas and nays were taken (**Roll No. 21**), and there were—yeas 25, nays 72, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Brown, Gearheart and Linville.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

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

H. B. 2042: Delegate Mallow;

H. B. 2081: Delegates Hott and Reynolds;

H. B. 2174: Delegate J. Jeffries;

H. B. 2209: Delegate Mallow;

H. B. 2217: Delegate Mallow;

H. B. 2266: Delegate Fleischauer;

H. B. 2330: Delegate Steele;

H. B. 2497: Delegate Wamsley;

H. B. 2500: Delegate Dean and Steele;

H. B. 2501: Delegate Wamsley;

H. B. 2550: Delegate Hanna;

H. B. 2582: Delegate Longanacre;

And,

H. J. R. 18; Delegate Hanna.

At 12:57 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 17, 2021.

Wednesday, February 17, 2021

EIGHTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, February 16, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 2081, Relating to withholding tax on income of nonresidents from natural resources royalty payments,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2081) was referred to the Committee on Finance.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. B. 2536, on Third reading, Special Calendar, had been transferred to the House Calendar; and H. B. 2582, First reading, Special Calendar, had been transferred to the

House Calendar; and Com. Sub. for H. B. 2002, Second reading, House, had been transferred to the Special Calendar.

Committee Reports

-continued-

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

Your Committee on Government Organization has had under consideration:

H. B. 2008, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2008 - “A Bill to repeal §21-3D-4, §21-3D-5, §21-3D-6, §21-3D-7, and §21-3D-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21-3C-14; to amend and reenact §21-3D-1, §21-3D-2, §21-3D-3, and §21-3D-8 of said code; to amend and reenact §21-14-2 and §21-14-7 of said code; to amend and reenact §21-16-2, §21-16-3, §21-16-5, and §21-16-8 of said code; to amend said code by adding thereto a new section, designated §21-16-11; to amend and reenact §29-3B-2, §29-3B-3, §29-3B-4, §29-3B-6, and §29-3B-8 of said code; and to amend and reenact §29-3D-2, §29-3D-3, §29-3D-4, §29-3D-6, and §29-3D-7 of said code, all relating to licensure in this state; providing for state code precedence over local ordinances; providing for a national standard and national certification for crane operators; providing for legislative appropriation of the Crane Operators Certification Fund on a certain date; providing for altered definitions of a Journeyman and Master plumber; providing for monetary penalties for improperly performing plumbing work under certain conditions; providing for altered definitions of HVAC Technician; providing that an applicant for a HVAC technician license must only provide documentation of up to 2,000 hours work, training, and experience;

providing for monetary penalties for improperly performing HVAC work under certain conditions; providing for veterans who meet certain conditions be eligible for HVAC technician licensure; providing for altered definitions of Journeyman and Master electricians; providing for exemptions for licensure under certain conditions; providing for extended time frames for electricians to renew a license without retesting; providing for monetary penalties for improperly performing electrical work under certain conditions; providing for definitions of fire protection workers; providing for an altered definition of Journeyman sprinkler fitter; providing for an exemption from licensure when meeting certain conditions; providing for monetary penalties for improperly performing fire protection work; and providing for other minor technical changes,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2253, Relating to forgery and other crimes concerning lottery tickets,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2003, Relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2003 - “A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency; clarifying the authority and obligations of the Governor during periods of preparedness and emergency; providing requirements for any proclamation or resolution issued relating to a state of preparedness or emergency; defining terms; specifying new criteria for the duration and termination of states of preparedness and emergency; providing for the extension of states of emergency and preparedness by concurrent resolution of the Legislature and specifying the duration of such extensions; providing directives for lawsuits filed challenging actions taken pursuant to the authority granted herein; and updating references to a state agency,”

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 2003) was taken up for immediate consideration, read a first time and ordered to second reading.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 9 - “A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended, relating to continuation of Licensed Racetrack Modernization Fund; and making technical corrections”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 10 - “A Bill to amend and reenact §29-22C-8 of the Code of West Virginia, 1931, as amended, relating to changing date the annual racetrack table games license renewal fee is due to October 1 annually; and making technical corrections”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 34 - “A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to creating an exemption to the State Sales and Use Tax for the rental of equipment among corporations with a minimum of 50 percent common ownership”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 78 - “A Bill to amend and reenact §48-8-105 of the Code of West Virginia, 1931, as amended, relating to correcting erroneous cross-references within this section regarding factors considered in awarding spousal support and separate maintenance”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 81 - “A Bill to amend and reenact §44D-1-105 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-8A-809 of said code; and to amend and reenact §44D-10-1008 of said code, all relating generally to the West Virginia Uniform Trust Code; correcting certain internal code

references; adding certain cross references within the trust code; and modifying standard for trustee liability from ‘willful misconduct’ to breach of fiduciary duty for consistency with similar trust law provisions”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 126 - “A Bill to amend and reenact §64-2-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally, to authorizing certain agencies of the Department of Administration to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee; authorizing the Department of Administration to promulgate a legislative rule relating to purchasing; authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to mine subsidence insurance; authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to the public entities insurance program; and authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to the procedure for providing written notification of claims of potential liability to the state or its employees”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 140 - “A Bill to amend and reenact §64-4-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Rehabilitation Services to promulgate a legislative rule relating to Ron Yost Personal Assistance Services Act Board”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 156 - “A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Homeland Security to promulgate legislative rules; authorizing the rules as filed and as amended by the Legislature; relating to authorizing the Fire Commission to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners; relating to authorizing the State Emergency Response Commission to promulgate a legislative rule relating to emergency planning and community right-to-know; and relating to authorizing the State Emergency Response Commission to promulgate a legislative rule relating to the emergency planning grant program”; which was referred to the Committee on Government Organization

A message from the Senate, by

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

S. C. R. 4 – “Recognizing June 19 as Juneteenth Day.”

Whereas, Juneteenth, also known as Juneteenth Independence Day, Emancipation Day, Emancipation Celebration, and Freedom Day, is the oldest African-American holiday observance in the United States; and

Whereas, Juneteenth commemorates the strong survival instinct of African Americans who were first brought to this

country stacked in the bottom of slave ships in a month-long journey across the Atlantic ocean known as the Middle Passage; and

Whereas, In September 1862, President Lincoln issued the celebrated Emancipation Proclamation, warning the rebellious Confederate states that he would declare their slaves “forever free” if those states did not return to the Union by January 1, 1863; and

Whereas, Enforcement of the Emancipation Proclamation occurred only in Confederate states that were under Union Army control; and

Whereas, On January 31, 1865, Congress passed the Thirteenth Amendment to the United States Constitution, abolishing slavery throughout the United States and its territories; and

Whereas, Spontaneous celebration erupted throughout the country when African Americans learned of their freedom; and

Whereas, Juneteenth, or June 19, 1865, is considered the date when the last slaves in America were freed when General Gordon Granger rode into Galveston, Texas, and issued General Order No. 3, almost two and one-half years after President Lincoln issued the Emancipation Proclamation; and

Whereas, For former slaves, the Juneteenth celebration was a time for reassuring each other, praying, and gathering remaining family members together. Juneteenth continued to be highly revered in Texas decades later, with many former slaves and descendants making an annual pilgrimage back to Galveston on this date; and

Whereas, Today, Juneteenth commemorates African-American freedom and emphasizes education and achievement. It is a day, a week, and in some areas, a month marked with celebrations, guest speakers, picnics, and family gatherings. It is a time for reflection and rejoicing. It is a time for assessment, self-improvement, and planning for the future; and

Whereas, Juneteenth symbolizes freedom, celebrates the abolishment of slavery, and reminds all Americans of the significant contributions of African Americans to our society; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby recognizes June 19 as Juneteenth Day; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Honorable Jill Upson, Executive Director, Herbert Henderson Office of Minority Affairs.

Motions

On motion of Delegate Graves, and in the absence of objection, consent was obtained to print the remarks of all Delegates on yesterday regarding Com. Sub. for H. B. 2012 in the Appendix to the Journal.

Bills Introduced

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

By Delegates Williams and Lovejoy:

H. B. 2564 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; and requiring boards to provide free feminine hygiene products in grades six through 12"; to the Committee on Education then Finance.

By Delegate Williams:

H. B. 2565 - "A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum wage based upon increases in the consumer price index"; to the Committee on Workforce Development then Finance.

By Delegates Williams and Lovejoy:

H. B. 2566 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-10A-101, §48-10A-102, §48-10A-201, §48-10A-202, §48-10A-203, §48-10A-204, §48-10A-301, §48-10A-401, §48-10A-402, §48-10A-403, §48-10A-501, §48-10A-502, §48-10A-601, §48-10A-602, §48-10A-701, §48-10A-702, §48-10A-801, §48-10A-802, §48-10A-901, §48-10A-902, §48-10A-1001, §48-10A-1002, §48-10A-1101, and §48-10A-1201; and to amend and reenact §51-2A-2 of said code, all relating to the creation of a statutory right to petition circuit and family courts in West Virginia for sibling visitation with minor children”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Fast and D. Kelly:

H. B. 2567 - “A Bill to amend and reenact §15A-4-11 of the Code of West Virginia, 1931, as amended, relating to the financial responsibility of inmates in relation to civil awards and previously entered court-ordered obligations, and requiring the division to subtract the moneys from civil judgments and settlements to be paid towards court ordered obligations even if a court of competent jurisdiction does not enter an order”; to the Committee on the Judiciary then Finance.

By Delegates Hott, Rowan and Martin:

H. B. 2568 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-39, relating to rules for hunting antlered deer”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Higginbotham:

H. B. 2569 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-72, relating to providing compensation to victims of abusive lawsuits; providing that a party in a civil action is entitled to recover attorney’s fees and costs after a court dismisses a claim as lacking any basis in law or fact; and establishing an effective date”; to the Committee on the Judiciary.

By Delegate Williams:

H. B. 2570 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8e, relating to requiring the Commissioner of Highways to develop an app and a map that permits individuals to report, and keep track of, potholes on the roads and streets of the state”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Williams:

H. B. 2571 - “A Bill to amend and reenact §46A-6L-101 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §46A-6L-104a, all relating to the theft of consumer identity protections; including protection for theft of identity information of persons 60 years of age or older or individuals under 18 years of age; adding definitions; providing that a report to law-enforcement agency is prima facie evidence of identity theft; and providing both misdemeanor and felony penalties for violations”; to the Committee on the Judiciary.

By Delegates Smith, Bridges, Gearheart, Martin, Hardy, Hamrick, Hanna, Clark, Howell, Ellington and Steele:

H. B. 2572 - “A Bill to amend and reenact §11-8-16 and §11-8-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9-1, §18-9-2, and §18-9-2a of said code, all relating to requiring that elections to increase levies coincide with a primary or a general election and removing references to special elections for levies”; to the Committee on the Judiciary.

By Delegates Rowan, Maynard, Hott, Hardy, J. Pack, Criss, Riley, Anderson, Gearheart and Graves:

H. B. 2573 - “A Bill to amend and reenact §12-4-14 of the Code of West Virginia, 1931, as amended, relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse; providing a short title; providing legislative intent; defining terms; establishing a West Virginia debarred list, establishing uniform reporting requirements; establishing a public data base for state grant reporting; establishing stop payment procedures and orders; authorizing grantors, the State Auditor, and the Attorney General to recover misspent grant funds; establishing

procedures for the recovery of state grant funds by the grantors, State Auditor, and Attorney General; suspending expenditures of grant funds by grantor agencies under a specific grant until reporting requirements are met; providing for informal conferences and formal hearings to recover state grant funds; requiring written disclosure of conflicts of interest by grantees and grantors; providing for audits and reporting for grant funds; prohibiting grant funds from being used towards prohibited political activity, as defined, and establishing criminal penalties therefore; authorizing the State Auditor to promulgate rules governing state grants; and requiring reporting to the Joint Committee on the Government and Finance”; to the Committee on Finance then the Judiciary.

By Delegate Summers:

H. B. 2574 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, and §21-17-4, all relating to prohibiting employers from requiring employees or prospective employees to have devices implanted or otherwise incorporated into their bodies as a condition of employment or any employment benefit; to prohibit employers from discriminating in the terms, conditions, and benefits of employment against employees who refuse to have a device implanted or otherwise incorporated into their bodies; and to provide remedies”; to the Committee on Workforce Development then the Judiciary.

By Delegates Westfall, Wamsley, Statler and Storch:

H. B. 2575 - “A Bill to amend and reenact §18-15-17 of the Code of West Virginia, 1931, as amended, relating to increasing the age limit from 35 to 40 for original appointment by the Firemen’s Civil Service Commission to a municipal paid fire department”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegate Foster:

H. B. 2576 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5H-1, §18-5H-2, §18-5H-3, and §18-5H-4, all relating to the Virtual Public School’s Act; providing a short title and declaration of

intent; including definitions; and providing accountability requirements”; to the Committee on Education.

By Delegate Foster:

H. B. 2577 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2, §18-10P-3, §18-10P-4, §18-10P-5, §18-10P-6, §18-10P-7, §18-10P-8, §18-10P-9, §18-10P-10, §18-10P-11, §18-10P-12, §18-10P-13, §18-10P-14, §18-10P-15, §18-10P-16, and §18-10P-17, all relating to creating a Statewide Online Education Program to enable eligible students to earn high school graduation credit through the completion of publicly funded online courses”; to the Committee on Education.

By Delegate Foster:

H. B. 2578 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, and §55-19-4, all relating to creating the Alternative Dispute Resolution Act; providing parties to a lawsuit with choices for resolving their dispute that save time and money, when compared to formal court proceedings, by encouraging alternative dispute resolution (ADR) procedures – limited discovery, confidential proceedings, and nonjudicial assistance in evaluating the parties’ claims”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2579 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31E-17-1, §31E-17-2, §31E-17-3, §31E-17-4, §31E-17-5, §31E-17-6 and §31E-17-7, all relating to creating the West Virginia Volunteer Immunity and Charitable Organization Liability Limit Act; providing a short title and declaration of intent; including definitions; providing for volunteer immunity from civil liability in certain circumstances; addressing limitations on organization liability; addressing exclusions and severability”; to the Committee on the Judiciary.

By Delegates Nestor, McGeehan, Ferrell, Fast, Lovejoy, Longanacre, Kimes, Fluharty, D. Kelly, Jennings and Queen:

H. B. 2580 - “A Bill to amend and reenact §8-11-1 of the Code of West Virginia, 1931, as amended, relating to ensuring that

municipal officers adhere to the Model Rules of Judicial Conduct, to provide a means by which the integrity of the judicial system of the state is preserved, and to ensure that the constitutional rights of all people will be adequately protected by all courts of this state”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Graves, Criss, Barrett, Anderson, Rohrbach, J. Kelly, Maynard, Burkhammer, J. Pack, Bridges and Westfall:

H. B. 2581 - “A Bill to repeal §11-3-24b and §11-3-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-1C-10 of said code, to amend said code by adding thereto a new section, designated §11-1C-10a; and to amend and reenact §11-3-15c, §11-3-15f, §11-3-15h, §11-3-15i, §11-3-23, §11-3-23a, §11-3-24, §11-3-24a, §11-3-25a, and §11-3-32 of said code, and to amend and reenact §11-10A-1, §11-10A-7, §11-10A-8, §11-10A-10, and §11-10A-19 of said code, all generally relating to the valuation, assessment, review, and appellate rights of property owners regarding valuation, classification, and taxability of real estate and personal property taxation; providing for revised methodology to value oil and natural gas property by Tax Commissioner; providing for the confidentiality of financial information disclosed to the Tax Commissioner; allowing for the publication, release, or other disclosure of nonproprietary financial information by the Joint Committee on Government and Finance; providing for the confidentiality of annual industry operating expenses survey information used for property tax purposes and defining a criminal penalty for the unauthorized disclosure of financial information; providing that residential property owners may not be required to furnish a formal appraisal to establish the value of their primary residence; providing that an assessor’s review is to be an informal process and defining the standard of proof which a taxpayer must meet to be no greater than a preponderance of the evidence; expanding the jurisdiction of the Office of Tax Appeals to include property tax valuation, classification, and taxability; providing that if an assessor rejects a petition, the petitioner may appeal to the county Board of Equalization and Review or the Office of Tax Appeals; allowing for certain appeals from decisions of the Tax Commissioner and

Board of Equalization and Review to the Office of Tax Appeals; repealing and eliminating the Board of Assessment Appeals; providing for an increase in the number of administrative law judges and staff attorneys within the Office of Tax Appeals; providing for effective dates; and making technical changes”; to the Committee on Energy and Manufacturing then Finance.

By Delegate Fluharty:

H. B. 2583 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1-12, relating to authorizing student athletes to be compensated for use of their name, image, or likeness; prohibiting state institutions of higher education from preventing a student athlete from use of the student’s name, image or likeness when the student is not engaged in official team activities; prohibiting athletic associations or other similar groups from preventing student athlete earning compensation for use of his or her name, image, or likeness; prohibiting athletic associations or other similar groups from preventing a state institution of higher education from allowing a student athlete earning compensation from the use of his or her name, image, or likeness; allowing the student athlete to obtain approved professional representation; and requiring the student athlete to disclose certain information to the state institution of higher education”; to the Committee on Education then the Judiciary.

By Delegate Fluharty:

H. B. 2584 - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting the home schooling of children in certain circumstances; and prohibiting home schooling when a custodial parent or the person instructing the child is suspected or convicted of child abuse or neglect; and when either custodial parent or a person instructing the child has been convicted of domestic violence. This act shall be known as ‘Raylee’s Law’”; to the Committee on Education then the Judiciary.

By Delegate Pushkin:

H. B. 2585 - “A Bill to repeal §60A-7-704, §60A-7-705a, §60A-7-706, §60A-7-707, and §60A-7-708 of the Code of West

Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §60A-7-702a; to amend and reenact §60A-7-703 of said code; to amend said code by adding thereto two new sections, designated §60A-7-703a and §60A-7-703b; to amend and reenact §60A-7-705 of said code; and to amend said code by adding thereto nine new sections, designated §60A-7-709, §60A-7-710, §60A-7-711, §60A-7-712, §60A-7-713, §60A-7-714, §60A-7-715, §60A-7-716, and §60A-7-717, all relating generally to forfeiture of contraband; establishing criminal forfeiture and the items and property subject to forfeiture; setting forth additional procedures for forfeiture; establishing dates; permitting a court to waive a conviction requirement; protecting innocent owners; permitting seizure of personal property with and without process; providing that there are no additional remedies and no joint and severable liability; establishing title; setting forth the disposition of forfeited property and proceeds; establishing prohibition on retaining property; establishing sales restrictions, return of property, damages, and costs; permitting the transfer of forfeited property to the federal government; providing for preemption; and defining terms”; to the Committee on the Judiciary.

By Delegate Fluharty:

H. B. 2586 - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to expanding the amount of PROMISE scholarship funds awarded to persons majoring in science, technology, engineering and mathematics fields”; to the Committee on Education then Finance.

By Delegate Fluharty:

H. B. 2587 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2A-5a, relating to drug testing of legislators”; to the Committee on the Judiciary then Finance.

By Delegates Hansen, Fleischauer, Young and Doyle:

H. B. 2588 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated as §24-2I-1, §24-2I-2, §24-2I-3, §24-2I-4, §24-2I-5, and §24-2I-6, relating to establishing the West Virginia Energy Efficiency Jobs Creation Act; creating short title; establishing findings and purpose;

defining terms; requiring electric utilities to develop and implement energy efficiency programs; establishing duties of the Public Service Commission; establishing certain requirements that the commission is to impose on electric utilities; providing requirements of electric utilities; requiring the commission to make reports to the Legislature; providing a self-direct option for an energy efficiency plan for eligible primary or secondary electric customers; establishing eligibility requirements; establishing duties of the commission; establishing requirements for self-directed energy efficiency plans; requiring electric providers to provide an annual report to the commission that includes certain information on the implementation of self-directed energy optimization plans; and requiring the commission to order certain participating customers that fail to meet the minimum energy efficiency goals of the self-directed plan to repay to the provider certain charges the customer avoided”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Hansen, Evans and Young:

H. B. 2589 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §22-10A-1, §22-10A-2, §22-10A-3, §22-10A-4, §22-10A-5, §22-10A-6, §22-10A-7, §22-10A-8, §22-10A-9, and §22-10A-10, all relating to the creation of the Orphan Oil and Gas Well Prevention Act of 2021; preventing oil and gas wells from being orphaned on surface owner’s land with no responsible driller or operator with the resources to plug the well; the procedures for prevention of orphaned wells; and requiring plugging money set aside as escrow in the office of the State Treasurer”; to the Committee on Energy and Manufacturing then Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 2011, Eliminating any time requirements for part time personnel to work during a working year; 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. 22**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Linville

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2011) passed.

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

H. B. 2019, Elevating Economic Development and Tourism Departments; on third reading, coming up in regular order, was read a third time.

Delegate Pushkin was addressing the House when Delegate Hardy arose to a point of order, regarding the content of the Gentleman's remarks. The Speaker sustained the point of order and reminded Members to speak to the bill before the House.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 23**), and there were—yeas 86, nays 13, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, Dean, Diserio, Fluharty, Gearheart, Jeffries, J., Kimble, McGeehan, Paynter, Phillips, Pushkin, Rowe and G. Ward.

Absent and Not Voting: Linville

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2019) passed.

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

Com. Sub. for H. B. 2263, Update the regulation of pharmacy benefit managers; on third reading, coming up in regular order, was read a third time.

Delegates Reed and Griffith requested to be excused from voting under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 24**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Linville

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2263) passed.

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

Second Reading

Com. Sub. for H. B. 2002, Relating to Broadband; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers and by unanimous consent, the bill was committed to the Committee on Technology and Infrastructure.

Com. Sub. for H. B. 2007, Provide for occupational licenses or other authorization to practice by recognition for qualified

applicants from other states; on second reading, coming up in regular order, was read a second time.

Delegate Diserio moved to amend the bill on page 1, following the enacting clause, by inserting the following new section:

“CHAPTER 11. TAXATION.

ARTICLE 10. WEST VIRGINIA TAX PROCEDURE AND ADMINISTRATION ACT.

§11-10-5ee. Disclosure of certain tax information to Boards and Agencies.

Notwithstanding any provision of this article to the contrary, the Tax Commissioner shall enter into a written agreement with any State Agency or Board of this state regulated by Chapter 21, Chapter 29 or Chapter 30 and the Agency or Board shall request and the Commissioner shall provide to the agency or board or to designated employees of such Agency or Board certain tax information, including but not limited to:

(1) Whether an applicant for issuance or renewal of an occupational license has filed a resident tax return for the most recent year; and

(2) Whether an applicant for issuance or renewal of an occupational license is in arrears for prior years state taxes and whether the applicant is subject to any enforcement or other action by the state Tax Commissioner for failure to report or pay any state taxes.”

Delegate Foster arose to inquire of the Chair regarding the germaneness of the amendment to the bill.

The Speaker replied, ruling that the amendment was germane.

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. 25**), and there were—yeas 30, nays 68, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Barach, Barrett, Boggs, Brown, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Paynter, Pethtel, Pushkin, Reynolds, Rowe, Skaff, Storch, Thompson, Toney, Walker, Ward, G, Williams, Young and Zukoff.

Absent and Not Voting: Bridges and Linville

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

Delegate Diserio moved to amend the bill on page 6, following the period on line 2 of section 13, by inserting a new section to read as follows:

On page 6, following the period on line 2 of section 13, by inserting a new section to read as follows:

“§21-17-14. Penalties relating to failure to obtain a license.

(1) It shall be unlawful for any person:

(1) To act as a business or regulate profession without having obtained and possessing a valid license;

(2) To make any false statement in an application for a license;
or

(3) To fail to submit satisfactory proof to the agency or board, under penalty of perjury, of the applicant’s substantially equivalent experience or credentials, as required by this article.

(b) The applicant is ineligible for a license if he or she has committed an act that would be grounds for disciplinary action under the law governing the applicable profession or occupation.”

And,

On page 11 following the period on line 2 of section 13, by inserting a new section to read as follows:

“§29-33-14. Penalties relating to failure to obtain a license.

(a) It shall be unlawful for any person:

(1) To act as a business or regulate profession without having obtained and possessing a valid license;

(2) To make any false statement in an application for a license;
or

(3) To fail to submit satisfactory proof to the agency or board, under penalty of perjury, of the applicant’s substantially equivalent experience or credentials, as required by this article.

(b) The applicant is ineligible for a license if he or she has committed an act that would be grounds for disciplinary action under the law governing the applicable profession or occupation.”

And,

On page 16 following the period on line 2 of section 13, by inserting a new section to read as follows:

“§30-1F-14. Penalties relating to failure to obtain a license.

(a) It shall be unlawful for any person:

(1) To act as a business or regulate profession without having obtained and possessing a valid license;

(2) To make any false statement in an application for a license;
or

(3) To fail to submit satisfactory proof to the agency or board, under penalty of perjury, of the applicant’s substantially equivalent experience or credentials, as required by this article.

(b) The applicant is ineligible for a license if he or she has committed an act that would be grounds for disciplinary action under the law governing the applicable profession or occupation.”

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. 26**), and there were—yeas 26, nays 72, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Barach, Bates, Boggs, Brown, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Paynter, Pethel, Pushkin, Rowe, Skaff, Thompson, Walker, Ward, G, Williams, Young and Zukoff.

Absent and Not Voting: Higginbotham and Linville

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

Delegate Diserio moved to amend the bill on page 4, section 3, line 25, following the words “is resolved,” by striking out the word “and”.

And,

On page 4, section 3, line 27, following the words “this state”, by striking out the period, inserting a semi colon and the following:

“and

(11) The board in this state has determined the applicant qualifies for employment under the E-Verify program administered by the United States Department of Homeland Security and the United States Social Security Administration.”

And,

On page 9, section 3, line 27, following the words “this state” by striking out the period, inserting a semi colon and the following:

“and

(11) The board in this state has determined the applicant qualifies for employment under the E-Verify program administered by the United States Department of Homeland Security and the United States Social Security Administration.”

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. 27**), and there were—yeas 32, nays 66, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Barach, Bates, Boggs, Brown, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Jeffries, J., Lovejoy, Maynard, McGeehan, Paynter, Pethel, Pushkin, Rohrbach, Rowe, Skaff, Storch, Thompson, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Higginbotham and Linville

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

Delegates Pushkin and Fleischauer moved to amend the bill on page 3, section 3, line 9, following the semicolon, by inserting a new subdivision (4) to read as follows:

“(4) The person is not licensed by the Massage Therapy Licensing Board pursuant to the provisions of §30-37-1 *et seq.* of this code. Massage Therapy is continued as a lawful occupation exempted from the provisions of this article and the provisions of §29-33-1 *et seq.* of the code;” and renumbering subsequent subdivisions of this subsection accordingly.

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. 28**), and there were—yeas 25, nays 73, absent and not voting 2, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Higginbotham and Linville

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

Delegates Foster and Steele moved to amend the bill on page twelve, section one, line three, after the phrase “§30-2-1 et seq.” by inserting the following “§30-3-1 et seq., §30-3E-1 et seq., §30-14-1 et seq., §30-14E-1 et seq., §30-18-1 et seq.”

The question before the House being the adoption of the amendment, the same was put and prevailed.

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

Com. Sub. for H. B. 2013, Relating to the Hope Scholarship Program; on second reading, coming up in regular order, was read a second time.

Delegate Burkhammer moved to amend the bill on page eleven, section two, line seventeen, following the word “code”, by inserting the words “*Provided*, That effective July 1, 2026, a child is considered to meet the requirements of this paragraph if he or she is enrolled, eligible to be enrolled, or required to be enrolled in a kindergarten program or public elementary or secondary school program in this state at the time of application”.

The question being on the adoption of the amendment, the same was put and prevailed.

Delegates Hornbuckle, Evans, Thompson and Walker moved to amend the bill on page 9, section 25, lines 5 and 6, by striking out the words “the greater of an amount not less than two percent of net public school enrollment adjusted for state aid purposes or” and inserting in lieu thereof, the words “no more than 2,500 of”.

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. 29**), and there were—yeas 25, nays 69, absent and not voting 6, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Fluharty, Foster, Gearheart, Higginbotham, Linville and Westfall

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

Delegates Doyle, Thompson, Rowe, Walker and Pushkin moved to amend the bill on page 24, section 11, line 10, following the number “1981”, by inserting a comma and the words “or on the basis of race, sex, sexual orientation, gender identification, religion or disability”.

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. 30**), and there were—yeas 21, nays 72, absent and not voting 7, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Fluharty, Gearheart, Higginbotham, Kelly, J., Linville, Toney and Westfall.

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

An amendment offered by Delegate Rowe, was reported by the Clerk, on page 10, section 2, line 15, by striking out the word “Is” and inserting in lieu thereof the words “Has been” and on line 15, following the words “in this state” by striking out the word “at” and by inserting in lieu thereof the words “at least one full semester immediately prior to”.

Whereupon,

Delegate Rowe obtained unanimous consent that the amendment be withdrawn.

Delegates Hornbuckle, Evans, Thompson and Walker moved to amend the bill on page 10, section 2, line 14, by striking out the word “and” and on line 17 of section 2, following the semi-colon, by inserting the following:

“and

(c) The household income for the household of the recipient does not exceed \$50,000 for persons filing a single return or \$100,000 for persons filing a joint return.”

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. 31**), and there were—yeas 22, nays 73, absent and not voting 5, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Fluharty, Gearheart, Higginbotham, Linville and Westfall

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

On motion of Delegate Ellington, the bill was amended on page 15, section 6, line 4, after the word “with”, by striking out “§18-9A-10(a)(6)” and inserting in lieu thereof “§18-9A-25”.

And

On page 16, section 6, line 14, after the word “to”, by striking out “§18-9A-10(a)(6)” and inserting in lieu thereof “§18-9A-25”.

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

First Reading

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

Com. Sub. for H. B. 2009, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities,

Com. Sub. for H. B. 2325, Removing the requirement of continuing education for barbers and cosmetologists,

And,

H. B. 2366, Requiring agencies who have approved a proposed rule that affects fees or other special revenues to provide to the committee a fiscal note.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Linville.

Miscellaneous Business

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

H. B. 2035: Delegate Mallow;

H. B. 2048: Delegate Brown;

H. B. 2049: Delegate Walker;

H. B. 2051: Delegate Brown;

H. B. 2052: Delegate Brown;

H. B. 2077: Delegate Pritt;

H. B. 2147: Delegate Walker;

H. B. 2150: Delegate Walker;

H. B. 2221: Delegates Barnhart, Capito, Espinosa, Hott, J. Jeffries, Keaton, L. Pack, Pritt, Reed and Williams;

H. B. 2223: Delegate Walker;

H. B. 2239: Delegates Longanacre and Mallow;

H. B. 2248: Delegate Mallow;

H. B. 2256: Delegate Hanna;

H. B. 2270: Delegate Mallow;

H. B. 2275: Delegate Mallow;

H. B. 2500: Delegates J. Jeffries and Mandt;

H. B. 2532: Delegate Walker;

H. B. 2539: Delegate Walker;

H. B. 2540: Delegate Walker;

H. B. 2542: Delegate Walker;

H. B. 2550: Delegate Walker;

H. B. 2560: Delegate Walker;

H. B. 2566: Delegate Brown;

And,

H. J. R. 12: Delegates Pushkin, Walker and Williams.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

H. J. R. 3: Delegate Reynolds.

Pursuant to House Rule 65, Delegate Bates requested the Chamber for Remarks by Members of the House at 4:30 on February 24, 2021. The Speaker replied that remarks by members would be scheduled as close as possible to that time.

At 1:29 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 18, 2021.

Thursday, February 18, 2021

NINTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, February 17, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 2014, on Second reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

H. B. 2260, Relating to procurement of child placing services,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2260 - “A Bill to amend and reenact §49-2-111a of the Code of West Virginia, 1931, as amended, relating to the department’s obligations to enter into performance-based contracts with child-placing agencies; extending a deadline; and exempting the contract from purchasing,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. J. R. 1, Supervision of Free Schools Modification Amendment,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. J. R. 1 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section 2, article 12 thereof, relating to education and the supervision of free schools; clarifying that the general supervisory authority of the State Board of Education is subject to legislative enactments; allowing the board to promulgate rules; requiring rules to be submitted to the Legislature for its review and approval, amendment, or rejection; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment,"

With the recommendation that the committee substitute be adopted.

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

Your Committee on Government Organization has had under consideration:

H. B. 2500, Create an act for Statewide Uniformity for Auxiliary Container Regulations,

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

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2338, Adding pasteurized milk and other dairy foods produced or processed in West Virginia to the list of items required to be purchased by all state-funded institutions,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2338) was referred to the Committee on Finance.

Delegate Zatezalo, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

H. B. 2290, Initiating a State Employment First Policy to facilitate integrated employment of disabled persons,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2290) was referred to the Committee on Government Organization.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 216 - “A Bill to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Commerce 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 Department of Commerce to promulgate a legislative rule relating to tourism development districts; authorizing the Division of Labor to promulgate a legislative rule relating to high pressure steam boiler and forced flow steam generator requirements; authorizing the Office of Miners’ Health, Safety, and Training to promulgate a legislative rule relating to rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia; authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest trail system two-year pilot program permitting ATV’s and ORV’s; authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting rule; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting”; which was referred to the Committee on the Judiciary.

Bills Introduced

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

By Delegates Keaton and Holstein:

H. B. 2591 - “A Bill to amend and reenact §62-15-4 of the Code of West Virginia, 1931, as amended, relating to allowing drug courts to establish their own process for accrediting community drug recovery programs in certain cases”; to the Committee on the Judiciary.

By Delegates Summers, Howell, Phillips, J. Jeffries, Sypolt, Riley, Haynes, G. Ward, Higginbotham, Kimble and Keaton:

H. B. 2592 - “A Bill to amend and reenact §3-1-31 of the Code of West Virginia, as amended, relating to bringing uniformity to local elections by ensuring that all counties and municipalities have their local elections held on a date that a statewide election is already taking place, on a primary, general, or special election date”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Keaton, Haynes, Pinson, Wamsley, L. Pack, Burkhammer and B. Ward:

H. B. 2593 - “A Bill to amend and reenact §55-7-29 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of punitive damages in West Virginia and increasing the threshold for awarding such damages in civil litigation”; to the Committee on the Judiciary.

By Delegates Keaton, Wamsley and Holstein:

H. B. 2594 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6, and §55-19-7, all relating to creating the ‘Unborn Infants Wrongful Death Act’, stating legislative findings and purposes; defining terms; creating a cause of action with exceptions; stating that article does not condone abortion, nor make abortion legal by this act; and right of intervention to defend constitutionality of this act”; to the Committee on the Judiciary.

By Delegates Keaton, Holstein, Barnhart and Wamsley:

H. B. 2595 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9B; to amend said code by adding thereto a new section, designated §18-2-44; and to amend said code by adding a new section, designated §11B-2-33, all relating to prohibiting discriminatory ‘divisive acts’ in the workplace and adding to the definition of the Human Rights Act; prohibiting the teaching of ‘divisive acts’ in West Virginia schools; and prohibiting state funding to agencies

who promote ‘divisive acts’”; to the Committee on Workforce Development then Education then the Judiciary.

By Delegate Keaton:

H. B. 2596 - “A Bill to amend and reenact §15-2A-6 of the Code of West Virginia, 1931, as amended, relating to increasing the West Virginia State Police 2021 Retirement annuity from three to four percent”; to the Committee on Pensions and Retirement then Finance.

By Delegates J. Jeffries, Dean, J. Pack, Horst, Mazzocchi, Kimble, Pinson, Martin and Summers:

H. B. 2597 - “A Bill to amend and reenact §8-29A-3 of the Code of West Virginia, 1931, as amended, relating to prohibiting county airport authorities from making or adopting rules prohibiting possession of firearms in public, nonsecure areas”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates J. Kelly, Anderson, Mandt, Horst, Barnhart, Conley, Cooper, Zatezalo, Queen, Rohrbach and Graves:

H. B. 2598 - “A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to modifying an exception to the definition of aboveground storage tank by removing a location requirement for small devices having a capacity of 210 barrels or less”; to the Committee on Energy and Manufacturing.

By Delegate Doyle:

H. B. 2599 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-15-24, relating to establishing a fee that wholesalers must pay the West Virginia Solid Waste Management Board for each plastic bag supplied to retailers for consumer purchases”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 2007, Provide for occupational licenses or other authorization to practice by recognition for qualified

applicants from other states; on third reading, coming up in regular order, was read a third time.

Delegates Riley and Gearheart requested to be excused from voting under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 32**), and there were—yeas 65, nays 33, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Booth, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Paynter, Pethtel, Pushkin, Riley, Rohrbach, Rowe, Skaff, Statler, Storch, Thompson, Toney, Walker, G. Ward, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Ellington and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2007) passed.

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

Com. Sub. for H. B. 2013, Relating to the Hope Scholarship 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. 33**), and there were, including pairs—yeas 60, nays 39, absent and not voting 1, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Ellington

Nay: J. Kelly

Nays: Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Brown, Cooper, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, D. Kelly, Lovejoy, McGeehan, Paynter, Pethtel, Pushkin, Reynolds, Rohrbach, Rowan, Rowe, Skaff, Storch, Thompson, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2013) passed.

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

Com. Sub. for H. B. 2013 – “A Bill to amend and reenact §18-8-1 and §18-8-1a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9A-25; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10, §18-31-11, §18-31-12, and §18-31-13, all relating to establishing the Hope Scholarship Program; creating exemptions from compulsory school attendance requirements under certain conditions; providing a parent of a prospective kindergarten student the option of applying to the program on his or her child’s behalf; providing funding for the program and the parameters thereof; providing a title for the act and the program; providing definitions; creating the West Virginia Hope Scholarship Board and providing for membership qualifications therein; establishing powers of the board; establishing the application process for the award of Hope Scholarships; creating the West Virginia Hope Scholarship Program Trust Fund and the West Virginia Hope Scholarship

Program Expense Fund and the funding mechanisms and parameters therefore; establishing qualifying expenses for Hope Scholarship Accounts; creating a renewal process for accounts; providing for a Hope Scholarship student's participation in the public school system; providing for administration of accounts; providing for the auditing of the program, suspension of accounts and providers under certain circumstances, and creating a right of appeal; establishing requirements for and rights of education service providers; establishing responsibilities of resident school districts; and providing for legal proceedings and severability.”

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

Second Reading

Com. Sub. for H. B. 2003, Relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency; on second reading, coming up in regular order, was read a second time.

Delegate Brown moved to amend the bill on page two, section two, line thirty-three, following the semi-colon by inserting the following:

“House of worship” means a church, temple, synagogue, mosque, or other building or space set apart primarily for the purpose of worship, devotion, veneration or religious study;”.

And,

On page nine, section six, line one hundred twenty-three, following the period, by inserting a new subsection to read as follows:

“(i) The emergency powers granted under this section do not authorize the Governor to close or dictate religious practices in a house of worship during a state of preparedness or state of emergency.”

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. 34**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Doyle, Griffith, Nestor and Reed.

Absent and Not Voting: Ellington and Linville.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

Delegate McGeehan moved to amend the bill on page nine, line one hundred twenty-three, following the word “section” and the period, by inserting the words “Upon passage, any state of emergency or state of preparedness currently in effect are subject to the provisions of this section.”

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. 35**), and there were—yeas 47, nays 51, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Barach, Barrett, Bates, Boggs, Booth, Bridges, Brown, Dean, Diserio, Doyle, Evans, Fast, Fleischauer, Fluharty, Garcia, Gearheart, Griffith, Hanna, Hansen, Hardy, Holstein, Hornbuckle, Horst, J. Jeffries, Jennings, Kimble, Longanacre, Lovejoy, Mandt, Martin, McGeehan, Paynter, Pethel, Phillips, Pritt, Pushkin, Rowe, Skaff, Statler, Thompson, Toney, Walker, G. Ward, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Ellington and Linville

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2009, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page 5, line 91, after the word “person”, by inserting the word “intentionally”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2014, Relating to role of the Legislature in appropriating federal funds; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2325, Removing the requirement of continuing education for barbers and cosmetologists; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2366, Requiring agencies who have approved a proposed rule that affects fees or other special revenues to provide to the committee a fiscal note; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2008, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers,

And,

H. B. 2253, Relating to forgery and other crimes concerning lottery tickets.

Delegate Miller asked and obtained unanimous consent to be removed as a cosponsor of Com. Sub. for H. B. 2008.

Leaves of Absence

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

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 Barach regarding Com. Sub. for H. B. 2013
- Delegate McGeehan regarding the amendment he offered to Com. Sub. for H. B. 2003

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

H. B. 2047: Delegate Nestor;

H. B. 2059: Delegate Hamrick;

H. B. 2081: Delegate Young;

H. B. 2093: Delegates Clark, Jennings, Longanacre, Smith, Toney and Wamsley;

H. B. 2094: Delegates Burkhammer, Capito, Espinosa, Hanna, J. Pack, L. Pack, Pritt, Summers and B. Ward;

H. B. 2113: Delegate Walker;

H. B. 2117: Delegate Walker;

H. B. 2120: Delegate Barach;

H. B. 2122: Delegate Barach;

H. B. 2120: Delegate Walker;

H. B. 2184: Delegate L. Pack;

H. B. 2194: Delegate Walker;

H. B. 2225: Delegate Walker;

H. B. 2226: Delegate Barach;

H. B. 2256: Delegate Foster;

H. B. 2287: Delegate Barach;

H. B. 2266: Delegate Young;

H. B. 2290: Delegate Conley, Ferrell; Horst, D. Jeffries, Jennings, Kimble, Mazzocchi, Tully, B. Ward and G. Ward;

H. B. 2308: Delegates Higginbotham and Hornbuckle;

H. B. 2531: Delegate Young;

H. B. 2538: Delegate Young;

H. B. 2542: Delegate Young;

H. B. 2547: Delegate Young;

H. B. 2588: Delegate Barach;

And,

H. J. R. 12: Delegate Barach.

At 1:42 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 19, 2021.

Friday, February 19, 2021

TENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Thursday, February 18, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2221, Relating to the establishment of an insurance innovation process,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2221) was referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2093, Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2093) was referred to the Committee on Health and Human Resources.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2076, Removing all costs and fees from a Silver Star registration plate,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2076) was referred to the Committee on Finance.

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

By Delegates Rohrbach, J. Pack, Summers, Reed, Longanacre, Bates, Criss and Dean:

H. B. 2626 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to discontinuing operation of certain state facilities."

The Speaker referred the bill to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2184, Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2094, Relating to the juvenile restorative justice programs,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2094 - "A Bill to amend and reenact §49-4-725 of the Code of West Virginia, 1931, as amended, relating to the juvenile restorative justice programs; clarifying time-frame and conditions for juvenile referral to restorative justice programs; providing definitions related to the juvenile restorative justice programs; establishing particular aspects of a voluntary restorative justice program including the requirement that the juvenile offender and victim each participate voluntarily; focusing on repairing harm done by facilitated communication between victim, offender, and associated third parties or stakeholders; requiring restorative justice programs to include victim-offender mediation dialogue, family group conferencing and implementation of measures to redress the victim and community to provide an opportunity for the offender to accept responsibility and address repair of that harm; implement measures designed to redress the victim and community; address status offenses as appropriate and necessary; and providing that the petition against the juvenile shall be dismissed if the juvenile has not previously and successfully completed a restorative justice programs, is referred to and then successfully completes restorative justice program; and, provides that self-incriminating information obtained as the result of a

restorative justice program is not admissible in subsequent juvenile proceedings,”

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2358, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2359, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

A message from the Senate, by

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

Com. Sub. for S. B. 15 - “A Bill to amend and reenact §18A-4-1 and §18A-4-2 of the Code of West Virginia, 1931, as amended, all relating generally to in-field master’s degree; revising definition of ‘M.A.’; adding definition for ‘in-field master’s degree’; providing that salary increase for holding an in-field master’s degree is contingent upon a classroom teacher’s assignment; requiring the state board to promulgate rules for the administration and implementation of the in-field master’s salary; specifying contents of rule; requiring the Higher Education Policy Commission to develop a plan to provide readily accessible ‘M.A.’

classification programs at West Virginia institutions of higher education for professional educators throughout the state; requiring the commission to propose a legislative rule outlining the process for the state's public, master's degree granting institutions to offer a fully online, collaborative graduate program for educators providing academic coursework including pedagogy, curriculum and instructional design, and behavioral health areas of focus; and prohibiting certain classroom teachers from receiving the salary increase for any education level above A.B. plus 15 unless certain in-field master's degree related requirements have been satisfied"; which was referred to the Committee on Education.

Resolutions Introduced

Delegates Howell, Hamrick, Foster, Martin, Steele, Ellington, Jennings, Horst, B. Ward, L. Pack and Gearheart offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 5 – “Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the United States Constitution limited to proposing amendments that impose limits to the power and jurisdiction of the federal government by allowing the state legislatures of the United States to pass legislation to override certain federal laws deemed too onerous or restrictive.”

SECTION 1. Application for a convention for proposing amendments.

Whereas, Some federal laws have a disproportionate impact on the several states in the Union; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations, and special interests in Washington, D.C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the Constitution of the United States through a limited Convention of the States under Article V; therefore, be it

Resolved by the Legislature of West Virginia:

That it hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that limit the power and jurisdiction of the federal government by allowing a vote of three fifths of the several state legislatures to repeal certain federal laws and regulation they deem to be too onerous or restrictive; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution, Legislative Call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject.

SECTION 2. Reservations, understandings and declarations.

The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings and declarations:

1. An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

2. Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two thirds of the legislatures of the several states;

3. Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

4. By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

5. A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void *ab initio* if ever used at any stage to consider any change to any provision of the Bill of Rights;

6. Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

7. The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided.

Motions

On motion of Delegate Summers, the House of Delegates reconsidered its action on the adoption on yesterday of the title amendment to Com. Sub. for H. B. 2013.

Unanimous consent was then obtained to withdraw the title amendment.

On motion of Delegate Summers, having voted on the prevailing side on yesterday, the House reconsidered the passage of Com. Sub. for H. B. 2013.

Delegate Summers then asked and obtained unanimous consent to recommit the bill to the Committee on Finance.

Bills Introduced

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

By Delegates Mallow, Conley, Forsht, Bruce, Longanacre and Miller:

H. B. 2600 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4, relating to requiring a public entity accepting a bid on a public construction contract or any other type of contract to notify every municipality and county in which the contractor or any of its subcontractors will be performing services under the contract of the existence of the contract; publishing terms of contract; and

providing time for public comment”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Fast, Burkhammer, Kessinger, Phillips, Pritt, Bruce, Pinson, Kimble, Kimes, D. Kelly and Brown:

H. B. 2601 - “A Bill to amend and reenact §20-2-31 and §20-2-36 of the Code of West Virginia, 1931, as amended, relating to providing for an electronic or digital version of a hunting or fishing license”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Mallow, Conley, Forsht, Bruce, Horst, Miller, Sybolt, Pritt and Nestor:

H. B. 2602 - “A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local and state special elections to be held on the days and hours of general or primary or state elections; and providing an exception for run-off elections”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Mallow, Conley, Forsht, Bruce, Horst, Miller and Pritt:

H. B. 2603 - “A Bill to amend and reenact §5B-2I-4 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Tourism Office; and providing that the office may limit the number of visitor bureaus in the counties of the state in order to maximize effectiveness of one main visitors bureau in smaller populated counties”; to the Committee on Government Organization.

By Delegates Mallow, Conley, Forsht, Bruce, Longanacre, Horst, Miller, Pritt and Holstein:

H. B. 2604 - “A Bill to amend and reenact §18-30-3 of the Code of West Virginia, 1931, as amended, relating to including vocational or trade schools in the West Virginia College Prepaid Tuition and Savings Program, if qualified as an eligible educational institution under 20 U. S. C. §529”; to the Committee on Education then Finance.

By Delegates Mallow, Conley, Forsht, Bruce and Miller:

H. B. 2605 - “A Bill to amend and reenact §16-13A-3 of the Code of West Virginia, 1931, as amended, relating to providing that if a public service board represents more than one community, there shall be one member from each such community on the service district board”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Mallow, Conley, Forsht, Bruce, Miller and Holstein:

H. B. 2606 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to exempting honorably discharged veteran of any branch of the armed services of the United States from the payment of registration fees under the provisions of this chapter, except for a special initial application fee of \$10”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Mallow, Conley, Forsht, Bruce, Horst, Miller, Pritt, Holstein and Longanacre:

H. B. 2607 - “A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended, relating to requiring that in elections for candidates for public office, all registered voters shall produce a valid identifying document containing a photograph in order to vote”; to the Committee on the Judiciary.

By Delegates Mallow, Conley, Forsht, Bruce, Miller and Holstein:

H. B. 2608 - “A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to the surcharge on fire and casualty insurance policies; providing that the surcharge be increased to one percent; providing that the surcharge be used solely for volunteer fire departments; and deleting obsolete language”; to the Committee on Banking and Insurance then Finance.

By Delegates Mallow, Conley, Forsht, Bruce, Horst, Miller and Holstein:

H. B. 2609 - “A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5T-

7, relating to establishing quick response teams under the Office of Drug Control Policy to act as first responders in narcotic related medical emergencies”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

By Delegate Fluharty:

H. B. 2610 - “A Bill to amend and reenact §6B-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists; and providing an effective date”; to the Committee on the Judiciary.

By Delegates Pushkin and Rowe:

H. B. 2611 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-22 and §16-1-22a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Pushkin, Howell, McGeehan and Walker:

H. B. 2612 - “A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-11 of said code, all relating to allowing a bar to purchase liquor from a distillery or a mini-distillery if it is within 10 miles of the distillery or mini-distillery and the liquor was made at the distillery or mini-distillery”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 2613 - “A Bill to amend and reenact §5B-1-2 of the Code of West Virginia, 1931, as amended, relating to providing that the

Jobs Investment Trust Board be part of the Department of Commerce”; to the Committee on Government Organization.

By Delegates J. Pack and Rohrbach:

H. B. 2614 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-130, relating to the creation of the Office of Quality Assurance and Evaluation for child welfare programs within the Department of Health and Human Resources”; to the Committee on Health and Human Resources then Finance.

By Delegates J. Pack and Rohrbach:

H. B. 2615 - “A Bill to amend and reenact §9-3-6 of the Code of West Virginia, 1931, as amended, relating to the program for drug screening of applicants for cash assistance”; to the Committee on Health and Human Resources.

By Delegates J. Pack and Rohrbach:

H. B. 2616 - “A Bill to amend and reenact §16-5N-3 of the Code of West Virginia, 1931, as amended, relating to residential care communities that encourage and promote the development and utilization of quality residential communities for persons who desire to live independently or who may require limited and intermittent nursing care in a normal home environment; and to amend the requirement of an annual report to the Legislature to providing specified information being continuously available to the public at all times on the Office of Health Facility Licensure and Certification’s website”; to the Committee on Health and Human Resources.

By Delegates Barnhart, Foster, Keaton, Hamrick and Cooper:

H. B. 2617 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-16-1, §4-16-2, §4-16-3, §4-16-4, §4-16-5, §4-16-6, §4-16-7, §4-16-8, §4-16-9, §4-16-10, and §4-16-11, all relating to capping the total number of regulatory requirements enacted by the State of West Virginia; and ensuring that for every new regulatory requirement enacted, two old regulatory requirements are sunset until the Red Tape Reduction Target is met, at which point the article will allow

for every new regulatory requirement enacted, one old regulatory requirement will be sunset, thus maintaining zero net new regulatory requirements”; to the Committee on Government Organization then the Judiciary.

By Delegates Fluharty, Hansen and Lovejoy:

H. B. 2618 - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, and §11-13KK-3; and to amend and reenact §55-7D-1 and §55-7D-3 of said code, all relating to Good Samaritan Food Donation Act; establishing a tax credit against corporation net income tax for retail food distributors that donate certain surplus food products to nonprofit organizations; providing for credit to apply to either personal income or corporate net income tax liabilities; placing limitations and qualifications for the tax; directing the Tax Commissioner to promulgate rules and forms; and directing the Department of Health and Human Resources to distribute certain information regarding tax credit availability”; to the Committee on Finance.

By Delegates J. Pack and Rohrbach:

H. B. 2619 - “A Bill to amend and reenact §33-4A-1, §33-4A-2, §33-4A-3, §33-4A-4, §33-4A-5, §33-4A-6, §33-4A-7, and §33-4A-8 of the Code of West Virginia of 1931, as amended, all relating to the All-Payer Claims Database, to reflect that the Health Care Authority is part of the organizational structure of the Department of Health and Human Resources and is no longer a separate governmental agency; and to more clearly and accurately delineate the roles of the entities responsible for the all-payer claims database”; to the Committee on Health and Human Resources then Government Organization.

By Delegates J. Pack and Rohrbach:

H. B. 2620 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-101a, relating to a departmental study of the child protective services and foster care workforce”; to the Committee on Health and Human Resources.

By Delegates Steele, Maynard, Skaff, Lovejoy, Statler, Diserio and D. Kelly:

H. B. 2621 - “A Bill to amend and reenact §15A-11-8 and 15A-11-9 of the Code of West Virginia 1931, as amended, all relating to requiring the Fire Officer 2 training to contain a component on current laws, rules and regulations governing the fire service; requiring the Firefighter 1 training to contain a section on the Fire Commission, Fire Marshal’s Office and the operations of both; establishing a mandatory certification program for fire chiefs, or acting chiefs of every fire department; requiring the Fire Commission propose emergency legislative rules and legislative rules to implement the certification process; setting forth the process of denial, suspension, or revocation of fire departments, chiefs, or acting chiefs, and the conditions under which the certification can be denied, suspended or revoked; allowing persons with specialized training to be members of volunteer fire departments who are not certified as firefighters; limiting the actions of specialized members of fire departments who are not certified fire fighters; requiring the fire commission to propose emergency legislative rules and legislative rules to implement the process of allowing specialized members of departments; allowing the fire commission to propose emergency rules and legislative rules governing the activities of junior firefighters; requiring the fire Marshal to issue certificates to departments following a department evaluation, and requiring that the certificate of evaluation be posted at the fire department in a conspicuous place to be visible to members of the department and to members of the public”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Skaff, Zukoff and Walker:

H. B. 2622 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to establishing a tax credit against West Virginia personal income tax liability tax credit for student loan payments; providing for definitions; establishing the tax credit; providing for the tax credit be claimed by the taxpayer the year of graduation; providing the tax credit may be claimed for nine tax years after graduation; providing that any year the tax credit is not claimed is

forfeited; establishing certain conditions for the taxpayer to claim the credit; and permitting the Tax Commissioner to require forms, filings or other such methods to claim the tax credit”; to the Committee on Education then Finance.

By Delegates Skaff, Zukoff and Higginbotham:

H. B. 2623 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to a tax credit for any new teacher who remains in the state and works as a teacher five years after graduation”; to the Committee on Education then Finance.

By Delegates Skaff, Boggs and Rowe:

H. B. 2624 - “A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to redirecting a percentage of any surplus to state institutions of higher education to restore their state allocation funding levels to adjusted 2013 fiscal year appropriation levels”; to the Committee on Education then Finance.

By Delegates Skaff, Rowe and Walker:

H. B. 2625 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-2-45, relating to permitting election day registration of voters”; to the Committee on Political Subdivisions then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 2003, Relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency; 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. 36**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Ellington, Kessinger and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2003) passed.

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

On this question, the yeas and nays were taken (**Roll No. 37**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Ellington, Kessinger and Linville.

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. 2003) takes effect from its passage.

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

Com. Sub. for H. B. 2009, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities; 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. 38**), and there were—yeas 61, nays 36, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Brown, Dean, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Jeffries, J., Lovejoy, Mandt, Maynard, McGeehan, Paynter, Pethtel, Pushkin, Rohrbach, Rowe, Skaff, Statler, Storch, Thompson, Toney, Walker, G. Ward, Westfall, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Ellington, Kessinger and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2009) passed.

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

Com. Sub. for H. B. 2014, Relating to role of the Legislature in appropriating federal funds; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 39**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Ellington, Kessinger and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2014) passed.

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

On this question, the yeas and nays were taken (**Roll No. 40**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Ellington, Kessinger and Linville.

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. 2014) takes effect from its passage.

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

Com. Sub. for H. B. 2325, Removing the requirement of continuing education for barbers and cosmetologists; 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. 41**), and there were—yeas 84, nays 13, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Fleischauer, Fluharty, Griffith, Hansen, Pushkin, Rowe, Skaff, Thompson, Walker and Zukoff.

Absent and Not Voting: Ellington, Kessinger and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2325) passed.

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

H. B. 2366, Requiring agencies who have approved a proposed rule that affects fees or other special revenues to provide to the committee a fiscal note; 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. 42**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Ellington, Kessinger and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2366) passed.

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

Second Reading

Com. Sub. for H. B. 2008, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers; on second reading, coming up in regular order, was read a second time.

Delegate Criss moved to amend the bill on page two, following line seven, by striking out Article 3D in its entirety.

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. 43**), and there were—yeas 57, nays 40, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bruce, Burkhammer, Capito, Clark, Conley, Cooper, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Haynes, Higginbotham, Holstein, Horst, Hott, Householder, Howell, D. Jeffries, Jennings, Keaton, Kimble, Kimes, Mallow, Mandt, Martin, Mazzocchi, Miller, J. Pack, Pritt, Reed, Smith, Steele, Summers, Tully, Wamsley and Hanshaw (Mr. Speaker).

Absent and Not Voting: Ellington, Kessinger and Linville.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

Delegate Diserio moved to amend the bill on page 16, section 2, line 19 following the words “means a person”, by inserting the following:

“whom the Fire Marshal has determined qualifies for employment under the E-Verify program administered by the United States Department of Homeland Security and the United State Social Security Administration and”.

On page 16, section 2, line 25 following the words “means a person” by inserting the following: “whom the Fire Marshal has determined qualifies for employment under the E-Verify program

administered by the United States Department of Homeland Security and the United State Social Security Administration and.”

And,

On page 16, section 2, line 29 following the words “means a person” by inserting the following: “whom the Fire Marshal has determined qualifies for employment under the E-Verify program administered by the United States Department of Homeland Security and the United State Social Security Administration and”.

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. 44**), and there were—yeas 31, nays 66, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Barach, Bates, Boggs, Booth, Bridges, Brown, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, J. Jeffries, Lovejoy, Maynard, Paynter, Pethtel, Pushkin, Rowe, Skaff, Thompson, Toney, Walker, G. Ward, Williams, Young and Zukoff.

Absent and Not Voting: Ellington, Kessinger and Linville.

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

Delegate Diserio moved to amend the bill on page 26, section 6, lines 23 through 25, on line 23, by striking out the colon, inserting a period, and striking out the proviso on lines 23 through 25.

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. 45**), and there were—yeas 28, nays 69, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Ellington, Kessinger and Linville.

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

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

H. B. 2253, Relating to forgery and other crimes concerning lottery tickets; 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.

First Reading

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

Com. Sub. for H. J. R. 1, Supervision of Free Schools Modification Amendment,

Com. Sub. for H. B. 2260, Relating to procurement of child placing services,

And,

H. B. 2500, Create an act for Statewide Uniformity for Auxiliary Container Regulations.

Leaves of Absence

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

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 Pinson regarding Com. Sub. for H. B. 2003
- Delegate Capito, including the discussion of Delegate Fleischauer and Capito, regarding Com. Sub. for H. B. 2003
- Delegates, Summers, Conley and Walker regarding Com. Sub. for H. B. 2325
- Delegate Graves regarding intending to vote "Nay" on Com. Sub. for H. B. 2009

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

- H. B. 2049:** Delegate Hansen;
- H. B. 2050:** Delegate Hansen;
- H. B. 2051:** Delegate Hansen;
- H. B. 2057:** Delegate Hansen;
- H. B. 2063:** Delegate Hansen;
- H. B. 2094:** Delegate Barnhart;
- H. B. 2101:** Delegate Barach;
- H. B. 2105:** Delegate Barach;
- H. B. 2107:** Delegate Haynes;
- H. B. 2114:** Delegate Hansen;
- H. B. 2120:** Delegate Hansen;
- H. B. 2287:** Delegate Wamsley;

H. B. 2308: Delegate Hansen;

H. B. 2355: Delegate Hansen;

H. B. 2357: Delegate Hansen;

H. B. 2362: Delegate Hansen;

H. B. 2533: Delegate Hansen;

H. B. 2538: Delegate Hansen;

H. B. 2541: Delegate Barach;

H. B. 2549: Delegate Hansen;

H. B. 2550: Delegate Barach;

H. B. 2564: Delegate Young;

H. B. 2610: Delegate Walker;

H. B. 2611: Delegate Walker;

And,

H. C. R. 5: Delegates Longanacre and Smith.

At 12:13 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 22, 2021.

Monday, February 22, 2021

THIRTEENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Friday, February 19, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Education has had under consideration:

H. B. 2308, Creating the Business PROMISE+ Scholarship,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2308) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2372, Allow pre-candidacy papers to be filed the day after the general election,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2372 - “A Bill to amend and reenact §3-8-5e of the Code of West Virginia, 1931, as amended, relating to modifying the date to file pre-candidacy registration papers to the day after a general election is held.”

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 277 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6, §55-19-7, and §55-19-8, all relating generally to creating the COVID-19 Jobs Protection Act; designating a short title; making legislative findings; setting forth legislative purposes; defining terms; prohibiting certain claims against persons or entities arising from COVID-19, COVID-19 care, or impacted care; extinguishing liability for death or personal injury related to the design, manufacture, or labeling of supplies or personal protective equipment either sold or donated; creating an exception to the extinguishment of claims for persons having actual knowledge of a product defect acting with conscious, reckless, and outrageous indifference to a substantial and unnecessary risk or with actual malice, making workers’ compensation the sole and exclusive remedy for COVID-19-related injuries or conditions through employment; providing for severability of provisions; adding retro activity of act to January 1, 2020; clarifying that no new cause of action is created nor defense limited by the act; and clarifying that the article does not affect duties or rights arising from contract”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegate Pinson offered the following resolution, which was reported by the Clerk as follows:

H. R. 9 - “Declaring the week of February 20, 2021 National FFA Week in West Virginia.”

Whereas, The National FFA Organization prepares students for future career and leadership success through agricultural education in middle and high schools; and

Whereas, The West Virginia membership of the FFA organization continues to be strongly represented by agriculture education students in eighty-three chapters throughout the state with four thousand seven hundred seventy-eight members; and

Whereas, The motto of the FFA organization, “Learning to Do, Doing to Learn, Earning to Live, Living to Serve”, motivates members to be active members in their community, school, state, and nation; and

Whereas, The National FFA week is for students, educators, alumni, and supporters to celebrate the continual growth of the organization and its’ role in the development of the United States’ future leaders; and

Whereas, The House of Delegates of West Virginia recognizes the importance of agriculture to the economy of this state, as well as the importance of the education and training students receive through agricultural education programs that develop competent and assertive agricultural leadership; and

Whereas, National FFA Week always runs Saturday to Saturday and encompasses Feb. 22, George Washington’s birthday; now, therefore, be it

Resolved by the House of Delegates:

That the Congress here assembled accept that February 20th be declared the official start to National FFA Week in West Virginia; and, be it

Further Resolved, That the House of Delegates of West Virginia also recognizes and commends the 2020-2021 state FFA officers as follows: Creed Ammons, President; Emily Yates, Secretary; Natalie Phillips, Vice President; Kaley Sponaugle, Vice President; Zane Cogar, Vice President; Jocelyn Prado, Vice President; Lucas Moreland, Vice President; Marlee Norris, Vice President; Rayne Thompson, Vice President; and, be it

Further Resolved, That a copy of this resolution be sent to the State President of the West Virginia FFA State Association.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 9) to a committee was dispensed with, and it was taken up for immediate consideration.

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

The yeas and nays having been ordered, they were taken (**Roll No. 46**), 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: Doyle, Hamrick, Higginbotham and Hornbuckle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 9), adopted.

Delegates Holstein and Barnhart offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 6 - "Requesting the Congress of the United States take action in regard to 47 US Code Section 230 and condemn political censorship in all forms."

Whereas, The State of West Virginia recognizes that freedom of speech is the cornerstone of American Democracy and fundamental to political debate in the United States.

Whereas, Social media platforms such as Facebook, Twitter and Instagram represent the major platforms in which political discourse is commonly expressed and debated.

Whereas, These “Big Tech” giants possess incredible power to regulate the political discussion not just in the United States, but around the world. With any level of power comes responsibility and these companies have a responsibility to permit free speech in all forms.

Whereas, On January 8th, 2021, US President Donald J. Trump was permanently banned from Twitter and suspended from an array of social media platforms including but not limited to Facebook, Instagram, Snapchat, Spotify, and other platforms. Thousands of other accounts have been suspended for sharing political opinion that does not fit that of the “Big Tech” elitists. This censorship is unprecedented, unparalleled, and un-American.

Whereas, It is recognized that these companies are private entities, however, the product that they offer is a platform for public speech and public communication. Censoring what an individual can say in a public forum, is an egregious violation of that individual’s first amendment right to free speech.

Whereas, This issue is bipartisan in the sense that an individual can be a victim of being silenced and freedom of speech being stripped from the individual in the 21st Century.

Resolved by the Legislature of West Virginia:

That the State of West Virginia hereby calls on the Congress of the United State to join together in a bipartisan effort to amend Section 230 of the US Code and condemn political censorship in all forms; and

That it hereby applies to Congress to amend Section 230 of the US Code in order to protect freedom of speech in the digital age; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this state.

Bills Introduced

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

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

H. B. 2026 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-31; and to amend and reenact §11-24-7, relating to the modernization of the collection of income taxes by adopting uniform provisions relating to the mobile workforce; removing the ‘throw out’ provision; replacing origin sourcing with market sourcing for services and intangible property; and changing the apportionment of multi-state income from a four factor formula to a single sales factor”; to the Committee on Finance.

**By Delegates Barrett, Graves, Espinosa, Criss, Storch,
Rowe, Pethel, Howell and Householder:**

H. B. 2627 - “A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended, relating to continuation of licensed racetrack modernization fund; and making technical corrections”; to the Committee on Finance.

**By Delegates Barrett, Criss, Graves, Gearheart, Howell,
Householder, Pethel, Rowe and Storch:**

H. B. 2628 - “A Bill to amend and reenact §29-22A-9 of the Code of West Virginia, 1931, as amended, relating to removing the prohibition on having automated teller machines in the area where

racetrack video lottery machines are located and making technical corrections”; to the Committee on the Judiciary.

By Delegates Nestor, Longanacre, Wamsley, Kimble, Summers, Conley, Reynolds, Fluharty, Sypolt, Jennings and Cooper:

H. B. 2629 - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to providing hunting, fishing, and trapping privileges in West Virginia to all persons who are former members of the United States Armed Forces that were honorably or administratively discharged from service”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Reynolds, Haynes, Wamsley, Riley and Tully:

H. B. 2630 - “A Bill to amend and reenact §22-1-16 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia Department of Environmental Protection to pay back fines to towns and cities if they make required upgrades or fixes to their communities in relation to those fines”; to the Committee on Finance.

By Delegates Hott, D. Kelly, Graves, B. Ward, Westfall, Dean, Paynter, Hamrick, Phillips, Mandt and Pritt:

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 of the Law Enforcement Section of the West Virginia Division of Natural Resources to contract to work for a private person or entity during off duty hours if the type of the contract work does not violate Division of Natural Resources Law Enforcement Section rules as to location or nature”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Criss:

H. B. 2632 - “A Bill to amend and reenact §17-3-2 of the West Virginia Code, 1931, as amended, relating to the use of the State Road Fund for state road purposes”; to the Committee on Technology and Infrastructure then Finance.

By Delegates J. Pack, Cooper, Summers, Steele, Hanna, Graves, Phillips, Barnhart, Rohrbach, G. Ward and Tully:

H. B. 2633 - “A Bill to amend and reenact §19-1-3a and §19-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1C-2, §19-1C-3, §19-1C-4, §19-1C-5, and §19-1C-6 of said code; to amend said code by adding thereto a new section, designated §19-1C-7; to amend and reenact §19-9A-2 of said code; to amend and reenact §19-12A-5 of said code; to amend and reenact §19-14-1, §19-14-2, §19-14-3, §19-14-5, §19-14-6, §19-14-7, §19-14-8, §19-14-9, §19-14-10, §19-14-11, §19-14-12 and §19-14-14 of said code; to amend said code by adding thereto a new section, designated §19-14-16; to amend and reenact §19-21A-1, §19-21A-3, §19-21A-4, and §19-21A-8 of said code; to amend and reenact §19-25-1, §19-25-2, and §19-25-5 of said code; to amend and reenact §19-31-1 of said code; to amend and reenact §19-35-1, §19-35-2, §19-35-3, §19-35-4, §19-35-5, and §19-35-6 of said code; to amend said code by adding thereto two new sections, designated §19-35-3a and §19-35-3b; to amend and reenact §19-37-2 of said code; and to amend said code by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, and §19-38-5, all relating to the 2021 Farm Bill; eliminating requirement that certain duties of the department rest in a particular division; clarifying that raw milk can be sold for purposes other than human consumption; defining terms related to the care of livestock; reorganize Livestock Care Standards Board as an advisory board to the commissioner; direct commissioner to select members for advisory board; requiring certain constituencies be represented; modify duties of advisory board; granting commissioner authority to promulgate certain legislative rules after consultation with advisory board; classifying complaints and related communications regarding inhumane treatment of livestock as confidential and exempt from disclosure under the Freedom of Information Act; providing for reimbursement and compensation of advisory board members; requiring annual meetings of the advisory board; directing department of agriculture to administer and enforce established standards; defining the scope of said administration and enforcement; eliminating fee for permit to feed untreated garbage to swine; removing outdated language regarding procedures for leasing of farmland; authorizing the cancellation of certain leases; amend name of West Virginia Commercial Feed

Law; define terms related to commercial feed; modify the powers and duties of the commissioner; eliminate requirement to publish annual composite report; eliminating specific fee language in statute; modifying application deadlines and timelines and permit expiration dates; defining requirements for individuals to possess Commercial Feed Manufacturing Permit, Commercial Feed Distributor Permit, and Commercial Feed Interstate Permit; establishing registration requirements for pet food and specialty pet food; identifying situations in which commissioner may refuse to grant, suspend, or revoke permits; providing opportunities for applicants, permittees or registrants to amend application and appeal adverse determinations; establishing labeling requirements; establishing certain inspection and registration fees and requirements; authorizing the commissioner to inspect certain tonnage records; defining adulteration of commercial feed or feed ingredients; defining misbranding of commercial feed; make technical modifications; define additional prohibited acts; establish requirements for distribution of raw milk as commercial feed; authorize establishment of analytical variation regulations; authorize penalties for excessive deviations; provide for penalties to be returned to purchasers where possible; authorize late payment penalties; expanding scope of authority for West Virginia Conservation Agency and State Conservation Committee to address water quality issues; defining terms related to conservation; expand duties and powers of State Conservation Committee; expanding scope of authority for conservation districts; limiting liability of landowner who invites or permits persons to enter for agricultural purposes; defining agricultural purposes; clarifying ownership of Guthrie Center; stating legislative findings and purpose; defining terms related to farmers markets and cottage foods; eliminating certain definitions; establishing requirements for farmers market registration; providing that registration be conspicuously displayed; clarifying that farmers markets are not required to obtain food establishment permit; providing for department to establish sampling regulations; authorizing enforcement actions against non-compliant farmers markets; establishing requirements for farmers market vendor permits; clarifying that farmers market vendors are not required to obtain food establishment permit; exempting certain vendors from obtaining vendor permit; authorizing department to establish

conditions and procedures for issuance of vendor permits; authorizing inspections as a condition of issuing vendor permits; requiring vendor permits be displayed in a conspicuous manner; authorizing enforcement action against non-compliant farmers market vendors; clarifying role of local health departments in farmers markets; prohibiting local health department from requiring food establishment permits for farmers markets or vendors; authorizing certain actions by local health departments at farmers markets; requiring all actions by local health departments at farmers markets to be done in consultation with department of agriculture; directing department to promulgate rules; eliminating requirement to consult with department of health and human resources; establishing requirements for regulation of potentially hazardous foods; requiring vendors of potentially hazardous foods to obtain vendor permit; directing department to establish requirements for obtaining vendor permits; eliminating certain labeling requirements; establishing requirements for sale of nonpotentially hazardous foods; expanding permissible kitchens for nonpotentially hazardous foods to include farm, community, or commercial kitchens; expanding West Virginia Fresh Food Act to include milk and other dairy products, expanding West Virginia Fresh Food Act to include other foods grown, produced, or processed by in-state producers; directing commissioner to establish criteria for food or food products to satisfy in-state requirement; directing commissioner to establish criteria for determining when exception or exemption should be granted to state institutions; requiring Purchasing Division to ensure that all contracts related to the purchase of food include provisions to ensure compliance with Fresh Food Act; establishing Agriculture Investment Program; setting forth legislative findings and purpose; defining terms related to the Agriculture Investment Fund; establishing fund in State Treasury; defining source of funds and permissible expenditures from fund; authorizing West Virginia Agriculture Investment Program; providing for program administration; authorizing either grants or loans from the fund; establishing certain criteria for awarding grants or loans; authorizing commissioner to establish committee to assist in program administration; and directing commissioner to propose legislative rules for program"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Rohrbach, J. Pack, Summers, Reed, Longanacre, G. Ward, Forsht, Smith, Bates, Steele and Espinosa:

H. B. 2634 - “A Bill to amend and reenact §16-54-8 of the Code of West Virginia, 1931, as amended, relating to treatment of pain; and requiring insurance providers to provide coverage certain treatment”; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegate Fluharty:

H. B. 2635 - “A Bill to repeal §55-9-1, §55-9-2, and §55-9-3 of the Code of West Virginia, 1931, as amended, all relating to repealing antiquated provisions relating to void gaming contracts, recovery and loss of money in gaming, and recovery of gaming losses by bill in equity”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegates Skaff and Rowe:

H. B. 2636 - “A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; and to amend said code by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, §7-28-6, §7-28-7, §7-28-8, §7-28-9, §7-28-10, §7-28-11, §7-28-12, §7-28-13, §7-28-14, §7-28-15, §7-28-16, §7-28-17, §7-28-18, §7-28-19, §7-28-20, §7-28-21, §7-28-22, §7-28-23, §7-28-24, §7-28-25, §7-28-26, §7-28-27, §7-28-28, §7-28-29, §7-28-30, §7-28-31, §7-28-32, §7-28-33, §7-28-34, and §7-28-35, all relating to establishing a 911 Emergency Services Retirement System to be administered by the Consolidated Public Retirement Board; setting forth definitions; providing effective dates and voting requirement; establishing federal qualification requirements; providing for liberal construction; providing that plan is not a substitute for social security; providing for and setting membership standards; setting forth required contributions from members and employers; creating fund and providing for investments; providing for transfer from Public Employees Retirement System; setting time limits; setting forth notice requirements; providing for the commencement of benefits, federal law maximum benefit limitations, minimum required distributions, and direct rollovers; providing for retirement credited through member’s use of accrued annual or sick

leave; providing for retirement benefits; setting forth annuity options; providing for refunds in certain circumstances; providing for deferred retirement; providing for forfeitures of benefits; providing awards and benefits for duty-related disability and for other causes; requiring physical examinations; establishing criteria for termination of disability; providing for prior disability; providing awards and benefits to surviving spouse and additional death benefits and scholarships for dependent children; providing for burial benefit; prohibiting double death benefits; establishing exemption from taxation, garnishment and other process; authorizing certain deductions; establishing the effect of qualified domestic relation orders; prohibiting fraud; establishing criminal penalties; requiring repayment in certain circumstances; providing for treatment of prior military service; establishing effective date of the system; providing voluntary employer participation; establishing starting date for benefits; limiting county liability; and providing for no forfeiture of benefits if system terminates”; to the Committee on Pensions and Retirement then Finance.

By Delegates Skaff and Walker:

H. B. 2637 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article and six sections designated §11-13EE-1, §11-13EE-2, §11-13EE-3, §11-13EE-4, §11-13EE-5, and §11-13EE-6, all relating to creating a residential tax credit for graduates with an associate’s degree, bachelor’s degree, or graduate degree; providing for a short title; providing for definitions; establishing the amount of credit allowed; establishing conditions for the credit to take effect; providing for an application to receive the credit; providing for a report to regarding the credit and its costs to the Governor, the President of the Senate, and Speaker of the House; and providing rulemaking authority to the Tax Commissioner”; to the Committee on Education then Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 2008, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC,

electricians, and plumbers; 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. 47**), and there were—yeas 61, nays 37, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Booth, Brown, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, J. Jeffries, Lovejoy, Maynard, Miller, Paynter, Pethtel, Pushkin, Rohrbach, Rowe, Skaff, Statler, Storch, Thompson, Toney, Walker, G. Ward, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Higginbotham and Longanacre.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2008) passed.

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

Com. Sub. for H. B. 2008—“A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3C-14; to amend and reenact §21-14-2 and §21-14-7 of said code; to amend and reenact §21-16-2, §21-16-3, §21-16-5, and §21-16-8 of said code; to amend said code by adding thereto a new section, designated §21-16-11; to amend and reenact §29-3B-2, §29-3B-3, §29-3B-4, §29-3B-6, and §29-3B-8 of said code; and to amend and reenact §29-3D-2, §29-3D-3, §29-3D-4, §29-3D-6, and §29-3D-7 of said code, all relating to licensure in this state; providing for state code precedence over local ordinances; providing for altered definitions of a Journeyman and Master plumber; providing for monetary penalties for improperly performing plumbing work under certain conditions; providing for altered definitions of HVAC Technician; providing that an applicant for a HVAC technician license must only provide documentation of up to 2,000 hours work, training, and experience;

providing for monetary penalties for improperly performing HVAC work under certain conditions; providing for veterans who meet certain conditions be eligible for HVAC technician licensure; providing for altered definitions of Journeyman and Master electricians; providing for exemptions for licensure under certain conditions; providing for extended time frames for electricians to renew a license without retesting; providing for monetary penalties for improperly performing electrical work under certain conditions; providing for definitions of fire protection workers; providing for an altered definition of Journeyman sprinkler fitter; providing for an exemption from licensure when meeting certain conditions; providing for monetary penalties for improperly performing fire protection work; and providing for other minor technical changes.”

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

H. B. 2253, Relating to forgery and other crimes concerning lottery tickets; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegate Kessinger, the bill was amended on page one, section twelve, line two, immediately following the words “guilty of a”, by striking out the word “felony” and inserting in lieu thereof the word “misdemeanor”.

On page one, section twelve, lines three and four, immediately following the word “for”, by striking out the words “a determinate period of not less” and inserting in lieu thereof the words “not more”.

And,

On page one, section twelve, line four, immediately following the word “year”, by striking out the words “nor more than five years”.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 48**), and there were—yeas 91, nays 8, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Hanna, Hornbuckle, Kimes, Martin, Miller, Pushkin, Rowe and Walker.

Absent and Not Voting: Higginbotham,

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2253) passed.

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

Second Reading

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

Com. Sub. for H. J. R. 1, Supervision of Free Schools Modification Amendment,

Com. Sub. for H. B. 2260, Relating to procurement of child placing services,

And,

H. B. 2500, Create an act for Statewide Uniformity for Auxiliary Container Regulations.

First Reading

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

Com. Sub. for H. B. 2094, Relating to the juvenile restorative justice programs,

And,

H. B. 2184, Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Higginbotham.

Miscellaneous Business

Delegate Longanacre noted to the Clerk that he was absent when the vote was taken on Roll No. 47, and had he been present, he would have voted “Yea” thereon.

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

H. B. 2052, Delegate Zukoff;

H. B. 2057, Delegate Young;

H. B. 2081, Delegate Rowe;

H. B. 2160, Delegates Pushkin and Young;

H. B. 2257, Delegate Westfall;

H. B. 2337, Delegates Fleischauer and Young;

H. B. 2338, Delegate Lovejoy;

H. B. 2362, Delegate Lovejoy;

H. B. 2494, Delegate Lovejoy;

H. B. 2547, Delegate Lovejoy;

H. B. 2573, Delegate Linville;

H. B. 2575, Delegate Lovejoy;

H. B. 2622, Delegates Lovejoy and Young;

And,

H. B. 2623, Delegates Lovejoy and Lovejoy.

At 11:31 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 23, 2021.

Tuesday, February 23, 2021

FOURTEENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Monday, February 22, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Education has had under consideration:

H. B. 2529, Prohibiting West Virginia institutions of higher education from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2529 - "A Bill to amend and reenact §18B-1-1e of the Code of West Virginia, 1931, as amended, relating to prohibiting state institutions of higher education from discriminating against graduates of private, nonpublic, or home schools by requiring them to submit to alternative testing as a precondition for acceptance into the institution of higher education; and prohibiting institutions of higher education from rejecting a person with appropriate diploma or credentialing for admission to an institution of higher education solely because their secondary

education was not accredited by the state Board of Education or agency the board approves,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2265, Relating to collaborative pharmacy practice and updating rulemaking authority,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2290, Initiating a State Employment First Policy to facilitate integrated employment of disabled persons,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2290 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10Q-1, §18-10Q-2, §18-10Q-3, §18-10Q-4, and §18-10Q-5; all relating to initiating a State Employment First Policy to facilitate integrated employment of disabled persons; providing legislative findings; establishing a taskforce to develop a State Employment First Policy; providing for implementation of the State Employment First Policy; and providing definitions for ‘competitive integrated employment’ and ‘customized employment’; and incorporating a sunset provision,”

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 11 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45a, relating to declaring any work stoppage or strike by public employees to be unlawful; providing legislative findings; defining when a county board of education employee is considered to be participating in a concerted work stoppage or strike; prohibiting use of accrued and equivalent instructional time and delivery of instruction through alternative methods to cancel days lost due to a concerted work stoppage or strike; prohibiting a waiver by the state board for a county board of education’s noncompliance with the employment and instructional term requirements if the noncompliance is the result of a concerted work stoppage or strike; declaring participation in a concerted work stoppage or strike to be grounds for termination; requiring, if the employee remains employed, county boards of education to withhold the prorated salary or hourly pay of each employee participating in the concerted work stoppage or strike for each day the employee participates; requiring the sums to be forfeited to the county board of education; and prohibiting participation in extracurricular activities when an originally scheduled instructional day or noninstructional day is canceled due to a concerted work stoppage or strike.”

At the request of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 11) to a committee was dispensed with.

A message from the Senate, by

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

Com. Sub. for S. B. 66 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33c, relating to West Virginia University Rifle Team electronic application donation program; including solicitation for voluntary donation to West Virginia University Rifle Team on electronic application for hunting or fishing license; providing opportunity to designate donation in any amount; creating special account; establishing funding sources; specifying terms for expenditures; authorizing disbursements and administrative fee; and requiring annual reports”; which was referred to the Committee on Agriculture and Natural Resources then Finance.

A message from the Senate, by

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

S. B. 69 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate to support adoption; and establishing fees”; which was referred to the Committee on Technology and Infrastructure then Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 280 - “A Bill to amend and reenact §12-3A-6 of the Code of West Virginia, 1931, as amended, relating generally to acceptance of electronic payments by state and local government entities; providing that costs associated with electronic payments collected by spending units may be invoiced in a commercially reasonable manner; defining a term; requiring political subdivisions to accept all payments electronically beginning on a certain date; permitting the Treasurer to exempt spending units from electronic payment requirement based on certain criteria; and authorizing legislative rules”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 293 - “A Bill to amend and reenact §31-15-5 and §31-15-6 of the Code of West Virginia, 1931, as amended, all relating generally to the authority of the West Virginia Economic Development Authority to enter into certain contracts and agreements; providing that board may direct the executive director to enter into those contracts, agreements, and instruments that are necessary to carry out the statutory powers and duties of the authority; and providing the authority is not authorized to enter into contracts or agreements with financial institutions for banking goods or services without the approval of the State Treasurer”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 295 - “A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-6C-11a; to amend and reenact §31-15-8 of said code; and to amend said code by adding thereto a new section, designated §31-15-8a, all relating generally to economic development loans and loan insurance issued by the state; clarifying provision stating that the Board of Treasury Investments has no fiduciary duty with regard to economic development loans administered by the Economic Development Authority; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority and providing that such records shall not be considered public records and shall be exempt from disclosure pursuant to the provisions of chapter 29B of the code; defining terms; limiting the total amount of loan moneys that the board shall make available to the authority for the Broadband Loan Insurance

Program to \$80 million; establishing requirements that must be met before broadband loan insurance moneys will be made available to the authority; limiting the amount of loan insurance that the authority may award in a single year to a single broadband provider to \$20 million; providing that the authority shall maintain broadband loan insurance loan moneys in a separate and segregated account; providing that broadband loan insurance moneys may only be drawn upon in the event of a broadband provider default on an insured debt or security instrument; clarifying that the authority may not deduct administrative or operational costs from broadband loan insurance loan moneys; setting forth requirements that must be met before the authority may withdraw loan insurance moneys in the event of a broadband provider's default; providing that the authority may only use loan insurance moneys to satisfy certain obligations arising under a loan insurance agreement; requiring the authority to submit quarterly reports to the Joint Committee on Government and Finance and to the Governor containing certain information related to its loan insurance program; requiring the authority to make application forms for broadband loan insurance publicly available on its website; establishing the minimum information an applicant for broadband loan insurance shall be required to submit to the authority; establishing minimum criteria that the authority must consider in its broadband loan insurance application review process; establishing that the authority may provide loan insurance for eligible broadband providers pursuant to awards made by federally funded broadband expansion programs; providing that the authority may not issue loan insurance to a broadband provider that has previously defaulted on any debt or security instrument insured by the authority; requiring the authority to post certain information regarding loan insurance agreements on its website; requiring the authority to adhere to certain accounting and record-keeping practices; requiring the authority to submit quarterly reports to the Board of Treasury Investments, the Joint Committee on Government and Finance, and the Governor containing certain information on insured loans and broadband projects financed by insured loans; requiring a biennial legislative audit of the Broadband Loan Insurance Program; removing obsolete language;

and making technical corrections”; which was referred to the Committee on Finance.

Resolutions Introduced

Delegates Holstein, Keaton, Paynter, Wamsley, Barnhart, Pritt, Hanna and Longanacre offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 7 - “Urging Congress to propose an amendment to the United States Constitution limiting the number of Justices of the Supreme Court of the United States to nine members.”

Whereas, The Legislature is deeply concerned about the threats to expand the number of Justices of the Supreme Court of the United States beyond the current number of nine justices and, if carried out, the result of such an action will impair the administration of a fair and impartial justice system by the Supreme Court of the United States and will impact the protected freedoms and rights of West Virginia citizens and the citizens of all of the states of the United States, guaranteed by the United States Constitution; and

Whereas, The threat to increase the number of Justices on the Supreme Court of the United States beyond the current number of nine poses an abuse of authority that threatens our constitutional liberties, including those guaranteed by the Bill of Rights of our Constitution; and

Whereas, The threat to “stack” the Supreme Court of the United States, with a sufficient number of justices beholden to the nominating magistrate of this country and with a judicial philosophy guaranteed to prevail on any issue or case before that Court, is repugnant to the principles upon which our Republic was founded; and

Whereas, This unwarranted expansion of the number of Justices on the Supreme Court of the United States will be extremely detrimental to the continuation of the expected and

demanding exercise of justice for West Virginia and for the entire nation; and

Whereas, The threatened growth and abuse of the federal judiciary authority threatens our Constitutional liberties, including those guaranteed by the Bill of Rights; and

Whereas, An amendment to the United States Constitution does not require the President's approval and cannot be waived by a future Congress and President; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the United States Congress to propose and adopt an amendment to the United States Constitution limiting the number of Justices of the Supreme Court of the United States to nine members; and, be it

Further Resolved, That the Clerk of the House is hereby directed to forward a copy of this resolution to the representatives and senators elected by the citizens of West Virginia serving the citizens of West Virginia in the Congress of the United States in Washington, D.C.

Delegates D. Jeffries, Pinson, Smith, B. Ward and Wamsley offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 8 - "Requesting the Division of Highways name bridge number 20-79-9.20 NB and SB, carrying Interstate 79 over Little Sandy near Elkview in Kanawha County, the 'U. S. Army SFC Guy R. Hively Memorial Bridge'."

Whereas, Sergeant First Class Guy R. Hively was born on May 22, 1938, in Roane County, and died on February 2, 1968, in Vietnam. He left behind his wife Rita Cassell Hively, and their child, Alison who was three at the time; and

Whereas, In 1998 Don Fitzwater, Sr., wrote "Memories That Won't Go Away" that he dedicated to Sergeant Hively's family:

“Here it is soon to be 1998 and I still have some memories of 1968 that are almost as clear as yesterday. I suppose that is because they are burned into my memory by fear or for some other reason that I don’t understand. I have decided to write this story about the loss of your husband, your father, your brother, and my friend. I have driven through or near Clendenin, West Virginia on several occasions during the past thirty years and every time that I see the city limit sign or a directional sign on the Interstate my mind immediately flashes to the memories of Guy Hively. I have often thought of finding you and telling you about his last days and hours and the events surrounding his death, however, something always caused me to talk myself out of it. I even stopped at a service station in town one day and inquired about you but still couldn’t make myself look you up. I kept thinking that maybe time has taken care of everything and it would be pointless to do so. I now think that I have been wrong all these years. I first met Guy while assigned to the Berlin Commands’ Second Battle Group of the Sixth Infantry. I had been assigned to Bear Company for some time where this tall, gangly, slow walking and slow talking fellow reported for duty. As everyone does when someone new shows up, we all asked him where he was from and when he said he was from Clendenin, West Virginia I then told him I was from Clay County near the small town of Ivydale. Actually, I was raised on Otter Creek some five miles northwest of Ivydale on Route 16. Everyone liked Guy. He always had a smile and a good word for everyone in the unit. He was never loud and boisterous as some of us were in those days. He had a special gait which often got him teased about being a plowboy or Hillbilly. The unit we were in was a show outfit more than anything else and required us to do an extraordinary amount of close order drill continually preparing for the inevitable parade. Our big Polish-American First Sergeant, Casmir J. Ceizyk, had a set of lungs that could over shout any speaker system and I am sure all of the Berliners knew all of the country boys by name because when parade practice was going on you could always hear this booming voice yelling ‘Hively, Fitzwater, Garrett, or some other country boys name, telling us to settle down and quit bobbing up and down like we were following a plow or climbing a hill’. Everyone got a kick out of that kind of stuff after it was over. I can’t recall a lot more about him while we were in Berlin. I left

Berlin in 1965. On January 2, 1968, I arrived in the Republic of South Vietnam and was assigned to the Ninth Infantry Divisions' Fourth Battalion, Forty Seventh Infantry located at a base camp called Dong Tam. I was assigned to Company A as the Third Platoon Sergeant. The platoon was on base security the evening that I arrived, and I didn't get to meet all the men for a day or two. I can't remember exactly when I finally saw Guy for the first time and can't even remember if he was in my platoon initially after I arrived at the company. Shortly after I arrived, there was some shifting of personnel within the company because some of the platoons had lost people due to casualties and normal rotations back to the states and other places as is common in all units. Guy ended up being one of my Squad Leaders. We went on patrols around the base camp and flew here and there on a Med Cap (security missions for the medics to treat the Vietnamese civilians) or two. We had the occasional sniper and booby traps and shellings but nothing major during the month of January until the night of the 29th. We had flown out in the direction of the Cambodian border and established a security perimeter around a floating artillery base. The artillery pieces (howitzers) were mounted aboard pontoons and were either pulled or pushed through the myriad of waterways in the area. The troops had been pretty busy, and it was just the beginning of Tet or The Lunar New Year Season. The Armed Forces Network Radio and TV, as well as the Stars and Stripes Newspaper had been talking of the truce that would be in effect during the next few weeks or so. The troops had been a little slow building up our defensive positions and all of the squad leaders and I had to make them all understand that we had to be ready just in case the truce was a trick to get all of us relaxed in order for the enemy to get in a surprise attack. Guess what!!! It was a trick with devastating consequences for some units, especially the South Vietnamese Forces. We were attacked with mortars at around 9 PM. We also had some ground fire, but the engagement wasn't much more than harassment as our choppers came out and hosed the area down good with machine gun fire and rockets. We stayed the rest of the night and were sent back to the base camp sometime the next day and were assigned the mission of ready reaction force in the event that the basecamp was hit hard, or some other unit needed help. Our base camp was hit pretty hard with

rockets and mortars during the next couple of nights, but we were hunkered down in our large bunkers and didn't do anything but complain about the heat, bugs and cramped conditions in the bunkers. Some of us would stand around the entrances to the bunkers and make a mad dash for the door when we heard a rocket or mortar coming. Talk about traffic congestion. It was always hot, and the bugs were plentiful. During these few days the First Sergeant, Bob Careless, came to me and asked if I had any objections to him making Guy a Platoon Sergeant of one of the other platoons that had lost theirs in a skirmish. I had no objection as we were all career folks and I knew he would do a good job and be good for the men in that platoon. He was a good noncommissioned officer. He worked hard and looked out for his soldiers. On the morning of February 2, the Platoon Leader, Second Lieutenant John Walsh, from Moses Lake, Washington, came to me and told me to assemble the squad leaders for a meeting and to have the troops prepare to move out in a hurry. At the meeting we learned that our sister battalion, the Third Battalion, Forty Seventh Infantry, was pinned down in or near the town of My Tho some four or five miles up the road from us and that our mission was to break through them and help them. I don't recall knowing it at the time, but the country was locked in combat nearly from one end to the other. To conduct the breakthrough, we were given a company of M113 Armored Personnel Carriers, with drivers, from B Company Fifth Battalion, Sixtieth Infantry for transportation, small arms fire protection, and 50 caliber machine firepower. This mission would not be successful. My platoon was chosen to lead the movement. I rode the lead Track (personnel carrier) as both Track Commander (TC) and 50 caliber gunner. Guy was several Tracks behind me also in the TC hatch. We moved out and picked up our prearranged distance between tracks and made communications checks with the company leadership making sure we could talk to each other when necessary. The Company Commander was several Tracks behind Guy. As we were pulling out of the company area the new company clerk, whose name I have forgotten, went to each track passing out updated versions of what we called 'Unit Line Rosters.' The rosters were used to identify someone in the unit during radio communications without having to say their names. Each Roster was in alphabetical order

and also in numerical sequence with a number in the far-left column beside each name. There was never a number 13 because some folks are superstitious, and you don't need any superstitions that you can avoid in a combat zone. A short distance after leaving the base camp we traveled through a small village occupied by local civilians and several members of the South Vietnamese military. I remember seeing a number of young men standing around in white shirts which was indicative of them not being in the South Vietnamese armed forces and wondered why there were so many of them not in the military when we were there fighting for them. Near the end of the village we had to make a hard turn to the left. After we left the village we would next pass by a South Vietnamese training camp on the left side of the road. A small contingent of American advisers were also stationed there. We passed by the training camp waving at the guards and other locals standing around the entrance. No warning or any word of approaching danger was given by any of them. Nothing looked suspicious to any of us and we continued up the road. As I remember we had gone approximately 1,000 yards past the training camp and the road made a gradual turn to the right. As I was lead track I was the eyes and ears for the front of the column. After making the right turn we had another 1,000 or so yards of open territory, both rice paddies and grassy area, to cross before the road passed a South Vietnamese Army outpost located just inside the tree line of a fair-sized forest. Just after breaking into the opening area after making the turn, I looked at the tree line through my binoculars and immediately saw that the outpost had been overrun by the enemy and was flying Viet Cong (VC) flags on what was left of the towers on both sides of the road. I immediately gave the halt signal to the rest of the column by holding my right arm up with the palm facing forward. We had a quick discussion with the Company Commander as to what the proper action should be to minimize our risks and the decision was made to form a line with the tracks side by side, a few yards apart, and move to the tree-line. With the tracks online we would be able to put all of our 50 caliber firepower to the front instead of everybody shooting over or past the front tracks. Everything went smoothly with just a few nervous bursts of fire from the tracks until we reached a small canal near the tree-line. The canal was obscured with grass and wasn't on the

maps. Everyone had a bad feeling about having all those tracks stopped out in the open 50 or so yards from the tree line. The decision was made to dismount the troops and walk to the tree line and to have the tracks return to and line up on the road. All of the troops crossed the canal and went into the tree line without incident. The company commander then gave the word to move back to the road and mount back up onto the tracks. The tracks came forward and stopped for the troops to load up. I walked to the lead track but discovered that the tracks had gotten all mixed up during their movement back to the road, and instead of my track being in the lead, Guy's track was the front vehicle. The area surrounding the outpost was sort of a half circle on each side of the road. We had cleared the outpost by several yards before the tracks moved forward. When I discovered that my track was not the first track I started back toward the other vehicles looking for mine. I had just reached the rear of Guy's track when he arrived looking for it. He was smiling and we chatted for a few seconds with his last words to me and probably his last words to anyone being, 'What a mess those mixed up tracks were and that there probably wasn't a VC within 10 miles of the place.' We were to get our tracks back into our assigned positions once we began to move up the road again, however, we never reached that point. I had stopped at the back of Guy's track talking to him when my platoon leader stopped to say something to me. As LT. Walsh and I began talking, Guy went to the front of his track and climbed aboard. Just as he was entering the TC hatch a rocket-propelled grenade (RPG) hit his machinegun mount and blew him off the track killing him instantly. The track driver was critically injured and several others, including my platoon leader, were injured in the initial blasts of RPG and small arms fire. We exchanged fire for what seemed to be an eternity. Some of our own artillery landed in our positions killing some more soldiers and wounding several. Everything, including my flak jacket, except my boots and pants were blown off me and my M16 was destroyed in my hands. God was looking out for me that day. I had another track driver pull his track in front of Guys in order to provide protection for some of us to get into his track to render life-saving first aid to the critically wounded driver. The covering track hit the mine that my track was supposed to have hit to spring the ambush initially, had we driven straight up the road

instead of getting in line and becoming disorganized as we did. Fortunately, that driver was uninjured, but the track was badly damaged, locking the tracks so that it wouldn't move until we disconnected the final drives. Guy's track took another hit and burned. It was full of gasoline and ammunition and burned and exploded for a long time. He was not burned. I only saw his body at a distance a few seconds after the initial burst of enemy fire. I didn't know it was him until after the fracas was over. Some of the men told me that the only wounds they observed were small shrapnel wounds in the middle of his chest. Your husband, your father, your brother and my friend died bravely and dedicated to that which he thought to be right. He didn't run and hide in Canada or disobey orders or make excuses. He died as a soldier dies true to his country. If only the national leadership at the time would have supported the soldier as much as the soldier supported them, the results of the Vietnam conflict would have had been better recorded in the annals of history. I don't want his memory to go away. Sometimes memories are all you have. Oh yes, that new company clerk that had just finished updating the Unit Line Roster hadn't learned the routine and added a 13 to the list. Guy was number 13; and

Whereas, Sergeant Hively's funeral was held at the First Baptist Church on February 22, 1968, and his body was interred at Elk Hill Memorial Gardens in Big Chimney; and

Whereas, Sergeant Hively was posthumously awarded the Bronze Star and the Purple Heart for his heroic efforts; and

Whereas, It is fitting that an enduring memorial be established to commemorate Sergeant First Class Guy R. Hively and his contributions to our country and state, having made the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-79-9.20 NB and SB, carrying Interstate 79 over Little Sandy near Elkview in Kanawha County, the "U. S. Army SFC Guy R. Hively Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the “U. S. Army SFC Guy R. Hively Memorial Bridge”; and, be it

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

Delegates J. Pack, Bruce, Burkhammer, Conley, Dean, Ellington, Ferrell, Foster, Graves, Hanna, Haynes, Holstein, Hott, D. Jeffries, J. Jeffries, Keaton, Kessinger, Kimble, Longanacre, Mandt, Miller, Paynter, Phillips, Pritt, Reynolds, Riley, Rohrbach, Smith, Steele, Toney, Wamsley and G. Ward offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 9 - “Applying to and urging Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to limit the terms of office that a person may be elected as a member of the United States House of Representatives, and to set a limit on the number of terms that a person may be elected as a member of the United States Senate.

Whereas, The Legislature of West Virginia hereby makes an application to Congress, as provided by Article V of the Constitution of the United States, to call a convention limited to proposing an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives, and to set a limit on the number of terms that a person may be elected as a member of the United States Senate; and

Whereas, This application shall be considered as covering the same subject matter as the applications from other states to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States;

and this application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject; and

Whereas, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives or as a member of the United States Senate; and, be it

Further Resolved, That the Clerk of the House is hereby directed to forward copies of this resolution to the President and Secretary of the Senate of the United States and to the Speaker, Clerk, and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to the members of the said Senate and House of Representatives from this state; also to forward copies thereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

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

By Delegates Skaff and Zukoff:

H. J. R. 20 - "Proposing an amendment to the Constitution of the State of West Virginia amending section 13, article VI thereof, relating to allowing elected state official to be a government employee or employee of a public school, college, or university;

and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Government Organization then the Judiciary.

By Delegates Householder, Barrett, Hardy, Burkhammer and Hanna:

H. J. R. 21 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article VII, relating to preventing any individual from serving in the office of secretary of state, auditor, treasurer, commissioner of agriculture, or attorney general for more than three consecutive terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Government Organization then the Judiciary.

Bills Introduced

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

By Delegates Hornbuckle and Skaff:

H. B. 2638 - “A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to granting full time employees of county boards of education three months of paid leave following the birth of a child, or the placement of a child in the home through adoption or foster care; and providing that the leave is in addition to any other leave available to the employee”; to the Committee on Education then Finance.

By Delegate Hornbuckle:

H. B. 2639 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3F-1, §21-3F-2, §21-3F-3, §21-3F-4, and §21-3F-5, all relating to enacting a workplace violence prevention for health care and social service workers act; providing legislative findings, definitions, workplace violence prevention standard, and requirements for such”; to the Committee on the Judiciary.

By Delegate Hornbuckle:

H. B. 2640 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97; and to amend said code by adding thereto a new section, designated §11-24-44, all relating to establishing personal or corporate income tax credit for businesses who hire, promote, and develop women and minorities into executive, professional, or administrative roles; findings; determination of eligibility for credit, amount of credit, effective date”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate Hornbuckle:

H. B. 2641 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, relating to creating ‘The Young Professional Tax Credits’ for student loans; and allowing tax credits for student loans for graduates between ages 18 and 40, together with a refundable child care credit”; to the Committee on Education then Finance.

By Delegate Hornbuckle:

H. B. 2642 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §25-8-1, §25-8-2, §25-8-3, §25-8-4, §25-8-5, §25-8-6, §25-8-7, §25-8-8, and §25-8-9; all relating to creation of a task force to provide comprehensive reentry transitional services to offenders reentering communities; providing for a short title; providing for legislative findings; providing for membership of the task force; providing for no compensation to members; providing for staffing requirements; providing for duties of the task force; providing for funding; creating a fund; providing for the disposition of fund moneys; establishing requirements to apply for federal grant funding; requiring a strategic plan for funding; providing for standard reentry services; providing for family-based substance abuse services; providing for educational services; providing for drug treatment and mentoring services; providing for responsible reintegration services; providing for elderly and family reunification services; providing for children of incarcerated parents services; providing for reports to the legislature; providing

a severability clause; and providing for an effective date”; to the Committee on the Judiciary then Finance.

By Delegates Hornbuckle and Lovejoy:

H. B. 2643 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property; creating a duty to report; creating criminal penalties; and allowing a private cause of action”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegates Skaff, Boggs and Maynard:

H. B. 2644 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6M-1, §11-6M-2, §11-6M-3, §11-6M-4, §11-6M-5, §11-6M-6, and §11-6M-7; and to amend said code by adding thereto a new article, designated §11-13EE-1, §11-13EE-2, §11-13EE-3, §11-13EE-4, §11-13EE-5, §11-13EE-6, §11-13EE-7, §11-13EE-8, §11-13EE-9, §11-13EE-10, §11-13EE-11, §11-13EE-12, §11-13EE-13, §11-13EE-14, §11-13EE-15, §11-13EE-16, §11-13EE-17, and §11-13EE-18, all relating to creating the West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act; defining terms; specifying method for valuation of certain property; providing for application to county assessors by specified date; providing procedure for protest and appeal of determination by county assessor; requiring the West Virginia Development Office to report to the Joint Committee on Government and Finance on the economic impact; specifying effective date; making legislative findings; allowing credits and exemptions from certain taxes; providing for computation of credit, application of credit and period for which credit is allowed; requiring application to claim credit; requiring that new jobs be good-paying jobs with health benefits; requiring identification of investment credit property and recomputation of credit in event of premature disposition of investment property; providing for forfeiture of unused tax credits and redetermination of credit allowed; imposing recapture tax under specified circumstances to recover state taxes and property

taxes; allowing transfer of qualified investment to successors; providing for tax credit review and accountability; specifying effective date and termination date; providing rule-making authority; and providing a severability clause”; to the Committee on Finance.

By Delegates Skaff, D. Jeffries and Rowe:

H. B. 2645 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-56, relating to establishing a class of employees within the West Virginia Public Employees Retirement System consisting of 911 staff; and providing for lower retirement age and increased pension payments”; to the Committee on Pensions and Retirement then Finance.

By Delegates Brown, Boggs and Lovejoy:

H. B. 2646 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the commissioner to issue registration plates to recognize and honor those families affected by Alzheimer’s disease”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Walker, Fleischauer and Hansen:

H. B. 2647 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, §16-63-6, §16-63-7, and §16-63-8, all relating to generally to prohibiting the use of polystyrene containers; definitions; and authorizing the West Virginia Department of Health and Human Resources to impose civil fines for violations”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hornbuckle and Lovejoy:

H. B. 2648 - “A Bill to amend and reenact §11-16-10 of the Code of West Virginia, 1931, as amended, relating to authorizing a temporary foreign brewers import license”; to the Committee on the Judiciary.

By Delegate Hornbuckle:

H. B. 2649 - “A Bill to amend and reenact §11-19-1 and §11-19-2 of the Code of West Virginia, 1931, as amended, all relating to the tax on soft drinks; modifying the tax to only cover sugary drinks; modifying the tax to two cents per ounce; redistributing the revenue generated to all three medical schools in the state; and providing for an effective date”; to the Committee on Finance.

By Delegates Hornbuckle, Rohrbach and Lovejoy:

H. B. 2650 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to establishing a pilot program to develop school-based mental and behavioral health services as an alternative to disciplinary action for disruptive student behavior”; to the Committee on Health and Human Resources then Education.

By Delegates Hornbuckle and Lovejoy:

H. B. 2651 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to creating a pilot program for expansion of school-based mental health and school-based diversion; defining terms; detailing eligibility for schools to take part in the pilot program; setting requirements for schools that participate in the pilot program; authorizing mental health providers to provide certain services; requiring notice to parents and students of the pilot project; authorizing parents to opt-out in certain circumstances; requiring the collection of certain data in relation to the pilot project; explicitly stating that the pilot project does not require additional expenditures; authorizing rule making; and requiring that the pilot project may not begin until the Legislature approves the relevant rules”; to the Committee on Health and Human Resources then Education.

By Delegates Hornbuckle, Paynter and Walker:

H. B. 2652 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to modifying the school calendar; setting the school year to 170 days of instruction; establishing limits on the start and end of the school year; and modifying the number and purposes of noninstructional days”; to the Committee on Education.

By Delegates Walker, Skaff and Hansen:

H. B. 2653 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to tax exemption for funds from qualified retirement plans used for long-term care”; to the Committee on Health and Human Resources then Finance.

By Delegates Walker and Hansen:

H. B. 2654 - “A Bill to amend and reenact §18B-1-6 of the Code of West Virginia, 1931, as amended, relating to rulemaking for healthcare plans; providing that the commission and council promulgate rules for healthcare plans offered to graduate students attending a college or university in this state; providing that the healthcare plans offered to graduate students permit adding dependents to the policy; providing that healthcare plans offered to graduate students not exclude any graduate student with a preexisting condition; and establishing an effective date”; to the Committee on Banking and Insurance then Education then Finance.

By Delegates Walker, Skaff, Zukoff and Hansen:

H. B. 2655 - “A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, to provide civil rights protections to certain individuals”; to the Committee on the Judiciary then Finance.

By Delegates Walker, Zukoff and Hansen:

H. B. 2656 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-3-9a, relating to exempting from personal property taxation, vehicles of certain volunteer firefighters”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Walker and Hansen:

H. B. 2657 - “A Bill to amend and reenact §18-16-2 of the Code of West Virginia, 1931, as amended, relating to the Antihazing Law; modifying the definition of hazing to address any type of organization whose members include students at any public or private institution of higher education”; to the Committee on Education.

By Delegate Hornbuckle:

H. B. 2658 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-20-1, §18B-20-2, §18B-20-3, and §18B-20-4, all relating to creating the Mountaineer Games Sports League; establishing findings; establishing board of directors; creating duties and objectives for the board; establishing league affiliates; and creating structure for the divisions; creating the Mountaineer Games Governor’s Cup”; to the Committee on Health and Human Resources then Government Organization.

By Delegate Hornbuckle:

H. B. 2659 - “A Bill to amend and reenact §18-2-25 and §18-2-25a of the Code of West Virginia, 1931, as amended, relating to granting jurisdiction to supervise youth sport league athletic events to county boards of education and the West Virginia Secondary School Activities Commission; requiring schools and youth sport leagues to implement certain safety measures during athletic events; authorizing fines; and requiring rulemaking”; to the Committee on Education then the Judiciary.

By Delegate Hornbuckle:

H. B. 2660 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-3E-1, §16-3E-2, §16-3E-3, §16-3E-4, and §16-3E-5, all relating to creating a policy on vaccine preventable diseases; requiring health care facilities to develop and implement a policy to protect its patients from vaccine preventable diseases; setting forth what a policy must contain; providing exceptions; establishing a disaster exemption; providing for penalties; defining terms; and requiring rule-making”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hornbuckle, Anderson, Rohrbach and Lovejoy:

H. B. 2661 - “A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to declaring November 14 every year, a special memorial day in remembrance of the Marshall University airplane crash”; to the Committee on Government Organization.

By Delegates Hornbuckle, Hansen, Lovejoy and Walker:

H. B. 2662 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-15-51, relating to prohibiting certain devices which enhance a diesel-powered vehicle’s capacity to emit soot, smoke, or other particulate emissions; and creating misdemeanor offense with penalty”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Hornbuckle, Rowan and Lovejoy:

H. B. 2663 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §16-5a-6; to amend said code by adding thereto a new section, designated §33-15-4x; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section, designated §33-16-3pp; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to insurance coverage for breast cancer screening”; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Hornbuckle, Zukoff, Lovejoy and Rowe:

H. B. 2664 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-25A-1, §16-25A-2, and §16-25A-3, relating to screening for adverse childhood experiences; definitions and findings; mandatory insurance coverage”; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Hornbuckle and Higginbotham:

H. B. 2665 - “A Bill to repeal §16A-5-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §5B-10-1, §5B-10-2, §5B-10-3, §5B-10-4, §5B-10-5, §5B-10-6, §5B-10-7, §5B-10-8, §5B-10-9, §5B-10-10, §5B-10-11, §5B-10-12, §5B-10-13, §5B-10-14, §5B-10-15, and §5B-10-16; to amend and reenact §16A-15-4 of said code; and to amend said code by adding thereto a new section, designated §60A-7-709, all relating to decriminalizing cannabis; providing a

short title; providing legislative purpose and findings; providing for definitions; permitting the possession of cannabis and cannabis products by adults; permitting production and adult use of cannabis; restricting public smoking of cannabis; prohibiting false identification to obtain cannabis; providing for the unlawful extraction of cannabis; providing for the lawful operation of a cannabis facility; permitting growing and possession of cannabis by adults; providing procedure for municipalities to enact an ordinance to permit cannabis production and sales; regulating market activity for the production, sales, transfer and transport of cannabis; establishing diversity licensing goals for minority, women, and veteran owned businesses; establishing mechanisms for permitting and licensing production and sales facilities by the Department of Commerce and localities; authorizing the department to promulgate rules, establish licensing and administrative penalties relating to the production, sales, transfer and transport cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; providing for safety warning and inserts on cannabis products; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund to additional funds; creating new funds for excise tax deposits; providing for a portion of tax collected benefit municipal governments where market activity occurs; providing current laws relating to employment, vehicle operation, underage use or private property use preserved; providing for background checks to employ anyone in a cannabis establishment; establishing certain conditions for employees to pass background checks; providing that no medical cannabis provisions are affected; expanding protections to employees relating to employment and the use of medical cannabis; and prohibiting asset forfeiture”; to the Committee on the Judiciary then Finance.

By Delegates Holstein, Pritt, Wamsley, Kimble, Barnhart and Keaton:

H. B. 2666 - “A Bill to amend and reenact §3-3-2 of the Code of West Virginia, 1931, as amended, relating to absentee voting; providing that no exception other than listed in this section shall

permit an individual to apply for an absentee ballot; and providing that any attempt to falsely claim eligibility shall be punishable under the law”; to the Committee on the Judiciary.

By Delegates Riley, Hansen, Queen, Hanna, Skaff, Steele, Hardy and Clark:

H. B. 2667 - “A Bill to amend and reenact §5A-3B-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-3B-3; and to amend said code by adding thereto two new sections, designated §5A-4-7 and §5A-4-8; and to amend and reenact §5B-2F-2 of said code, all relating to energy savings in state owned buildings; providing prequalification of energy savings performance contractors; adoption of energy savings goals for state buildings; auditing energy metering devices installed for state buildings; and benchmarking and energy efficiency grading for state buildings”; to the Committee on Energy and Manufacturing then Finance.

By Delegate Criss:

H. B. 2668 - “A Bill to amend and reenact §17C-15-37 of the Code of West Virginia, 1931, as amended, relating to removing inoperative provisions requiring Commissioner of Highways set standards for studded snow tires”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Walker, Fleischauer, Hansen and Rowe:

H. B. 2669 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12m; to amend said code by adding thereto a new section, designated §11-24-23h; and to amend said code by adding thereto a new section, designated §16-35-4b, all relating to establishing tax credits for lead abatement in child occupied residences; establishing personal and corporate tax credit to owners or occupiers of these residences; providing for varying tax credits based on time periods when the credit is claimed; and providing for rule-making authority”; to the Committee on Finance.

By Delegate Capito:

H. B. 2670 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code

by adding thereto a new section, designated §29-2A-21, all relating generally to providing a special license plate for aviation; setting fees; creating the Aeronautics Education Fund; and designating where funds are to be deposited and expended”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Rowan, Sypolt, Martin, Mandt, Queen, Hanna, Zukoff, Pinson, Rohrbach, Smith and J. Kelly:

H. B. 2671 - “A Bill to amend and reenact §55-7J-1, §55-7J-4, §55-7J-5, and §55-7J-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-2-29b of said code, all relating to financial exploitation of elderly persons, protected persons or incapacitated adults; updating terms; clarifying actions; including criminal penalties for violation or contempt of protective orders for victims of financial exploitation; and requiring notice of penalties in all injunctive or protective orders”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Tully and Summers:

H. B. 2672 - “A Bill to amend and reenact §16-5B-8 of the Code of West Virginia, 1931, as amended, relating to posting of safety information in hospitals”; to the Committee on Health and Human Resources.

By Delegate Criss:

H. B. 2673 - “A Bill to amend and reenact §17-2A-13 of the West Virginia Code, 1931, as amended, relating to authorizing the Division of Highways to utilize its own purchasing and contracting system; mandating compliance with Federal Highway Administration and other requirements; and requiring a procedural rule”; to the Committee on Government Organization.

By Delegates Tully and Summers:

H. B. 2674 - “A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics”; to the Committee on Health and Human Resources.

By Delegate Criss:

H. B. 2675 - “A Bill to amend and reenact §54-2-12, §54-2-13, §54-2-14, §54-2-14a, §54-2-15, §54-2-16, §54-2-18, and §54-2-21,

of the Code of West Virginia, 1931, as amended, all relating to bringing the statutory interest rate to be paid in condemnation cases into conformity with current statutory rates; and making revisions to meet Legislative standards”; to the Committee on the Judiciary.

By Delegate Westfall:

H. B. 2676 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-27, relating to requiring, for an official or unofficial school-sanctioned athletic or sporting event, that each athlete’s participation in the athletic or sporting event be based on the athlete’s biological sex as indicated on the athlete’s original birth certificate issued at the time of birth; providing a revised designation for sporting events; and providing a means by which civil actions can be taken”; to the Committee on Education.

By Delegates Steele, Diserio, D. Jeffries, Lovejoy, Maynard, Barrett, Skaff, Fluharty and D. Kelly:

H. B. 2677 - “A Bill to amend and reenact §15A-3-14 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of money for which a purchase may be made without obtaining three bids to \$10,000”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate Steele:

H. B. 2678 - “A Bill to amend and reenact §53-4A-1 of the Code of West Virginia, 1931, as amended, relating to the use of scientific evidence in a trial; providing for a limitation on when a hearing or trial may be determined finally adjudicated when relevant forensic scientific evidence was not able to be presented at the time of trial; providing for a limitation on when a hearing or trial may be determined finally adjudicated when relevant forensic scientific evidence exists that undermines the evidence used by the state at trial; providing for a requirement that there must be a reasonable probability that the relevant forensic scientific evidence would have changed the outcome of the trial; providing for definitions; providing for a contention or contentions may not be considered to have been waived when relevant forensic scientific evidence exists that was not able to be presented at the time of trial; providing for a contention or contentions may not be considered to

have been waived when relevant forensic scientific evidence exists that undermines the evidence relied upon by the State at trial; providing for a reasonable probability that the relevant forensic evidence would have changed the outcome of the trial; providing for no additional liabilities for an expert who repudiates his or her original opinion or whose opinion is later undermined by scientific or technological advancements; and providing for other technical changes”; to the Committee on the Judiciary.

By Delegates Steele, Foster, J. Pack and Graves:

H. B. 2679 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §16-3-14 relating to cause of action for the spread of a communicable disease; providing that no cause of action shall be maintained in any court under certain conditions; providing for an evidentiary standard; providing for reasonable attorney’s fees and costs under certain conditions; providing that the transmission of the communicable disease must have been a knowing and intentional act; and providing for the burden of proof on the plaintiff”; to the Committee on the Judiciary.

By Delegates Westfall and Hott:

H. B. 2680 - “A Bill to amend and reenact §46A-1-102 of the Code of West Virginia, 1931, as amended; to amend and reenact §46A-2-122 of said code; to amend and reenact §46A-5-101, §46A-5-104, and §46A-5-106 of said code; and to amend and reenact §46A-6-106 of said code, all relating to the Consumer Credit and Protection Act; excluding checking, savings, and other depository accounts from the definition of services; excluding a party collecting on its own debt from the definition of a debt collector; establishing an actual loss threshold of \$5,000 for the certification of a class action; limiting recovery of each individual within a class to the greater of \$1,000 per claim penalty or the total outstanding indebtedness; reducing the current statute of limitations from four years to one year; reducing stator penalties to \$1,000 per claim from \$1,000 per violation; limiting recoverable attorney’s fees to four times the award; updating the adjustment for inflation from September of 2015 to September of 2021;

prohibiting class actions under Article 6 of the Act”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Westfall and Hott:

H. B. 2681 - “A Bill to amend and reenact §23-2C-16 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to transfer moneys from the Insurance Commission Fund, also known as the Commissioner’s operating fund, into the Workers’ Compensation Old Fund to reduce any deficit balance of the Old Fund”; to the Committee on Banking and Insurance then Finance.

By Delegates Westfall and Hott:

H. B. 2682 - “A Bill to amend and reenact §33-12-8 and §33-12-9 of the Code of West Virginia, 1931, as amended, and to amend and reenact §33-12B-13 and §33-12B-14 of said code, all relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements; replacing the requirement that the Insurance Commissioner send license suspensions by certified mail with a requirement that the suspensions be sent by electronic mail or regular mail; and providing that each insurance producer or insurance adjuster must report his or her respective electronic mail address to the Insurance Commissioner”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Steele, Diserio, Maynard, Hanna, Barrett, D. Jeffries, Fluharty and Skaff:

H. B. 2683 - “A Bill to amend and reenact §29-31-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that the office is responsible to plan for emergency and disaster response, recovery, and resiliency, clarifying that the state resiliency officer is a member of the board, placing the Secretary of the Department of Health and Human Resources on the board, requiring that the resiliency officer only vote in the event of a tie vote of the board, requiring that the board elect a vice-chair from its membership, creating the duties and responsibilities of the vice-chairman; eliminating the notice requirement for board meetings”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

By Delegates Walker and Fleischauer:

H. B. 2684 - “A Bill to amend and reenact §60A-11-5 of the Code of West Virginia, 1931, as amended, relating to creating a duty to disclose by owners of property that knew or should have known that crystal methamphetamine production was occurring at a residential property; and authorizing voiding of lease or conveyance for failure to disclose information”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Walker:

H. B. 2685 - “A Bill to amend and reenact §19-16-3 and §19-16-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-16-3c; and to amend and reenact §60A-2-204 of said code, all relating to state certification of industrial hemp and medical cannabis seed; authorizing the Commissioner of Agriculture to issue special business and residential incubator permits; encouraging state research and development; providing rule-making authority; prohibiting civil asset forfeiture for permittees; and removing cannabis from Schedule 1 consistent with state law”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Westfall and Hott:

H. B. 2686 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9C-1, §6-9C-2, §6-9C-2a, §6-9C-3, §6-9C-4, §6-9C-5, §6-9C-6, §6-9C-7, §6-9C-8, §6-9C-9, §6-9C-10, and §6-9C-11 all relating generally to fiscal emergencies of local governments; establishing a system to remediate those emergencies; and requiring certain action be taken by the State Auditor or a designee”; to the Committee on Political Subdivisions then Finance.

By Delegates Higginbotham, Rohrbach, G. Ward and Thompson:

H. B. 2687 - “A Bill to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, relating to raising the compulsory school attendance age to 18 years”; to the Committee on Education.

By Delegate Higginbotham:

H. B. 2688 - “A Bill to amend and reenact §3-8-2c of the Code of West Virginia, 1931, as amended, relating to allowing county executive committees to create building funds in the same manner as a party headquarters committee”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 2689 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §53-4-14, relating to scientific evidence that was not available to be offered by a convicted person at the convicted person’s trial or contradicts scientific evidence relied on by the State at trial; authorizing a court to grant a convicted person relief on an application for a writ of habeas corpus if the methods used to convict are determined to be outdated or false, such as bad forensic methods; and providing an effective date”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 2690 - “A Bill to amend and reenact §18-4-4 of the Code of West Virginia, 1931, as amended, relating to providing for excused absences from compulsory school attendance for exclusion, expulsion or suspension when no other reasonable alternative placement for learning has been provided”; to the Committee on Education.

By Delegate Higginbotham:

H. B. 2691 - “A Bill to amend and reenact §11-14-5 of the Code of West Virginia, 1931, as amended, relating to permitting a municipality or county that borders other states and retailers of gasoline situate in counties that border other states to purchase an exemption form the tax on gasoline, equal to the exemption claimed by the municipality or county in which the retailer is located”; to the Committee on Political Subdivisions then Finance.

By Delegates Higginbotham, J. Pack, Rohrbach and Ellington:

H. B. 2692 - “A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended, relating to allowing for the coverage of addiction treatment services to out-of-state

providers only for emergency purposes and only for telehealth purposes”; to the Committee on Health and Human Resources.

By Delegates Steele, Foster, J. Pack and L. Pack:

H. B. 2693 - “A Bill to repeal §5-11-5, §5-11-6, §5-11-7, §5-11-8, §5-11-11, §5-11-12, §5-11-13, §5-11-14, and §5-11-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-11-3, §5-11-4, §5-11-10, and §5-11-18 of said code; and to amend said code by adding thereto a new section, designated §5-11-22, all relating to the termination of the Human Rights Commission; providing for the courts of this state to hear claims relating to discrimination or other jurisdiction of the commission; providing for the courts the powers and objectives to carry out the provisions; providing for the courts to receive complaints, conduct hearings, and issue orders relating to discriminatory practices; providing for the right of a plaintiff or defendant to request a jury trial; providing for the courts of this state to issue injunctions relating to certain housing complaints; providing for termination of the Human Rights Commission; providing for 180 days for the commission to wind up its affairs; providing for other mechanisms persons in this state may seek redress for complaints filed with the commission; providing for any remaining funds outstanding the day the commission ceases to exist to be used for any outstanding financial obligations; and providing for any remaining funds from the commission after paying financial obligations be transferred to the General Revenue Fund”; to the Committee on Government Organization.

By Delegates Steele, Foster, Summers, J. Pack, Phillips, D. Jeffries, Clark, Sypolt, Maynard, Graves and Howell:

H. B. 2694 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, and §61-7B-5, all relating to creating the ‘Second Amendment Preservation Act’; stating legislative findings; prohibitions; penalties; and providing for severability”; to the Committee on the Judiciary.

By Delegates Westfall and Hott:

H. B. 2695 – “A Bill to amend and reenact §33-41-8 and §33-41-8a of the Code of West Virginia, 1931, as amended, relating to

the consolidation the positions of the Inspector General of the former Workers' Compensation Commission's Fraud and Abuse Unit and the position of Director of the Insurance Fraud Unit"; to the Committee on Banking and Insurance then Government Organization.

By Delegates Steele, Statler, Skaff, Fluharty, Maynard, Barrett, Lovejoy, Diserio, Garcia and D. Kelly:

H. B. 2696 - "A Bill to amend and reenact §15A-11-11 of the Code of West Virginia, 1931, as amended, relating to creating the Fire Service Equipment and Training Fund, restricting the use of grant funds to specified purposes; specifying disposition of grant funds remaining in the fund at the end of the fiscal year; requiring the Fire Commission to establish an equipment and training grant program for volunteer and part volunteer companies based upon certain circumstances; specifying the criteria the State Fire Marshal shall consider when making grants; authorizing the Fire Commission to propose emergency legislative rules and legislative rules; requiring the legislative auditor notify the Fire Commission of any volunteer or part volunteer department that is ineligible to receive grant funds; requiring that volunteer or part volunteer department or companies are ineligible until the Legislative Auditor informs the Fire Commission that the company or department has come into compliance"; to the Committee on Finance.

By Delegates Walker, Barrett and Rowe:

H. B. 2697 - "A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining 'sexual orientation' and 'gender identity'"; to the Committee on Workforce Development then the Judiciary.

By Delegates Walker, Hansen and Evans:

H. B. 2698 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-22,

relating to making it illegal to discriminate based on hair texture or hair style; and defining terms”; to the Committee on Government Organization then the Judiciary.

By Delegate Capito:

H. B. 2699 - “A Bill to amend §21A-2-6 of the Code of West Virginia, 1931, as amended, relating to the general powers and duties of the Commissioner of Workforce West Virginia, and authorizing the agency to hire additional employees to serve at the will and pleasure of the Commissioner”; to the Committee on Government Organization then Finance.

By Delegate J. Pack:

H. B. 2700 - “A Bill amend and reenact §16-1-9a of the Code of West Virginia, 1931, as amended, relating to informing water customers of boiled water advisories; extending the deadline for compliance; and providing an option in how the notice is provided”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Capito:

H. B. 2701 - “A Bill to amend and reenact §17B-2B-1, §17B-2B-2, §17B-2B-4 and §17B-2B-6 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G driver’s license”; to the Committee on Government Organization.

By Delegate Capito:

H. B. 2702 - “A Bill to amend and reenact, §18-5G-3; of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-44, all relating to requiring public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation”; to the Committee on Education.

By Delegates Rohrbach and J. Pack:

H. B. 2703 - “A Bill to amend and reenact §30-3-11 of the Code of West Virginia, 1931, as amended, relating to a temporary

license to practice medicine and surgery and podiatry”; to the Committee on Health and Human Resources.

By Delegate Holstein:

H. B. 2704 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, and §18C-10-5, all relating to creating the ‘Civic Minded Mountaineer Scholarship Act;’ addressing legislative findings; establishing a framework for the test generally for all West Virginia students; establishing a \$250 scholarship for students who achieve at least a 90% on the test; providing for mandatory participation; and providing an effective date”; to the Committee on Education then Finance.

By Delegate J. Pack:

H. B. 2705 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments”; to the Committee on Government Organization.

By Delegate Capito:

H. B. 2706 - “A Bill to amend and reenact §31-15-6 of the Code of West Virginia, 1931, as amended, relating to authorizing and permitting the Economic Development Authority to make working capital loans from a revolving loan fund capitalized with federal grant funds including those federal grant funds received from the United States Economic Development Administration”; to the Committee on Finance.

By Delegates Tully and Summers:

H. B. 2707 - “A Bill to repeal §30-7-15e the Code of West Virginia, 1931, as amended; and to amend and reenact §30-7-1, §30-7-15a and §30-7-15b of said code, all relating to prescriptive authority for advanced practice registered nurses”; to the Committee on Health and Human Resources.

By Delegates Rohrbach, Fleischauer and Griffith:

H. B. 2708 - “A Bill to amend and reenact §5-16-7g of the Code of West Virginia, 1931, as amended, and to amend and

reenact §33-59-1 of said code, all relating generally to required health insurance coverage for diabetics; providing cost sharing in prescription drugs used to diabetes; defining terms; requiring insurance coverage for prescription insulin drugs; providing for coverage pursuant to the West Virginia Public Employees Insurance Act”; to the Committee on Health and Human Resources then Finance.

By Delegate Capito:

H. B. 2709 - “A Bill to amend and reenact §31A-8G-4 of the Code of West Virginia, 1931, as amended, relating to the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program”; to the Committee on the Judiciary.

By Delegate J. Kelly:

H. B. 2710 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-28-1, related to authorizing counties to establish a county sales tax if there is a municipality within their borders participating in the Municipal Home Rule Pilot Program that has enacted a municipal home rule sales tax; establishing county tax will not be in effect for municipality that has enacted municipal home rule sales tax; and requiring county to submit county tax to Tax Commissioner”; to the Committee on Political Subdivisions then Finance.

By Delegate J. Kelly:

H. B. 2711 - “A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to permitting persons who are 21 years of age or older to operate or be a passenger on a motorcycle without a helmet if they have held a license valid for the operation of a motorcycle for a minimum of two years; and making a technical correction”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate J. Kelly:

H. B. 2712 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, all relating to modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day”; to the Committee on Education.

By Delegates Criss and Evans:

H. B. 2713 - “A Bill to amend and reenact §5D-1-2 and §5D-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-2-21, all relating to the Public Energy Authority Act of West Virginia; required environmental pollution controls for coal-fired power plants; providing legislative findings; providing expedited recovery process for coal-fired power plants owned by electric utilities in West Virginia; and providing procedures to ensure that no more coal-fired plants close and long-term state prosperity is maintained”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Hornbuckle, Hansen and Lovejoy:

H. B. 2714 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-18-1, relating to collecting a tax from all manufacturers and distributors selling opium and opiate drugs and their derivatives and substances included as schedule II drugs in this state for funding drug addiction and prevention programs”; to the Committee on Health and Human Resources then Finance.

By Delegate Foster:

H. B. 2715 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-15-1, §6-15-2, and §6-15-3, all relating to requiring the State Auditor to establish a website centralizing access to all postings of legal advertisements required by law”; to the Committee on the Judiciary.

By Delegate Espinosa:

H. B. 2716 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-18-1, §55-18-2, §55-18-3, §55-18-4, §55-18-5 and §55-18-6, all relating to creating the West Virginia Public Participation Protection Act; permitting motions to dismiss suits that are based on an alleged right of petition, free speech, or association under the United States Constitution or the Constitution of West Virginia in connection with a public issue; providing exceptions to which this procedure is applicable; providing for hearings on such motions; authorizing

award of attorney fees; providing limitations and exclusions to the scope of the proceeding; and establishing an effective date for proceedings subject to this act”; to the Committee on the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. J. R. 1, Education Accountability Amendment; on third reading, coming up in regular order, was read a third time.

On the adoption of the resolution, the yeas and nays were taken (**Roll No. 49**), and there were—yeas 95, nays 2, absent and not voting 3, with the yeas, nays and absent and not voting being as follows:

Yeas: Anderson, Barach, Barnhart, Barrett, Boggs, Booth, Bridges, Brown, Bruce, Burkhammer, Capito, Clark, Conley, Cooper, Criss, Dean, Diserio, Espinosa, Evans, Fast, Ferrell, Fleischauer, Fluharty, Forsht, Foster, Garcia, Gearheart, Graves, Griffith, Hamrick, Hanna, Hansen, Hardy, Haynes, Higginbotham, Holstein, Hornbuckle, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Lovejoy, Malow, Mandt, Martin, Maynard, Mazzocchi, McGeehan, Miller, Nestor, J. Pack, L. Pack, Pethtel, Phillips, Pinson, Pritt, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Skaff, Smith, Statler, Steele, Storch, Summers, Sypolt, Thompson, Toney, Tully, Walker, Wamsley, B. Ward, G. Ward, Westfall, Williams, Worrell, Young, Zatezalo, Zukoff and Hanshaw (Mr. Speaker).

Nays: Paynter and Rowe.

Absent and Not Voting: Bates, Doyle and Ellington.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the resolution (Com. Sub. for H. J. R. 1) adopted, as follows:

Com. Sub. for H. J. R. 1 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section 2, article 12 thereof, relating to education and the supervision of free schools; clarifying that the general supervisory authority of the State Board of Education is subject to legislative enactments; allowing the board to promulgate rules; requiring rules to be submitted to the Legislature for its review and approval, amendment, or rejection; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.”

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2022, which proposed amendment is that section 2, article 12 thereof, be amended and reenacted to read as follows:

ARTICLE XII. EDUCATION

§2. Supervision of free schools.

Subject to the enactments of the Legislature, The the general supervision of the free schools of the State shall be vested in the West Virginia Board of Education which shall perform such duties as may be prescribed by law. In the performance of its supervisory duties, the West Virginia Board of Education may promulgate rules which shall be submitted to the Legislature for its review and approval, amendment or rejection, in whole or in part, in the manner prescribed by general law. The board shall consist of nine members to be appointed by the Governor, by and with the advice and consent of the Senate, for overlapping terms of nine years, except that the original appointments shall be for terms of one, two, three, four, five, six, seven, eight, and nine years, respectively. No more than five members of the board shall belong to the same political party, and in addition to the general qualifications otherwise required by the legislature may require other specific qualifications for membership on the board. No member of the

board may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty, or gross immorality, and then only in the manner prescribed by law for the removal by the Governor of state elective officers.

The West Virginia Board of Education shall, in the manner prescribed by law, select the State Superintendent of Free Schools who shall serve at its will and pleasure. He or she shall be the chief school officer of the state and shall have such powers and shall perform such duties as ~~may be~~ are prescribed by law.

The State Superintendent of Free Schools shall be a member of the Board of Public Works as provided by subsection B, section fifty-one, article six of this Constitution.

Resolved further, That in accordance with the provisions of article 11, chapter 3 of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No. 1” and designated as the “Supervision of Free Schools Modification Amendment” and the purpose of the proposed amendment is summarized as follows: “The purpose of this rule is to clarify that the general supervisory authority of the State Board of Education, including its rules, is subject to legislative enactments.”

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

Com. Sub. for H. B. 2260, Relating to procurement of child placing services; 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. 50**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Bates and Ellington.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2260) passed.

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

H. B. 2500, Create an act for Statewide Uniformity for Auxiliary Container Regulations; 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. 51**), and there were—yeas 79, nays 19, absent and not voting 2, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Bates and Ellington.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2500) passed.

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

Second Reading

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

Com. Sub. for H. B. 2094, Relating to the juvenile restorative justice programs,

And,

H. B. 2184, Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug.

First Reading

The following bill, on first reading, was read a first time and ordered to second reading:

Com. Sub. for H. B. 2372, Allow pre-candidacy papers to be filed the day after the general election.

Leaves of Absence

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

Miscellaneous Business

Delegate Doyle noted to the Clerk that he was absent when the vote was taken on Com. Sub. for H. J. R. 1, and had he been present, he would have voted “Yea” thereon.

Delegate Bates noted to the Clerk that he was absent when the votes were taken on Com. Sub. for H. J. R. 1, Com. Sub. for H. B. 2260 and H. B. 2500, and had he been present, he would have voted “Yea” thereon.

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

H. B. 2114: Delegate Fleischauer;

H. B. 2119: Delegate Walker;

H. B. 2208: Delegate Griffith;

H. B. 2127: Delegate Walker;

H. B. 2222: Delegate Criss;

H. B. 2279: Delegate Bates;

H. B. 2308: Delegate Skaff;

H. B. 2356: Delegate Walker;

H. B. 2494: Delegate Riley;

H. B. 2538: Delegate Zukoff;

H. B. 2547: Delegate Zukoff;

H. B. 2561: Delegate Zukoff;

H. B. 2564: Delegate Zukoff;

H. B. 2566: Delegate Zukoff;

H. B. 2620: Delegate L. Pack;

And,

H. J. R. 9: Delegates Linville, L. Pack, Statler, Tully, B. Ward and Zatezalo.

At 11:24 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 24, 2021.

Wednesday, February 24, 2021

FIFTEENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, February 23, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 2598, Altering the definition of an above ground storage tank,

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

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 2598) to the Committee on Health and Human Resources.

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

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 2493, Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2493) was referred to the Committee on Finance.

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

By Delegates Queen, Westfall, Haynes, Phillips, Burkhammer, B. Ward, Fast, Keaton, Pinson and D. Kelly:

H. B. 2590 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, and §21-5I-6, all relating to the West Virginia Employment Law Worker Classification Act; defining the following terms in the context of the West Virginia Employment Law Worker Classification Act: 'gig economy', 'entrepreneurial economics', 'independent worker', 'person', 'principal', 'sharing economy', 'worker compensation', 'unemployment compensation', 'human rights', and 'wage payment and collection'; providing findings related to recent developments in the workforce marketplace, noting different standards for classifying workers as employees or independent contractors; concluding reasonable certainty concerning the legal status of workers provides guidance and opportunities; establishing a purpose for the legislation including consistency, clarity, and legal protections for workers and employers; establishing classification criteria and methodology for employment of independent contractors; clarifying there is no requirement to classify workers; establishing that a principal is free to hire any worker; providing for preemption of local laws related to this article; limiting the independent contractor-employee test to the laws of workers compensation, unemployment compensation, human rights and wage payment-collection; and establishing severability for provisions subsequently determined to be invalid."

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

Your Committee on the Judiciary has had under consideration:

H. B. 2363, Relating to “Best Interests of the Child Protection Act of 2021”,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2363 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto five new sections, designated §48-1-217a, §48-1-239a, §48-1-241a, §48-1-241b, and §48-9-204a; to amend and reenact §48-1-210, §48-1-218, §48-1-219, §48-1-220, §48-1-239, §48-1-241, §48-1-303, §48-9-101, §48-9-102, §48-9-201, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-208, §48-9-209, §48-9-301, §48-9-401, §48-9-402, §48-9-403, §48-9-601, §48-9-602 and §48-9-603 of said code, all relating to ‘Best Interests of the Child Protection Act of 2021’; defining ‘shared legal custody’, ‘shared physical custody’; establishing the presumption that co-equal shared legal and physical custody of children, and the maintaining of sibling, including half-sibling, relationships through co-equal shared legal and physical custody of children in cases of divorce to be in the best interests of the children and families; requiring that temporary parenting plans, parenting plans, modifications to parenting plans and parental relocations consider the presumption of co-equal shared legal and physical custody is in the best interests of a child; to require courts to consider such presumption of co-equal shared legal and physical custody being in the best interests of a child when determining significant parental decision making responsibility, legal and physical custody and parenting time allocation; to establish certain procedural safeguards in the judicial review and allocation of parenting plans; and establish both parents’ rights to school and medical records of their children, all relating generally to the public policy recognition and preservation of the fundamental constitutional rights of all parents to raise their own children and that it is presumptively in the best interest of children to be raised by both of their parents equally,”

With the recommendation that the committee substitute do pass.

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

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

H. B. 2616, Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification's website,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2616 - "A Bill to amend and reenact §16-5N-2 and §16-5N-3 of the Code of West Virginia, 1931, as amended, all relating to residential care communities; updating definitions; requiring a report to be published on a website; requiring specific information to be reported; and making technical changes,"

With the recommendation that the committee substitute do pass.

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

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

H. B. 2620, Relating to a departmental study of the child protective services and foster care workforce,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2620 - "A Bill to amend and reenact §49-2-111b of the Code of West Virginia, 1931, as amended, relating

to requiring the Department of Health and Human Resources to conduct a study; requiring the department to evaluate its child protective services; requiring the department to evaluate its foster care workforce; requiring the report to be submitted to the Legislative Oversight Commission on Health and Human Resources Accountability,”

With the recommendation that the committee substitute do pass.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 23rd day of February, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 2358, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act,

And,

H. B. 2359, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

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

Your Committee on Education has had under consideration:

H. B. 2267, Establishing an optional bus operator in residence program for school districts,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2267 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §18A-2-15, relating to authorizing recruitment and training programs for prospective bus operators; providing required approval, limitations and elements of locally funded recruitment and training programs; establishing no entitlement to employment upon completion of the program; and not permitting seniority to accrue for time spent during completion of the program,”

With the recommendation that the committee substitutes each do pass, and with the recommendation that second reference to the Committee on Finance be dispensed with.

At the request of Delegate Summers, and by unanimous consent, second reference of the bill (Com. Sub. for H. B. 2267) to the Committee on Finance was dispensed with.

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

By Delegates Dean, Phillips, Paynter, Bridges, Evans, Hansen, Longanacre, J. Pack, Sypolt, Westfall and Young:
H. B. 2759 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto §11-13KK-1 through §11-13KK-3; amending §20-2-28 and amending §20-2B-7, all relating to tax credit offered to disabled veterans that have been Honorably Discharged from the military for the cost of their lifetime hunting, trapping and fishing license.”

The Speaker referred the bill (H. B. 2759) to the Committee on Finance.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 1 - “A Bill to amend and reenact §5-16-7b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-28; to amend and reenact §30-1-26 of said code; to amend and reenact §30-3-13a of said code; to amend and reenact §30-14-12d of said code; and to amend and reenact §33-57-1 of said code, all relating to telehealth services; defining terms; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to reimburse for telehealth services at a negotiated rate for virtual telehealth encounters; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to provide reimbursement for a telehealth service on the same basis and at the same rate as if the service is provided in-person for established patients; requiring the Department of Health and Human Resources to file a Medicaid waiver; establishing a registration; permitting health care practitioners licensed in other states, in good standing, to practice in West Virginia using telehealth services and providing rule-making authority and emergency rule-making authority; setting forth requirements for registration; permitting a fee for registration; placing a cap on the fee; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; providing restrictions and exceptions on prescriptive authority; adding criteria to the standard of care related to telehealth services; and providing exceptions”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

Com. Sub. for S. B. 12 - “A Bill to amend and reenact §16-2-2, §16-2-6, §16-2-7, §16-2-8, §16-2-9, and §16-2-11 of the Code of West Virginia, 1931, as amended, all relating to local health departments; creating definition; permitting members of the appointing authority to serve as nonvoting, ex officio members of the board; providing the nonvoting member shall not be counted against any other criteria for board membership; permitting

appointing authority to remove local health department board member; permitting appointing authority of combined board to remove their own appointed members; requiring the commissioner to establish a procedure for adverse determinations by local health department to be appealed, unless otherwise provided; requiring rules adopted, promulgated, and amended by local boards of health have a public comment published in the State Register and the organization's web page; setting forth requirement for notice; requiring written comments received during comment period be presented to appointing authority for approval or disapproval in whole or in part within specified time frames; providing amendments or modifications not approved may be resubmitted; providing that a rule currently in effect is not subject to approval, unless amended, from the county commission or appointing authority; providing emergency rule approval or disapproval procedures within specified time frames; requiring that approved rules shall be filed with the clerk of the county commission or the clerk or the recorder of the municipality, or both, and shall be kept as public records; and requiring state health officer to develop policies and guidelines that each of the local departments must comply with when a statewide public health emergency is declared.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 12) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

Com. Sub. for S. B. 14 - “A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to creating a third set of conditions for which a person may be issued a professional teaching certificate for teaching in the public schools; and providing that teaching certificates granted pursuant to the new set of conditions are equivalent to certificates granted to

graduates of teacher preparation programs at public higher education institutions.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 14) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 61 - “A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to expanding the Coyote Control Program by providing for an assessment on breeding cows; providing an option for owners of breeding cows not to participate in the program; requiring notice; and setting forth a purpose”; which was referred to the Committee on Agriculture and Natural Resources then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 244 - “A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to preventing public water and sewer utilities from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service if certain requirements are met; and specifying requirements and involvement of the Public Service Commission”; which was referred to the Committee on Technology and Infrastructure then the Judiciary.

Resolutions Introduced

Delegates Nestor, B. Ward, Haynes, Pinson, Phillips, Toney, Tully, J. Kelly, Anderson, Hott, Ferrell, Jennings, Barach,

Barnhart, Booth, Bruce, Conley, Cooper, Criss, Dean, Diserio, Fast, Forsht, Graves, Hamrick, Hanna, Holstein, Householder, Howell, D. Jeffries, J. Jeffries, Keaton, D. Kelly, Kessinger, Kimble, Kimes, Longanacre, Lovejoy, Mallow, Mandt, Maynard, McGeehan, Miller, L. Pack, Paynter, Pethtel, Pritt, Pushkin, Reed, Reynolds, Riley, Smith, Statler, Storch, Sypolt, Walker, Wamsley, G. Ward, Westfall, Young, Zatezalo and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 10 - "Requesting the Division of Highways name a bridge bearing the milepost 30.96, carrying County Route 38 over the Tygart Valley River in the town of Dailey, located in Randolph County, West Virginia, as the James 'Big Jim' Shaffer Memorial Bridge."

Whereas, James Shaffer, known in his community as "Big Jim," was born on October 5, 1943, in East Dailey, West Virginia, where he was raised by his grandparents, Sterl and Vida Gear; and

Whereas, In 1958, James Shaffer joined the Tygart Valley Fire Company at the age of 15 as a young man; and

Whereas, In 1968, James Shaffer assumed the position of chief of the Tygart Valley Fire Company; and

Whereas, During James Shaffer's time as chief, the Tygart Valley Fire Company built two new stations and purchased updated trucks and equipment to expand their services to the community; and

Whereas, James Shaffer participated in a variety of community activities during his time as a member and chief of the Tygart Valley Fire Company, including aiding the former Valley Water Company with line repairs, searching for line breaks, providing traffic control, assisting the former Coastal Lumber Company with silo fires and brush fires, and putting on safety demonstrations for the children at the former Homestead Elementary School; and

Whereas, James Shaffer, while serving as a member and chief of the Tygart Valley Fire Company, responded to a wide array of

calls, including structure fires, motor vehicle accidents, downed trees, CPR, searching for missing individuals, and mutual aid calls; and

Whereas, James Shaffer, both as a member and chief of the Tygart Valley Fire Company, organized many fundraisers to raise money for the department, including “Porch Light Drives,” in which community members would turn on their porch lights to alert the fire company to collect their donations as the members walked through the Dailey, East Dailey, and Valley Bend communities; and

Whereas, In 2003 and 2004, James Shaffer wrote two Federal Emergency Management Agency grants that provided over \$165,000 for the Tygart Valley Fire Company, which helped pay for over 30 sets of gold personal protective equipment, including bunker coats, bunker pants, boots, gloves, and Nomex hoods; and

Whereas, James Shaffer retired from the Tygart Valley Fire Company in 2006 after 48 years of volunteer service to his community and beyond; and

Whereas, Sadly, James Shaffer passed away on December 18, 2012, and is survived by his wife and his daughter; and

Whereas, James Shaffer exemplified what it means to be a true community leader and a role model for all those in the community and across West Virginia; and

Whereas, For these reasons it is fitting and proper that this bridge be named in honor of James “Big Jim” Shaffer; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a bridge bearing the milepost 30.96, carrying County Route 38 over the Tygart Valley River in the town of Dailey, located in Randolph County, West Virginia as the “James ‘Big Jim’ Shaffer Memorial Bridge”; and, be it

Further Resolved, That the commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the “James ‘Big Jim’ Shaffer Memorial Bridge”; and, be it

Further Resolved, That the clerk of the House of Delegates forward a copy of this resolution to the commissioner of the Division of Highways.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Mallow, Forsht, Bruce, Longacre and Conley:

H. J. R. 22 – “Proposing an amendment to the Constitution of the State of West Virginia, amending section §1b, article X thereof; relating to permitting increase in homestead exemption for persons with yearly income that does not exceed twenty thousand dollars; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on Finance then the Judiciary.

Bills Introduced

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

By Delegates Mallow, Holstein, Nestor, Forsht, Longanacre and Conley:

H. B. 2717 - “A Bill to amend and reenact §24-2A-5 of the Code of West Virginia, 1931, as amended, relating to authorizing reduced rates for residential utility customers who are residents of a small community with fewer than 1000 residents”; to the Committee on Government Organization then the Judiciary.

By Delegates Mallow, Forsht, Bruce, Longanacre and Conley:

H. B. 2718 - “A Bill to amend and reenact §17D-2A-6a of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-6-31g of said code, all relating to requiring the commissioner of Motor Vehicles to develop and implement an electronic insurance verification program; and requiring the

Insurance Commissioner to propose rules necessary to implement requirements of the electronic insurance verification program”; to the Committee on Banking and Insurance then Government Organization.

By Delegate Linville:

H. B. 2719 - “A Bill to amend and reenact §17A-2-19 of the Code of West Virginia, 1931, as amended, relating to the Division of Motor Vehicles use of electronic means and other alternate means to provide notice”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Criss:

H. B. 2720 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-2-8, relating to establishing a merit-based system for personnel administration for the agencies, authorities, boards, and commissions within the Department of Transportation; authorizing the Secretary of Transportation to establish system; preserving existing due process protections in state law; requiring compliance with state law regarding nepotism, favoritism, discrimination, and ethics in the employment process; prohibiting actions with a negative effect on federal funding; requiring inter-agency cooperation; authorizing rule-making; and setting an implementation date”; to the Committee on Workforce Development then Government Organization.

By Delegate Linville:

H. B. 2721 - “A Bill to amend and reenact §18-8-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Education to provide electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Espinosa, Summers, J. Kelly and Statler:

H. B. 2722 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3-5g, relating to prohibiting the use of class B fire-fighting foam for

testing purposes if the foam contains a certain class of fluorinated organic chemicals; providing definitions; and providing exceptions”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegate Capito:

H. B. 2723 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12m, relating to providing taxpayers a deduction for interest paid on qualified education loans to the extent such amount is not allowable as a deduction when arriving at a taxpayer’s federal adjusted gross income”; to the Committee on Education then Finance.

By Delegates Miller, Rowan, Hott, Howell, Paynter, Mallow, Bruce, Zatezalo, Booth, Reed and Riley:

H. B. 2724 - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to granting the West Virginia State Police an annual salary increase equal to \$1,500”; to the Committee on Finance.

By Delegate Hansen:

H. B. 2725 - “A Bill to amend and reenact §22-6-2 and §22-6-29 of the Code of West Virginia, 1931, as amended, relating to funding of the Office of Oil and Gas of the Department of Environmental Protection and to the plugging of orphaned oil and gas wells by an annual fee on each well that is not plugged”; to the Committee on Energy and Manufacturing then Finance.

By Delegate Capito:

H. B. 2726 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-30-1 and §17-30-2; to amend and reenact §29-2A-3 and §29-2A-12 of said code; and to amend said code by adding thereto a new section, designated §29-2A-12a, all relating to use of airspace; use of space above and below public roads; lease by political subdivisions of space above or below public roads owned or controlled by political subdivisions; procedure to be followed in lease by political subdivisions of space above or below public roads owned or controlled by political subdivisions; powers and duties of the West

Virginia State Aeronautics Commission; operation of manned aircraft at low altitude; low or dangerous flight of unmanned aircraft; landing of unmanned aircraft on land or water of another”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates J. Kelly, Criss, Summers, Maynard, Conley, Anderson, J. Jeffries, Kimes, D. Kelly, Pinson and B. Ward:

H. B. 2727 - “A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to establishing motor vehicle registration plates for official vehicles of emergency management agencies”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Worrell, J. Pack, Steele, D. Jeffries, J. Jeffries, Paynter and Bridges:

H. B. 2728 - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, clarifying that the commissioner shall not expand the compulsory immunizations for school children unless explicitly authorized by the Legislature”; to the Committee on Education then Health and Human Resources.

By Delegates Worrell, McGeehan, Hardy, Phillips, Steele, Dean, Householder, D. Jeffries, Maynard, J. Jeffries and Paynter:

H. B. 2729 - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to crimes against the peace; offenses occurring at State Capitol Complex property; and permitting members of the Legislature, lawfully entitled to possess a firearm, to possess a firearm upon State Capitol Complex property”; to the Committee on the Judiciary.

By Delegates Brown, Lovejoy, Garcia and Zukoff:

H. B. 2730 - “A Bill to amend and reenact §38-10-4 of the Code of West Virginia, 1931, as amended, relating to allowing a debtor in bankruptcy to use the federal law exemptions under 11 U.S.C. § 522(d)”; to the Committee on the Judiciary.

By Delegates Young, Fleischauer, Walker and Zukoff:

H. B. 2731 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, and §47-29-4, all relating to menstrual product labeling; and providing a civil penalty”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hansen, Graves, Skaff and Higginbotham:

H. B. 2732 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-13-9, relating to establishing a penalty for any vehicle that is not a plug-in hybrid vehicle or plug-in electric vehicle for utilizing a parking space that is designated for charging an electric vehicle; defining terms; authorizing designation of electric vehicle charging spaces on private property; allowing localities to create local ordinances for electric parking spaces; authorizing law enforcement and local parking personnel to enforce violations on private property within their jurisdictions; and creating penalties for violations”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Longanacre, Wamsley, Nestor, Mandt, Dean, Phillips, Conley, Mallow, Forsht, Ferrell and Hamrick:

H. B. 2733 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

By Delegates Conley, Mandt, J. Kelly, Reynolds, Barnhart, Pinson, Mallow, Bruce, Longanacre and Burkhammer:

H. B. 2734 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-27, relating to requiring, for an official or unofficial school-sanctioned athletic or sporting event, that each athlete’s participation in the athletic or sporting event be based on the athlete’s biological sex as indicated on the athlete’s original birth certificate issued at the time of birth; providing a revised designation for sporting events; and providing a means by which

civil actions can be taken”; to the Committee on Education then the Judiciary.

By Delegates Burkhammer, Hanna, Martin, Keaton, B. Ward, Pinson and Wamsley:

H. B. 2735 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, and §11-29-4, all related to creating a tax credit for living and deceased organ donors named the Organ Donation Tax Deduction Act; establishing Act’s purpose; establishing the amount of tax credit and eligible taxpayers; and providing for the applicability of the tax credit”; to the Committee on Finance.

By Delegates Burkhammer, Martin, Keaton, B. Ward, Pinson and Wamsley:

H. B. 2736 - “A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to consumer sales and service tax; and providing an exemption for sales of firearms and firearm ammunition sold in this state to residents of this state”; to the Committee on Finance.

By Delegate Worrell:

H. B. 2737 - “A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8 and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to mandatory state inspections of motor vehicles”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Reynolds, Ferrell, Conley, Longanacre, Wamsley, Steele, B. Ward and Pinson:

H. B. 2738 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-18-1 and §55-18-2, all relating to creating the Bias Motivated Intimidation of Responders Protection Act; and authorizing a law-enforcement officer or first responder to bring a civil suit for damages, either pecuniary or otherwise, suffered during the officer’s performance of official duties”; to the Committee on the Judiciary.

By Delegates Reynolds, Haynes, Pritt, Holstein, Steele and Mandt:

H. B. 2739 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, §47-29-4, §47-29-5, and §47-29-6, all relating to making West Virginia a 2nd Amendment ‘sanctuary state’; describing legislative findings; ensuring that the right to keep and bear arms is preserved in West Virginia in adherence to the United States Constitution; to ensuring that federal agents and officers are prohibited from bypassing their constitutional oath of office in relation to the 2nd Amendment of West Virginia; creating prohibitions and penalties; and providing an effective date”; to the Committee on the Judiciary.

By Delegates Westfall and Hott:

H. B. 2740 - “A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to distracted driving; increasing the scope of prohibitions on distracted driving by establishing the Distracted Driving Act, prohibiting the use of a stand-alone electronic device or telecommunications devices unless by first responders or utility services as explicitly permitted under the act”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Linville:

H. B. 2741 - “A Bill to amend and reenact §17C-5A-3a of the Code of West Virginia, 1931, as amended, relating to expansion of the alcohol test and lock program to offenders with a drug related offense; authorizing the commissioner to require drug testing; authorizing deferral of the revocation period for a participant with a drug offense; and authorizing an offender of §17B-4-3 to participate in the motor vehicle alcohol and drug test and lock program”; to the Committee on the Judiciary.

By Delegate Linville:

H. B. 2742 - “A Bill to amend and reenact §17B-2-13 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to transact a change of address online for a driver’s license or identification card”; to the

Committee on Technology and Infrastructure then Government Organization.

By Delegates Summers, Householder, Westfall, Hott, Horst, Worrell, Reed and Mallow:

H. B. 2743 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21A-2D-1, §21A-2D-2, §21A-2D-3, §21A-2D-4, §21A-2D-5, §21A-2D-6, §21A-2D-7, §21A-2D-8, §21A-2D-9, and §21A-2D-10, all relating to the Unemployment Insurance Program Integrity Act and enacting the unemployment compensation indexing system; providing definitions; detailing Unemployment Insurance Program Integrity; providing for data sharing; providing action on eligibility determinations; recovering overpayments and preventing fraud; providing a mechanism for an employer to contact Workforce when an employee is offered their job back but refuses to be rehired; reporting to the Legislature; providing for rulemaking; and providing an effective date”; to the Committee on the Judiciary then Finance.

By Delegate Westfall:

H. B. 2744 - “A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to the salaries of certain state officers”; to the Committee on Finance.

By Delegates Fast, Foster, Criss, D. Kelly, Hott, Reynolds and Westfall:

H. B. 2745 - “A Bill to amend and reenact §5A-3-3a of the Code of West Virginia, 1931, as amended; relating to exempting the Division of Emergency Management from the Purchasing Division for purposes of examination and approving contracts of the Division of Emergency Management; authorizing the agency for surplus property to transfer funds generated from the sale of vehicles, other equipment, and commodities belonging to the Division of Emergency Management to a special revenue account; creating a special revenue account entitled the West Virginia Division of Emergency Management surplus transfer account; and authorizing the Division of Emergency Management to expend funds in a special revenue account for Statewide Interoperable Radio Network equipment, maintenance, repair, and construction”;

to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Ellington, Statler, Kessinger, Hanna, Tully, Toney, Horst, Hott, Smith, Jennings and Martin:

H. B. 2746 - "A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to establishing the behavioral health workforce education initiative at the Higher Education Policy Commission"; to the Committee on Education then Finance.

By Delegates Fast, Criss, D. Kelly, Reynolds, Hott and Westfall:

H. B. 2747 - "A Bill to amend and reenact §15A-9-1 and §62-12-12 of the Code of West Virginia, 1931, as amended, relating to transferring the Parole Board to the Office of Administrative Hearings; specifying that the Chief Hearing Examiner be a resident of the State for five years prior to appointment; removing limitations of practice for the Chief Hearing Examiner; requiring that the governor appoint the Chief Hearing Examiner; requiring that the Governor set the salary of the Chief Hearing Examiner; increasing the number of members of the Parole Board to ten; making the Chief Hearing Examiner a member of the Parole Board; removing the political party affiliation requirement; removing the residency requirements pertaining to congressional districts; requiring that the Chief Hearing Officer shall be chair of the Board; clarifying that the remaining nine members of the Board serve at the will and pleasure of the Governor, with the advice and consent of the Senate; specifying the powers and duties of the vice chairperson shall be limited to Parole Board duties; removing the authority of the chair to hire an administrative employee; authorizing the Chief Hearing Officer to sit on parole panels as necessary; clarifying that the qualifications for board members may include being a graduate of a federal or state law enforcement academy; removing the requirement that Parole Board members be appointed for overlapping six year terms; clarifying that temporary members serve at the will and pleasure of the governor; exempting the Board from Open Meetings; and requiring that parole hearings

be open to the public”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates Jennings, Hanna, J. Kelly and Sypolt:

H. B. 2748 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, all relating to modifying the school calendar to begin not earlier than September 1 and end prior to June 1; and ensuring that the 180-day required threshold may be satisfied by virtual/online classes”; to the Committee on Education then Finance.

By Delegates Lovejoy, Brown, Diserio, Hornbuckle and Williams:

H. B. 2749 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, and §21-5A-9, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring contractors to ascertain rates and to include rates in contract specifications; requiring annual determinations of prevailing wage rates; establishing procedures to file objections to prevailing wage rate determinations; providing for hearings, judicial review, and appeal; requiring mandatory provisions in contracts and sub-contracts; providing for posting of rates and record-keeping; establishing criminal penalties for violations of the act; and limiting the scope of the law to post-enactment contracts”; to the Committee on Political Subdivisions then Government Organization then Finance.

By Delegates Howell and Hott:

H. B. 2750 - “A Bill authorizing the West Virginia Higher Education Policy Commission and the Secretary of Commerce to transfer or sell land for minimum or no consideration for the purpose of creating an event venue”; to the Committee on Government Organization.

By Delegates Westfall and Hott:

H. B. 2751 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9C-1, §6-9C-2, §6-9C-2A, §6-9C-3, §6-9C-4, §6-9C-5, §6-9C-6, §6-9C-

7, §6-9C-8, §6-9C-9, §6-9C-10, and §6-9C-11; to amend and reenact §8-35-2 of said code; and to amend said code by adding thereto by adding 4 new sections, designated §8-35-3, §8-35-4, §8-35-5 and §8-35-6, all relating generally to fiscal emergencies of local governments; establishing a system to remediate those emergencies; requiring certain action be taken by the State Auditor or a designee; and modernizing the process for the dissolution of municipalities”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Holstein:

H. B. 2752 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-20-1, §16-20-2, §16-20-3, and §16-20-4, all relating to prohibiting discrimination, based individual’s mental or physical disability, in access to organ transplantation; and providing enforcement mechanisms”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Mallow, Conley, Bruce, Miller, Forsht and Longanacre:

H. B. 2753 - “A Bill to amend and reenact §18-2D-1, §18-2D-2, §18-2D-3, and §18-2D-4 of the Code of West Virginia, 1931, as amended, all relating to require the implementation of community education programs throughout the state to facilitate the providing of educational, recreational, cultural, social, health and other community services to all of the people of the community”; to the Committee on Education then Finance.

By Delegates Pushkin and Rohrbach:

H. B. 2754 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-14-16, relating to prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present; penalty”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Pushkin and Higginbotham:

H. B. 2755 - “A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended, relating to suicide

prevention awareness training”; to the Committee on Education then Finance.

By Delegates Hansen, Walker, Fleischauer, Barach, Young and Doyle:

H. B. 2756 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-11-22b, relating to allowing increased civil administrative penalties to be promulgated by legislative rules of by the Department of Environmental Protection, for individual or general construction stormwater, West Virginia Department of Environmental Protection National Pollutant Discharge Elimination System permits, and General Water Pollution Control Permits for larger acreage permits; providing for doubling penalties for projects of certain sizes; providing for projects at least 500 acres have larger penalties assessed for violations; providing for rulemaking; providing for additional penalties based on the number of violations; and providing for resolution of code conflict in favor of legislative rules promulgated according to this section”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Hansen, Young, Walker, Lovejoy, Diserio, Williams, Fleischauer, Rowe, Doyle, Pushkin and Zukoff:

H. B. 2757 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9g; and to amend said code by adding four new sections, designated §22-11-31, §22-11-32, §22-11-33, and §22-11-34, all relating to creating the Clean Drinking Water Act of 2021; directing the Secretary of the Department of Public Health to propose maximum contaminant levels or treatment techniques for certain PFAS pollutants; creating the West Virginia PFAS Action Response Team to act as an advisory body within the Department of Environmental Protection; setting forth the team’s responsibilities and powers; requiring facilities using certain PFAS chemicals to report their use; setting forth other duties of those facilities; requiring the Secretary of the Department of Environmental Protection to propose updates to the numeric Public Water Supply

human health criteria; and requiring rule-making”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Barrett:

H. B. 2758 - “A Bill to amend and reenact §51-10-1 and §51-10-8 of the Code of West Virginia, 1931, as amended, all relating to requiring the Insurance Commissioner to regulate professional bondsmen”; to the Committee on Banking and Insurance then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 2094, Relating to the juvenile restorative justice programs; 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. 52**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Hornbuckle.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2094) passed.

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

H. B. 2184, Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug; 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. 53**), and there were—yeas 89, nays 11, absent and not voting none, with the nays being as follows:

Nays: Doyle, Evans, Fleischauer, Hansen, Hornbuckle, McGeehan, Pushkin, Rowe, Walker, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2184) passed.

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

Second Reading

The following bill on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading:

Com. Sub. for H. B. 2372, Allow pre-candidacy papers to be filed the day after the general election.

First Reading

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

Com. Sub. for S. B. 11, Declaring work stoppage or strike by public employees to be unlawful,

H. B. 2265, Relating to collaborative pharmacy practice and updating rulemaking authority,

Com. Sub. for H. B. 2290, Initiating a State Employment First Policy to facilitate integrated employment of disabled persons,

And,

Com. Sub. for H. B. 2529, Prohibiting West Virginia institutions of higher education from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing.

Miscellaneous Business

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

H. B. 2158: Delegates Paynter and Bridges;

H. B. 2257: Delegate Pinson;

H. B. 2327: Delegates Burkhammer, Jennings and Wamsley;

H. B. 2376: Delegate Toney;

H. B. 2529: Delegate L. Pack;

H. B. 2547: Delegate Hansen;

H. B. 2650: Delegate Young;

H. B. 2653: Delegate Young;

H. B. 2663: Delegate Young;

H. B. 2681: Delegates Bates, Espinosa and L. Pack;

H. B. 2682: Delegate Espinosa;

H. B. 2695: Delegates Espinosa and L. Pack;

H. B. 2697: Delegate Young;

H. B. 2698: Delegate Young;

H. B. 2708: Delegate Barach;

H. B. 2723: Delegate Wamsley;

H. B. 2740: Delegate Wamsley;

H. C. R. 9: Delegates Barnhart, Forsht, Rowan, Summers and Sypolt;

And,

H. J. R. 3: Delegate Nestor.

At 11:33 a.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 25, 2021.

Thursday, February 25, 2021

SIXTEENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, February 24, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Rowan, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

H. B. 2671, Relating to financial exploitation of elderly persons, protected persons or incapacitated adults,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2671) was referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2628, Relating to the removal of the prohibition on having ATMs in the area where racetrack video lottery machines are located,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2628 - "A Bill to amend and reenact §29-22A-9 of the Code of West Virginia, 1931, as amended, relating to removing the prohibition on having automated teller machines in the area where racetrack video lottery machines are located; prohibiting use of a check from a player for exchange or purchase of video lottery game credits or advance; and, making technical corrections,"

With the recommendation that the committee substitute do pass.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 2621, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2621) was referred to the Committee on Government Organization.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 2575, Increasing the age limit to 40 for people to test for career fire departments,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2575) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2222, Prohibiting vehicles from driving slow in the left lane,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2222) was referred to the Committee on the Judiciary.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2634, Requiring insurance providers to provide coverage for certain treatment,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2634) was referred to the Committee on Health and Human Resources.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2681, Authorizing the Insurance Commissioner to transfer moneys from the Insurance Commission Fund into the Workers' Compensation Old Fund to reduce any deficit balance of the Old Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2681) was referred to the Committee on Finance.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2682, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2682) was referred to the Committee on the Judiciary.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2695, Consolidate the statutory positions of Director of the Insurance Fraud Unit and Inspector General of the former Workers' Compensation Commission Fraud and Abuse Unit,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2695) was referred to the Committee on Government Organization.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2256, Providing that a municipal services user fee may not be imposed on employees of the state,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2256) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2160, Issuing identification documents to homeless individuals residing at homeless shelters,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2160) was referred to the Committee on Finance.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 24, 2021, he approved **Com. Sub. for H. B. 2358** and **H. B. 2359**.

Messages from the Senate

A message from the Senate, by

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

S. B. 67 - “A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating to the authority of the Emergency Medical Services Advisory Council in reviewing rules proposed by the Commissioner of the Bureau for Public Health under the Emergency Medical Services Act”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

Com. Sub. for S. B. 79 - “A Bill to amend and reenact §48-9-403 of the Code of West Virginia, 1931, as amended, all relating to providing a fair mechanism for the adjudication of requests for relocation of a parent with a child”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 89 - “A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to exempting from licensure requirements certain education programs operated by private schools with accredited preschool classes and certain

recognition by Department of Education”; which was referred to the Committee on Education.

A message from the Senate, by

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

Com. Sub. for S. B. 182 - “A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed, as modified 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 animal disease control; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Seed Law; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to a seed certification program; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia-exempted dairy farms and milk and milk products processing rules; authorizing the Auditor to promulgate a legislative rule relating to standards for requisitions for payment issued by state officers on the Auditor; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders and funeral establishment requirements; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to a fee schedule; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to governing the West Virginia Board of Hearing Aid Dealers; authorizing the Board of Landscape Architects to promulgate a legislative rule relating to

registration of landscape architects; authorizing the Board of Landscape Architects to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Livestock Care Standards Board to promulgate a legislative rule relating to livestock care standards; authorizing the Board of Medicine to promulgate a legislative rule relating to registration to practice during declared state of emergency; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to telehealth practice requirements, and definitions; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to emergency temporary permits to practice during states of emergency or state of preparedness; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substances Act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for continuing education for licensure of pharmacists; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure of wholesale drug distributors, third-party logistics providers, and manufacturers; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Controlled Substances Monitoring Program; authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy Rules for immunizations administered by pharmacists and pharmacy interns; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for physical therapist and physical therapist's assistants; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist's assistants; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for athletic trainers; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for athletic trainers; authorizing the Board of Professional Surveyors to promulgate a legislative rule

relating to examination and licensing of professional surveyors in West Virginia; authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to criteria for licensure; authorizing the Secretary of State to promulgate a legislative rule relating to loan and grants programs under the Help America Vote Act (HAVA) for the purchase of voting equipment, election systems, software, services, and upgrades; authorizing the Secretary of State to promulgate a legislative rule relating to guidelines and standards for electronic notarizations; and authorizing the Board of Senior Services to promulgate a legislative rule relating to a shared table initiative for senior citizens”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 270 - “A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended, all relating to taxation of hotel rooms booked through a marketplace facilitator; defining “marketplace facilitator”; providing for collection and remittance of the hotel occupancy tax imposed by any municipality or county by certain marketplace facilitators; making marketplace facilitators satisfying certain economic nexus requirements responsible for collection and remittance of the tax imposed by any county or municipality; requiring the marketplace facilitator to separately state the tax on all bills, invoices, accounts, books of account, and records relating to consideration paid for the occupancy or use of a hotel room; deeming all taxes collected be held in trust by the marketplace facilitator until remitted; and permitting marketplace facilitators and hotels or hotel operators to enter into agreements regarding fulfillment of the requirements of the chapter”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 272 - “A Bill to amend and reenact §21-5-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, and §21-5I-6; to amend and reenact §21A-1A-16 of said code; and to amend and reenact §23-2-1a of said code, all relating generally to creating the West Virginia Employment Law Worker Classification Act; creating a short title; making certain findings; defining terms; superseding certain existing statutory provisions relating to distinguishing independent contractors from employees; applying classification provisions to workers’ compensation, unemployment compensation, wage payment and collection, and Human Rights Act matters; establishing classification criteria; setting forth limitations to applicability of the act; and providing for severability.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 272) to a committee was dispensed with, and it was taken up for immediate consideration and read a first time.

A message from the Senate, by

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

Com. Sub. for S. B. 275 - “A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2D-16a; to amend said code by adding thereto a new section, designated §23-1-1h; to amend and reenact §23-5-1, §23-5-3, §23-5-5, §23-5-6, §23-5-8, §23-5-9, §23-5-10, §23-5-11, §23-5-12, §23-5-13, §23-5-15, and §23-5-16 of said code; to amend said code by adding thereto twelve new sections, designated §23-5-1a, §23-5-3a, §23-5-5a, §23-5-6a, §23-5-8a, §23-5-8b, §23-5-9a, §23-5-10a, §23-5-

11a, §23-5-12a, §23-5-13a, and §23-5-16a; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section, designated §51-2A-24; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, and §51-11-13; and to amend and reenact §58-5-1 of said code, all relating generally to creating an Intermediate Court of Appeals; defining terms; providing that the Judicial Vacancy Advisory Commission assist initial and subsequent vacancies on the Intermediate Court of Appeals; clarifying meaning of quorum for Judicial Vacancy Advisory Commission; transferring jurisdiction over appeals of decisions of the Health Care Authority in certificate-of-need reviews from the Workers' Compensation Office of Administrative Law Judges and Circuit Court of Kanawha County to the Intermediate Court of Appeals; establishing procedures and time frames for transfer or disposition of unresolved appeals pending with the Office of Judges; transferring jurisdiction over all workers' compensation claims and transferring all powers and duties related thereto from the Office of Judges to the Workers' Compensation Board of Review by a date certain; providing for additional two members to Workers' Compensation Board of Review; providing for modified procedure to appoint members to Workers' Compensation Board of Review; conferring appellate jurisdiction over Office of Judges decisions and Board of Review decisions to the Intermediate Court of Appeals after a date certain; sunseting certain provisions relating to duties and procedures of the Office of Judges with respect to workers' compensation claims; modifying duties and procedures of Board of Review with respect to workers' compensation claims; terminating the Office of Judges by a date certain; authorizing the Board of Review to employ hearing examiners and other necessary personnel; establishing qualifications for hearing examiners hired by the Board of Review; setting forth powers of the Board of Review relating to workers' compensation claims; providing for reports requested by the Insurance Commissioner to be made by the chair of the Board of Review; providing for oversight and administrative authority of the Insurance Commissioner over the

Board of Review; authorizing the Board of Review to promulgate procedural rules; granting due consideration and an interview to employees of the Office of Judges who apply for positions with the Board of Review on or before a date certain and directing the Board of Review that such consideration and interview prior to considering any other applicant; authorizing the Board of Review to hire attorneys as hearing examiners; requiring that all orders and decisions of the Board of Review pertaining to an objection be issued and signed by a single member of the Board of Review, with certain exceptions; permitting the board of review member assigned to an objection to delegate certain duties to a hearing examiner; establishing the administrative powers and duties of the Board of Review; increasing the limit on the annual salary of a Board of Review member; authorizing the board of review to promulgate rules of practice and procedure, and establishing a process therefor; establishing duties of the chair of the Board of Review; providing that the administrative expenses of the Board of Review shall be included in annual budget of the Insurance Commissioner; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals; establishing certain procedures and other requirements for appeals of Board of Review decisions made to the Intermediate Court of Appeals; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; requiring that appeal of contested cases under the State Administrative Procedures Act be made to the Intermediate Court of Appeals; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; creating an Intermediate Court of Appeals in West Virginia to be established and operable by a date certain; providing a short title; providing legislative findings; defining terms; establishing and defining two districts of the Intermediate Court of Appeals; requiring each district of the Intermediate Court of Appeals to conduct proceedings as a three-judge panel; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; providing for the location of proceedings of the Intermediate Court of Appeals; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing that

parties to an appeal in the Intermediate Court of Appeals shall have an opportunity for a full and meaningful review on the record of the lower tribunal and an opportunity to be heard; establishing a procedure by which parties to an appeal in the Intermediate Court of Appeals may file a motion for direct review of an appeal by the Supreme Court of Appeals in certain extraordinary circumstances; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing for an initial election of judges to the Intermediate Court of Appeals for staggered terms; providing for the regular election of a judge to each district of the Intermediate Court of Appeals upon the expiration of a sitting judge's term; establishing a procedures for the filling of vacancies in unexpired judicial terms by appointment and in certain circumstances, subsequent election; providing that the Governor's judicial appointments must be made from a list of candidates submitted by the Judicial Vacancy Advisory Commission and are subject to advice and consent of the Senate; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during the judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals and related filings be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals

operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing that the Intermediate Court of Appeals shall issue written decisions as a matter of right; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing internal effective dates; removing obsolete language from the code; and making technical corrections to the code”; which was referred to the Committee on the Judiciary then Finance.

A message from the Senate, by

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

S. B. 296 - “A Bill to amend and reenact §64-12-1, §64-12-2, §64-12-3, and §64-12-4 of the Code of West Virginia, 1931, as amended, all relating generally to repealing certain legislative, procedural, and interpretative rules promulgated by certain agencies, boards, and commissions which are no longer authorized or are obsolete; authorizing certain agencies under the Department of Administration, Department of Health and Human Resources, Department of Revenue, and Department of Commerce to repeal certain legislative, procedural, and interpretative rules; repealing the Board of Risk and Insurance Management legislative rule relating to discontinuation of professional malpractice insurance; repealing the Department of Health and Human Resources legislative rule relating to DUI safety and treatment; repealing the Department of Health and Human Resources legislative rule relating to incorporation of the social services manual; repealing the Department of Health and Human Resources legislative rule relating to operating rules and regulations for the West Virginia Commission on Children and Youth; repealing the Department of Health and Human Resources legislative rule relating to state child

fatality review team and county multidisciplinary review teams; repealing the Insurance Commissioner legislative rule relating to emergency medical services; repealing the Insurance Commissioner legislative rule relating to diabetes regulations; repealing the Racing Commission procedural rule relating to dispute resolution procedures; repealing the State Tax Department interpretative rule relating to tax shelter voluntary compliance program; repealing the State Tax Department interpretative rule relating to preference for determining successful bids; repealing the State Tax Department procedural rule relating to tobacco products excise tax on floorstocks; repealing the State Tax Department legislative rule relating to West Virginia Film Industry Investment Act; repealing the State Tax Department legislative rule relating to residential solar energy tax credit; repealing the State Tax Department legislative rule relating to Business Franchise Tax; repealing the Division of Labor legislative rule relating to hazardous chemical substances; and repealing the Division of Labor legislative rule relating to Commercial Bungee Jumping Safety Act”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 372 - “A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating to the practice of medicine and surgery or podiatry; establishing criteria for graduate clinical training residency programs when accreditation is not available for the fellowship’s field; and providing for other consideration for graduate clinical training based upon the approval of accredited residency programs in the same field”; which was referred to the Committee on Health and Human Resources.

Resolutions Introduced

Delegates Westfall, Wamsley, Keaton, Pinson and Higginbotham offered the following resolution, which was read by

its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 11 - "Requesting the Division of Highways name bridge number: 18-331/00-003.99 (18A126), (38.86741, - 81.81838) locally known as COTTAGEVILLE ARCH (SCDA), carrying WV 331 over MILL CREEK in Jackson county the 'Thomas Brothers Memorial Bridge'."

Whereas, Mr. and Mrs. AH Thomas lived in Mt. Alto, West Virginia. The Thomas's had 3 sons: Marion, born on May 24, 1927, James, born on September 27, 1931, and Alvin, born on November 19, 1933.

Whereas, Following the start of the Korean War, the three brothers enlisted in the United States Army and served. By 1950, all three brothers were enlisted at ages 23, 19, and 17, respectively. Marion Thomas, who had served 31 months in the Navy during World War II, began serving in the Army at Fort Sill, Oklahoma. Marion was subsequently deployed to Korea and served on the front lines. James served with the Army Air Force and was stationed at Kelly Field in Texas prior to being deployed to Korea. The youngest brother, Alvin, was stationed at Fort Knox, Kentucky; and

Whereas, The three brothers were believed to be the first family in the county in the Korean War which had three brothers in uniform; and

Whereas, The Thomas brothers returned from service after the war; and

Whereas, Marion Thomas died on January 22, 1985, James Thomas died on November 24, 2012, and Alvin died on November 18, 2017; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Thomas 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: 18-331/00-003.99 (18A126), (38.86741, - 81.81838) locally known as COTTAGEVILLE ARCH (SCDA), carrying WV 331 over MILL CREEK in Jackson county, the “Thomas Brothers 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 “Thomas Brothers Memorial Bridge”; and, be it

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

Bills Introduced

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

By Delegate Capito:

H. B. 2760 - “A Bill to amend and reenact §11-13Q-9, §11-13Q-10, §11-13Q-10a and §11-13Q-22 of the Code of West Virginia, 1931, as amended, all relating to economic development incentive tax credits; specifying economic opportunity tax credit new jobs percentage of 10 percent corresponding to the creation of 10 new jobs; terminating §11-13Q-10 to prevent conflict with the 10 new jobs language added to the economic opportunity tax credit; specifying changes to §11-13Q-22, to resolve technical conflict with other sections; eliminating superannuated reference to business franchise tax; eliminating superannuated reporting requirement; specifying manufacturing activities that qualify for high technology manufacturing tax credit; providing definitions; proscribing multiple tax credits for the same qualified investment; making stylistic changes pursuant to current drafting conventions; specifying effective dates”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Zukoff and Fluharty:

H. B. 2761 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §17-

4-56 and §22-1-18, all related to authorizing the Division of Highways to assess local impacts to roadways for activities permitted by the Department of Environmental Protection; authorizing the Commissioner of the Division of Highways to promulgate legislative rules relating to the types of activities permitted by the Department of Environmental Protection that require a road use review by the Commissioner as a condition of the Department of Environmental Protection's permit; authorizing the Commissioner to promulgate a form to be completed by certain permit applicants to assess road impacts by construction and operation of permitted activities; providing legislative findings; providing for right of administrative review of roadway conditions directives prior to enforcement as a condition of environmental permit; and providing for actions by the agencies to effectuate these provisions"; to the Committee on Technology and Infrastructure then Energy and Manufacturing.

By Delegates Steele, Reynolds, J. Pack, Foster, Kessinger, Householder, Hardy, D. Kelly, Barnhart, Martin and D. Jeffries:

H. B. 2762 - "A Bill to amend and reenact §55-7B-2 of the Code of West Virginia, 1931, relating to medical professional liability, providing for an exemption to actions arising under the chapter for injuries arising from the practice of elective abortion or elective abortion related services except for any care or treatment provided by a health care provider to correct any harm or injury received due to an elective abortion or elective abortion related service"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Linville:

H. B. 2763 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-6C-1, §5A-6C-2, §5A-6C-3, and §5A-6C-4, all relating to 'West Virginia Cyber Incident Reporting;' providing for definitions; applying the scope to all state agencies within the executive branch, Constitutional officers, all local government entities, county boards of education, the judicial branch, and the legislative branch; providing criteria for reporting incidents; and providing for an

annual report”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Capito:

H. B. 2764 - “A Bill to amend and reenact §31A-8G-3 of the Code of West Virginia, 1931, as amended, relating to allowing the Division of Financial Institutions enter into agreements with state, federal or foreign regulatory agencies to allow persons who make an innovative financial product or service available in West Virginia, under the program available under the West Virginia FinTech Regulatory Sandbox Act, to make their products or services available in other jurisdictions and to allow persons operating in similar regulatory sandboxes in other jurisdictions to make innovative financial products and services available in West Virginia under the standards provided in the West Virginia FinTech Regulatory Sandbox Act”; to the Committee on the Judiciary.

By Delegate Capito:

H. B. 2765 - “A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to allowing emergency management and operations’ vehicles operated by airports to use red flashing warning lights”; to the Committee on the Judiciary.

By Delegate Mandt:

H. B. 2766 - “A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating to creating a felony crime of delivery of a controlled substance or a counterfeit controlled substance with reckless disregard for the health, safety, and welfare of others, for an illicit purpose, and the use, ingestion, consumption, or exposure thereof causes death”; to the Committee on the Judiciary.

By Delegates Walker and Fleischauer:

H. B. 2767 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, §29-33-4, §29-33-5, §29-33-6, §29-33-7, §29-33-8, §29-33-9, §29-33-10, §29-33-11, §29-33-12, and §29-33-13, all relating to creating a law-enforcement transparency board;

providing structure, and selection process for members; providing definitions; providing that the Attorney General serve as administrative head of the board and describing powers and duties; required meetings, reports, and board powers, duties, and authority; how board funded and staff trained; receiving complaints and investigation process; requiring law-enforcement agencies to cooperate with the board; disposition of cases; requiring board to provide findings of investigations to appropriate oversight authorities; and disciplinary oversight”; to the Committee on Political Subdivisions then the Judiciary.

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

H. B. 2768 - “A Bill supplementing, amending and increasing an existing item of appropriation from the State Road Fund, to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2021, organization 0803, for the fiscal year ending June 30, 2021”; to the Committee on Finance.

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

H. B. 2769 - “A Bill supplementing, amending, and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles, fund 9007, fiscal year 2021, organization 0802, for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegate Barrett:

H. B. 2770 - “A Bill to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-11a of said code, all relating to including home confinement officers in definition of law-enforcement officers; and authorizing home confinement officers to carry a concealed firearm in certain facilities limited to other law-enforcement officers”; to the Committee on the Judiciary.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. B. 2590 and Com. Sub. for H. B. 2620,

on First reading, Special Calendar, had been transferred to the House Calendar; and H. J. R. 2, on First reading, House Calendar, had been transferred to the Special Calendar.

Special Calendar

Third Reading

Com. Sub. for H. B. 2372, Allow pre-candidacy papers to be filed the day after the general election; 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. 54**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2372) passed.

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

Second Reading

Com. Sub. for S. B. 11, Declaring work stoppage or strike by public employees to be unlawful; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Ellington, the bill was amended on page three, section forty-five-a, line fifty-one, following the word “Notwithstanding”, by striking out the reference to §18-5-2, and inserting in lieu thereof “§18A-5-2”.

Delegates Rowe, Hornbuckle, Young and Boggs moved to amend the bill on page four, section forty-five-a, lines fifty-eight through sixty-one, by striking out subsection (e) in its entirety.

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. 55**), and there were—yeas 75, nays 24, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bridges, Bruce, Burkhammer, Clark, Cooper, Fast, Forsht, Foster, Gearheart, Graves, Hanna, Hardy, Horst, J. Kelly, Kimes, Longanacre, Maynard, Mazzocchi, Miller, Queen, Smith, Steele, Wamsley and Zatezalo.

Absent and Not Voting: Riley.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 12, Relating to local health department accountability; on second reading, coming up in regular order, was read a second time.

On motion of Delegate J. Pack, the bill was amended on page four, section six, by removing §16-2-6 from the bill in its entirety.

On page five, section seven, by removing §16-2-7 from the bill in its entirety.

On page five, section eight, by removing §16-2-8 from the bill in its entirety.

On page six, section nine, line five, by removing “A member of the appointing authority shall serve as a nonvoting, ex officio member and this member shall not be counted against any criteria for board appointment set forth in this section.”

On page seven, line twelve, by striking out the words “gross immorality”.

On page seven, line sixteen, by removing the words “gross immorality”.

On page ten, line sixty-six, by striking out subdivision (3) and inserting a new subdivision (3) to read as follows:

“(3) (A) Adopt and promulgate and from time to time amend rules consistent with state public health laws and the rules of the West Virginia State Department of Health and Human Resources, that are necessary and proper for the protection of the general health of the service area and the prevention of the introduction, propagation, and spread of disease;

(B) The commissioner shall establish a procedure by which adverse determinations by local health departments may be appealed, unless otherwise provided for, for the purpose of ensuring a consistent interpretation of state public health laws and rules of the Department of Health and Human Resources.

(C) When rules are adopted, promulgated, or amended, the local board of health shall place notice in the State Register and on their organization’s web page, setting forth a notice of proposed action, including the text of the new rule or the amendment and the date, time, and place for receipt of public comment.

(D) All rules shall be approved, disapproved or amended and approved by the county commission or appointing entity within 30 days of approval from the local board of health.

(E) All rules of a combined local board of health shall be approved, disapproved or amended and approved by each appointing entity within 30 days of approval from the combined local board of health. If one appointing entity approves and another other does not approve a rule from a combined local board health department, the rule is only in effect in the jurisdiction of the appointing entity which approved the rule.

(F) An approved rule shall be filed with the clerk of the county commission or the clerk or the recorder of the municipality or both and shall be kept by the clerk or recording officer in a separate book as public records.

(G) A rule currently in effect is not subject to approval, unless amended, from the county commission or appointing authority.

(H) If there is an imminent public health emergency, approval of the county commission or appointing authority is not necessary

before the rule goes into effect but shall be approved or disapproved by the county commission or appointing authority within 30 days after the rules are effective;”.

On page thirteen, line one hundred thirty-seven, by removing the words “the Governor may direct”.

And,

On page thirteen, line one hundred thirty-eight, by removing the word “to” and inserting the word “may”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 14, Providing for additional options for alternative certification for teachers; on second reading, coming up in regular order, was read a second time and ordered to third reading.

H. B. 2265, Relating to collaborative pharmacy practice and updating rulemaking authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2290, Initiating a State Employment First Policy to facilitate integrated employment of disabled persons; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

And,

Com. Sub. for H. B. 2529, Prohibiting West Virginia institutions of higher education from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

H. J. R. 2, Providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate,

Com. Sub. for H. B. 2267, Establishing an optional bus operator in residence program for school districts,

Com. Sub. for H. B. 2363, Relating to “Best Interests of the Child Protection Act of 2021”,

And,

Com. Sub. for H. B. 2616, Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification’s website.

Miscellaneous Business

The House of Delegates met at 4:30 p.m. on Wednesday, February 24, 2021 for **Remarks by Members**, in accordance with House Rule 65. The Honorable Gary Howell, Speaker Pro Tempore, called the House to order and presided while several members proceeded to make remarks. At 4:51 p.m., Remarks by Members was adjourned.

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

H. B. 2051: Delegate Toney;

H. B. 2057: Delegate Brown;

H. B. 2257: Delegate L. Pack;

H. B. 2708: Delegate Bates;

H. B. 2722: Delegate Hansen;

H. B. 2738: Delegate Riley;

H. B. 2747: Delegate Toney;

And,

H. C. R. 5: Delegate Forsht.

At 11:49 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 26, 2021.

Friday, February 26, 2021

SEVENTEENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Thursday, February 25, 2021, 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. 11, on Third reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

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

H. B. 2024, Expand use of telemedicine to all medical personnel,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2024 - "A Bill to repeal §30-3-13a and §30-14-12d of the Code of West Virginia, 1931, as amended; to amend and reenact §30-1-26 of said code; all relating to telehealth

services; defining terms; establishing a registration; permitting health care practitioners licensed in other states, in good standing, to practice in West Virginia using telehealth services; providing emergency rulemaking authority; setting forth requirements for registration; permitting a fee for registration; placing a cap on the fee; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; requiring a registrant to report certain information to the board; and clarifying that a registrant is subject to the laws of this state,”

And,

H. B. 2093, Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2093 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5E-3a; and to amend and reenact §16-49-1 of said code, all relating to the regulation of medical foster homes; defining terms; providing an exemption to medical foster homes from the requirements for unlicensed health care homes; and requiring an annual report,”

With the recommendation that the committee substitutes each do pass.

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

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

H. B. 2368, Mylissa Smith’s Law, creating patient visitation privileges,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2368) was referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 277, Creating COVID-19 Jobs Protection Act,

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

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

By Delegates Kessinger, Higginbotham, J. Kelly, Wamsley, Longanacre, Horst, Clark, Griffith, Kimble and Tully:

H. B. 2791 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g, relating to requiring county boards of education to permit students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school at no additional cost beyond any costs charged to public school students."

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

Your Committee on Education has had under consideration:

H. B. 2362, Implementing trauma-informed practices in schools,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2362 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to implementation of trauma-informed practices in schools; providing for an effective date; providing for training and verification of training by county boards; requiring the department of education to maintain a list of training resources and to report noncomplying counties to the Legislative Oversight Commission on Education Accountability; providing definition and parameters of trauma-informed practices; and providing for rulemaking,”

With the recommendation that the committee substitute do pass.

Pursuant to House Rule 80, the Speaker referred the bill (Com. Sub. for H. B. 2362) to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

H. B. 2025, Provide liquor, wine, and beer licensees with some new concepts developed during the State of Emergency utilizing new technology to provide greater freedom to operate in a safe and responsible manner,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2025 - “A Bill to amend and reenact §7-1-3ss of the Code of West Virginia, 1931, as amended, to amend and reenact §11-16-3, §11-16-9, and §11-16-18 of said code; to amend said code by adding thereto two new sections, designated §11-16-6d and §11-16-11c; to amend said code by adding thereto two new sections, designated §19-2-12 and §19-2-13; to amend and reenact §60-1-5a of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-6-8 of said code; to amend and reenact §60-7-2, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto five new sections, designated

§60-7-8b, §60-7-8c, §60-7-8d, §60-7-8e, and §60-7-8f; to amend and reenact §60-8-2, §60-8-3, §60-8-4, §60-8-18, §60-8-29 and §60-8-34 of said code; to amend said code by adding thereto four new sections, designated §60-8-6c, §60-8-6d, §60-8-6e, and §60-8-32a; to amend said code by adding thereto a new article, designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, and §60-8A-6; and to amend and reenact §61-8-27 of said code; all relating to nonintoxicating beer, nonintoxicating craft beer, liquor, wine, and hard cider sales in this state; providing for a definition of light alcoholic beverages; providing for the authority and license to deliver nonintoxicating beer or nonintoxicating craft beer with requirements, no additional fee for certain licensees, a license fee for third parties, and a nonintoxicating beer retail transportation permit with requirements; providing certain licensees with the authority for nonintoxicating beer nonintoxicating craft beer outdoor dining and outdoor street dining; authorizing in-person or in-vehicle pick up of purchased food and nonintoxicating beer or nonintoxicating beer orders-to-go; creating an unlicensed brewer or home brewer temporary license for use at fairs and festivals, requirements, and a license fee; providing for changing the beginning time for nonintoxicating beer, nonintoxicating craft beer, liquor, and wine sales to begin at 6:00 a.m. on all days; relating to the manufacture and sale of hard cider and wine by establishing the Agriculture Development Fund; establishing permitted expenditures from the Agriculture Development Fund; creating a new program to develop hard cider; providing for wine definitions; clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of ‘nonfortified dessert wine’; creating a private manufacturer club license for distilleries, mini-distilleries, micro-distilleries, wineries, and farm wineries, requirements, and a license fee; authorizing distilleries, mini-distilleries, and micro-distilleries to also operate wineries, farm wineries, brewers, and resident brewers; authorizing wineries and farm wineries to also operate as distilleries, mini-distilleries, micro-distilleries, brewers, and resident brewers; authorizing the ability to pre-mix alcoholic liquors, establishing certain requirements, and creating a permit; creating private caterer license, requirements, and license fee; creating a private club bar license, requirements, and license fee;

creating a private club restaurant license, requirements, and license fee; creating a private manufacturer club license, requirements, and license fee; authorizing a distillery, mini-distillery, or micro-distillery to also obtain a winery or farm winery license; authorizing a winery or farm winery to also obtain a distillery, mini-distillery, or micro-distillery license; creating a private tennis club license, requirements, and license fee; creating a private wedding venue or barn license, requirements, and license fee; creating a one-day charitable rare, antique, or vintage liquor auction license for charitable purposes, requirements, and license fee; creating a private multi-vendor fair and festival license, requirements, and license fee; providing for a reduction of certain fees; creating private outdoor dining and private outdoor street dining areas as legally demarcated areas that are not a public place; authorizing and creating craft cocktail growlers and requirements, and a private cocktail delivery permit; authorizing in-person or in-vehicle pick up of purchased food and craft cocktail growler orders-to-go; clarifying penalties for failure to meet wine licensure requirements; replacing wine bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries, who are acting as either suppliers or distributors in a limited capacity, with an affidavit of compliance; providing penalties for failure to pay taxes and maintain good standing with the state; authorizing wineries and farm wineries to sell wine growlers and establishing requirements; authorizing certain Class A and Class B licensees to sell wine growlers and establishing requirements; creating the authority and license to deliver wine with a private wine delivery license, requirements, no additional fee for certain licensees, a license fee for third parties, and a private wine retail transportation permit and requirements; creating private wine outdoor dining and private wine outdoor street dining areas as legally demarcated areas that are not a public place; authorizing in-person or in-vehicle pick up of purchased food and wine orders-to-go; providing that there is no separate license required to manufacture and sell hard cider under certain conditions; providing for a hard cider distributor's license and permitting other current and valid licensees to distribute hard cider without an additional license fee; providing for hard cider exemptions to the wine liter tax; establishing a hard cider gallon

tax; providing for the application of West Virginia Tax Procedures and Administration Act and West Virginia Tax Crimes and Penalties Act to the hard cider gallon tax; providing for an internal effective date; providing for a tax credit against the hard cider tax; providing for applicability of other laws; requiring regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption on the licensed premises; providing for complimentary samples to be offered; establishing requirements for complimentary samples; permitting the sale of wine growlers; establishing wine growler requirements, in certain circumstances; and providing additional exceptions to the criminal penalty for the unlawful admission of children to dance house for certain private clubs with approved age verifications systems.”

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 7 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6B-4-1, §6B-4-2, §6B-4-3, and §6B-4-4, all relating to a limitation on political activity by public employees and public officials; setting forth legislative purpose and findings; defining terms; providing exceptions; prohibiting political activity by public employees and public officials in certain limited circumstances; and establishing violations and penalties”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 42 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-22, relating to foreclosure actions involving abandoned properties; authorizing a municipality to commence a proceeding in a court of competent jurisdiction in the county in which the property is located to compel a foreclosure; defining “vacant and abandoned property”; designating the Zombie Property Remediation Act of 2021; and requiring conveyance of the deed following foreclosure”; which was referred to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

A message from the Senate, by

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

S. B. 396 - “A Bill to amend and reenact §29-12A-5 of the Code of West Virginia, 1931, as amended, relating to providing limitations on nuisance actions against fire department or emergency medical services fixed sirens”; which was referred to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

A message from the Senate, by

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

S. C. R. 6 - “Requesting the Division of Highways name bridge numbers 16-048/00-028.54 (EB-WB) (16A132, 16A133), locally known as Sauerkraut Run (EB-WB), carrying US 48 over Sauerkraut Run & CR 23/9 in Hardy County, the “U. S. Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn Memorial Bridge.”

Whereas, Wilbur “Webb” Hahn, a native of Hardy County, West Virginia, was born on January 4, 1925, and died on July 5,

2016; and John William Hahn, Wilbur's brother, was also a native of Hardy County, West Virginia, born on July 6, 1922, and died July 22, 2010; and

Whereas, Wilbur "Webb" Hahn, U.S. Navy Seaman 2nd Class, honorably served our country during World War II. The Hahn brothers compassion and simple life was devoted to the development of Hahn & Hahn Timber Company in Wardensville, West Virginia, creating jobs in Hardy County, West Virginia; and

Whereas, The Hahn Brothers were highly respected role models that fostered many community children during hard times, leaving no one hungry; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn 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 numbers 16-048/00-028.54 (EB-WB) (16A132, 16A133), locally known as Sauerkraut Run (EB-WB), carrying US 48 over Sauerkraut Run & CR 23/9 in Hardy County, the "U. S. Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn 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. Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn 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.

Resolutions Introduced

Delegates Jennings, Hanna, J. Kelly, L. Pack, B. Ward, D. Jeffries, McGeehan, Smith, Westfall, Mallow, Horst, Anderson,

Conley, Foster, Graves, Hott, J. Jeffries, Kimes, Nestor, J. Pack, Phillips, Pritt, Reynolds, Rohrbach, Steele, Storch and Sypolt offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

H. R. 10 - “Expressing the will of the House on the reopening of public schools for in-person learning.”

Whereas, Opening schools for daily in-person learning as safely and quickly as possible, and keeping them open, is important given the many known and established benefits of in-person learning; and

Whereas, The lack of daily in-person learning has for many children caused an immeasurable loss of the academic progress, social interaction, emotional stability and structure necessary for healthy mental and physical development; and

Whereas, For many families, economic well-being is largely dependent upon a predictable routine wherein daily in-person learning affords the parents greater opportunities for gainful employment; therefore, be it:

Resolved by the House of Delegates:

That by March 1, 2021, all public schools in West Virginia are to be open for in-person learning, five days per week, and are to resume all interscholastic and intermural sports; and, be it

Further Resolved, That all public schools in West Virginia should take actions to reduce the spread of the virus that causes COVID-19 as recommended by the Centers for Disease Control and Prevention, but that a student may not be sanctioned, restricted, or punished for the failure to wear a face-covering or mask.

Delegate L. Pack offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. R. 11 - “Recognizing pregnancy care centers for their dedication and commitment to assisting women, men, and families facing an unexpected pregnancy.”

Whereas, The life-affirming impact of pregnancy care centers on the women, men, children, and communities they serve is considerable and growing; and

Whereas, Pregnancy care centers serve women in West Virginia and across the United States with integrity and compassion; and

Whereas, More than 2,500 pregnancy care centers across the United States provide comprehensive care to women and men facing unplanned pregnancies including resources to meet their physical, psychological, emotional, and spiritual needs; and

Whereas, Pregnancy care centers offer women free, confidential, and compassionate services including pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, referrals to community health care, and other support services; and

Whereas, Many medical pregnancy care centers offer ultrasounds and other medical services; and

Whereas, Many pregnancy care centers provide information on adoption and adoption referrals to pregnant women; and

Whereas, Pregnancy care centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn children; and

Whereas, Pregnancy care centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner regardless of their pregnancy outcomes; and

Whereas, Pregnancy care centers provide important support and resources for women who choose childbirth over abortion; and

Whereas, Pregnancy care centers ensure that women are receiving prenatal information and services that lead to the birth of healthy infants; and

Whereas, Many pregnancy care centers provide grief assistance for women and men who regret the loss of their children from their past choices; and

Whereas, Many pregnancy care centers work to prevent unplanned pregnancies by teaching effective abstinence education in public schools; and

Whereas, Both federal and state governments are increasingly recognizing the valuable services of pregnancy care centers through the designation of public funds for such organizations; and

Whereas, Pregnancy care centers operate primarily through reliance on the voluntary donations and time of individuals who are committed to caring for the needs of women and promoting and protecting life; therefore, be it

Resolved by the House of Delegates:

That the House recognizes pregnancy care centers for their dedication and commitment to assisting women, men, and families facing an unexpected pregnancy; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Pregnancy Center Coalition.

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 12 - "Requesting the Division of Highways name bridge number 07-016/00.006.46, (07A039), (38.70976, -81.09931) locally known as MINNORA BRIDGE (SCTB), carrying WV 16 over WEST FK LITTLE KANAWHA River in Calhoun County, the 'U.S. Army PFC Charles E. Jarvis Memorial Bridge'."

Whereas, PFC Charles E. Jarvis was born December 5, 1931, in Minnora, Calhoun County, West Virginia, the son of Spencer

and Dona Jarvis. He was educated in Calhoun County; and at age 19 enlisted in the United States Army during the Korean War; and

Whereas, PFC Charles E. Jarvis was captured by North Korea and survived a 14-day “Death March” during which time he lost 66 pounds. He participated in seven battles and received a Silver Star, Prisoner of War Medal, and Purple Heart; and

Whereas, PFC Charles E. Jarvis returned home, married, and lived most of his life in California, until the 1990s when he returned to West Virginia with his wife, residing at Elkview until his death in 1995 from cancer at the age of 66; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC Charles E. Jarvis 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 07-016/00.006.46, (07A039), (38.70976, - 81.09931) locally known as MINNORA BRIDGE (SCTB), carrying WV 16 over WEST FK LITTLE KANAWHA River in Calhoun County, the “U.S. Army PFC Charles E. Jarvis Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army PFC Charles E. Jarvis Memorial Bridge”; and, be it

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

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

H. C. R. 13 - “Requesting the Division of Highways name bridge number 22-037/00-004.35 (22A059), (38.10346, - 82.17775) locally known as East Fork Bridge, carrying WV 37

over East Fork in Lincoln County, the ‘U. S. Army TEC5 Donald ‘Tiny’ Lucas Memorial Bridge’.”

Whereas, U. S. Army Technician Fifth Grade Donald “Tiny” Lucas was born on October 16, 1923, and passed away on June 4, 2009; and

Whereas, Technician Lucas served in the United States Army, attained the rank of Technician Fifth Grade, and was honorably discharged on January 28, 1946; and

Whereas, Technician Lucas owned a grocery store in Ranger, and after his death it was determined that over the years he had given thousands of dollars’ worth of food to residents and customers in Ranger; and

Whereas, It is fitting that an enduring memorial be established to commemorate Technician Lucas and his contributions to his country, state, and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-037/00-004.35 (22A059), (38.10346, - 82.17775) locally known as East Fork Bridge, carrying WV 37 over East Fork in Lincoln County, the “U. S. Army TEC5 Donald ‘Tiny’ Lucas Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold letters identifying the bridge as the “U. S. Army TEC5 Donald ‘Tiny’ Lucas Memorial Bridge”; and, be it

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

Delegates J. Jeffries, Maynard and Phillips offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

H. C. R. 14 - "Proclaiming and making the fiddle the official musical instrument of the State of West Virginia."

Whereas, The fiddle arrived in Appalachia in the 18th century with immigrants from the British Isles, bringing with them the musical traditions of their countries. These traditions consisted primarily of English and Scottish ballads, which were essentially unaccompanied narratives, and dance music, such as Irish reels which were accompanied by a fiddle. The fiddle soon became a staple of life in West Virginia, being played in churches, in logging and mining camps, at weddings and summer picnics, and in the homes and on porches of many West Virginians. It has remained so ever since, being showcased in music festivals around the state, from the Augusta Festival in Elkins, the Vandalia Gathering held on the grounds at the State Capitol, and the Appalachian String Band Festival at Camp Washington-Carver in Clifftop, just to name a few. West Virginia has also produced some of the finest fiddlers in the nation, and continues to do so; and

Whereas, Fiddler Blind Alfred Reed was born on June 15, 1880, and was one of the artists who recorded at the Bristol Sessions in 1927, along with Jimmie Rogers and the Carter Family, which are the first recordings of traditional country music. He was raised in a very conservative family and acquired a violin at a young age. Later, he began performing at county fairs, in country schoolhouses, for political rallies and in churches. He even played on street corners for tips. He used to sell printed copies of his compositions for ten cents each. After the Bristol Sessions, Mr. Reed recorded his most famous song, that is still being sung today, "How Can a Poor Man Stand Such Times and Live". After 1929, he stopped recording, but continued to perform locally until 1937 when a law was passed prohibiting blind street musicians. He is buried in Elgood and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Edwin "Edden" Hammons was born in 1874 and is considered by many to have been one of the finest traditional West Virginia fiddlers of all time, and tales of his musical exploits and eccentric lifestyle flourish among the inhabitants of mountainous east central West Virginia. Mr. Hammons was the youngest of four

brothers and three sisters, and his musical abilities were soon recognized to be superior to that of his siblings. Family tradition holds that his ability was recognized and encouraged at an early age and that the boy was spared his share of the burdens of frontier living as a result. Mr. Hammons's first attempt in music was with a fiddle made from a gourd. He soon progressed and he secured a store-bought fiddle and there was no dispute that he could draw out exquisite harmonies from the instrument. Whether because of immaturity or musical passion, Mr. Hammons refused to lay his fiddle down "like most men did" as he grew older and was faced with supporting a family. Mr. Hammons's three-week marriage to Caroline Riddle in 1892 came to a head when Caroline demanded that Edden either quit playing fiddle and go to work or she would leave. Given the ultimatum, Mr. Hammons chose the fiddle. When he was older, Mr. Hammons participated in five to ten fiddle contests each year, and rarely came away with less than first prize. Perhaps Mr. Hammons's most distinguished contest adversary was Lewis "Jack" McElwain, regarded by many others at the time to be the premier fiddler in the State of West Virginia. Mr. McElwain's accomplishments included a first-place finish at the 1893 World's Fair in Chicago. At a contest in Marlinton in 1909, Mr. McElwain and Mr. Hammons tied for top honors. Later, there were disagreements about the selection of judges, and Mr. Hammons insisted that the judging be left to the attendees. Mr. Hammons usually won; and

Whereas, Fiddler Melvin Wine was born in Burnsville in 1909. At the age of nine, he began to play his first fiddle tunes by sneaking out his father's prized possession, the fiddle. Mr. Wine eventually gained the courage to inform his mother of the progress he had made with his father's fiddle. One evening his mother bravely shared this with his father. At the time, Mr. Wine believed he might receive a whipping for sneaking out the fiddle. But instead, from this point on, his father supported the young boy's efforts. Mr. Wine's father learned the fiddle tunes that he passed on to Melvin from his father, Nels, Mr. Wine's grandfather. Mr. Wine passed away in 2003; and

Whereas, Mr. Clark Kessinger was born in Lincoln County on July 27, 1896. Mr. Kessinger began playing the banjo when he was five years old and two years later he performed at local saloons with his father. He switched to fiddle and began performing at country dances. After serving in the Navy, Mr. Kessinger's reputation as a fiddler increased and he visited many local fiddling contests. He teamed up with his nephew Luches "Luke" Kessinger performing at various locations. In 1927 Mr. Kessinger and Luches Kessinger had their own radio show at the newly opened station WOBU in Charleston. On February 11, 1928, the Kessingers recorded twelve sides for the Brunswick-Balke-Collender recording company. In the late 1920s, the Kessingers records were best sellers, including "Wednesday Night Waltz", "Turkey in the Straw", "Hell Among Yearlings", "Tugboat" and "Salt River". Mr. Kessinger was also greatly influenced by classical violin players such as Fritz Kreisler, Joseph Szigeti and Jascha Heifetz. Following his last recording session on September 20, 1930, Mr. Kessinger retired as a recording artist. But in 1963 he was rediscovered and soon was competing at several fiddling contests. In August 1964, Mr. Kessinger formed a string band in Galax, Virginia, winning first prize in the string band category. In April 1971, he won the World's Champion Fiddle Prize at the 47th Old-time Fiddler's Convention in Union Grove, North Carolina. Three more albums followed on Kanawha Records. His albums were later reissued on Folkways and Country Roads. In 1971 Mr. Kessinger recorded 12 tracks for the newly formed Rounder Records. The record company had plans to record many albums with Kessinger but before they could initiate what they had planned, Mr. Kessinger had a stroke and collapsed on the scene at a fiddler's convention in Virginia. His left hand became numb, and he was unable to play the fiddle for the remainder of his life. Rounder released his recordings as "Clark Kessinger: Old-time Music with Fiddle and Guitar". He died in 1975 and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Ed Haley was born in 1885 and was one of the best-known fiddlers in his region of Appalachia. He traveled frequently and performed in a variety of venues and played over WLW in Cincinnati. He also made occasional studio recordings for friends,

such as for Doc Holbrook in Greenup, Kentucky. He seldom recorded commercially because he was worried that record companies would take advantage of a blind man. Late in life, he made recordings for the family on a Wilcox-Gay disc-cutting machine brought home from the service by his stepson, Ralph. The recording featured Ed, Ella, Ralph (on guitar), and daughter Mona (vocals). Ralph eventually distributed the recordings among his five siblings. Eventually, about one-third to one-half of those recordings were released to Rounder Records, but it is estimated that two-thirds of Mr. Haley's recordings are still missing. Beginning in 1990, legendary bluegrass, folk musician and songwriter John Hartford began researching the story of Mr. Haley's life and music. Generally, Mr. Hartford spent the last years of his life promoting Mr. Haley and his significance in the world of music. He learned a number of Haley's tunes and recorded them on the Grammy-nominated album, "Wild Hog in the Red Brush" and "Speed of the Old Long Bow: A Tribute to Ed Haley". Mr. Hartford and Brandon Kirk, a Harts-area historian and genealogist, collaborated on a Haley book project from 1995 until Hartford's death in 2001. In March 2000, the "Smithsonian" magazine featured a story about their research. In October 2015, Ed Haley was inducted into the West Virginia Music Hall of Fame; and

Whereas, Tim O'Brien was born on March 16, 1954, in Wheeling and plays guitar, fiddle, mandolin, banjo, bouzouki, and mandocello. He has released more than ten studio albums, in addition, to charting a duet with Kathy Mattea entitled, "The Battle Hymn of Love", a No. 9 hit on the Billboard Hot Country charts in 1990. He eventually moved to Boulder, Colorado, in the 1970s and became part of the music scene there. In Colorado, he met guitarist Charles Sawtelle, banjoist Pete Wernick and bassist/vocalist Nick Forster with whom he formed Hot Rize in 1978. Over the next twelve years, the quartet earned recognition as one of America's most innovative and entertaining bluegrass bands. In 2005, O'Brien won a Grammy Award for Best Traditional Folk Album for "Fiddler's Green". In 1993 and 2006, O'Brien was honored with the International Bluegrass Music Association's (IBMA)'s Male Vocalist of the Year award. His band Hot Rize was the

IBMA's first Entertainer of the Year in 1990. In November 2013 he was inducted into the West Virginia Music Hall of Fame; and

Whereas, Glenville resident Buddy Griffin was born at Richwood on September 22, 1948, and recalling his Nicholas County childhood has said "Everybody in the family played music. It was never expected, it was never forced on us. Nobody ever handed us an instrument and said, 'You have to play this'. It was just trying to be part of what was going on, 'cause there was always music at the house." Mr. Griffin was a part of his family's music from an early age. "The first instrument I ever touched was a bass fiddle. They kept it leaned up behind the couch. I'd stand up on the couch when I was about five, maybe six. I couldn't note it, but I could play the strings. So if they'd play some old fiddle tune, I'd have all three chords to go with it. I'd stand there and just play the strings." He soon learned to play the guitar, mandolin, fiddle, and banjo. His parents were good singers especially in the style of the Carter Family, and they taught their children the older country music. The Griffin children, however, tended toward the faster, more modern bluegrass. Erma played the guitar and bass and sang harmony. Richard played guitar and fiddle, along with other instruments, and sang the lead. Richard's father, Joe Griffin, born in 1883, played the old claw hammer style of banjo. Joe traveled to logging camps in Roane, Lincoln, and Calhoun counties and played dances on Saturday nights with some of the local fiddlers, mostly Enoch Camp. Parts of Mr. Griffin's family tree can be traced to Revolutionary War times; some of his ancestors reportedly received land grants from General Washington. Mr. Griffin later became a staff musician at WWVA's Jamboree USA in Wheeling, played more than 200 times on the Grand Ole Opry, toured the country for more than 30 years with some of the biggest names in country and bluegrass music, appeared on more than 150 record albums, and established the world's first college degree program in bluegrass music at Glenville State College. In May 2011, he received the coveted Vandalia Award, recognizing his lifetime of devotion to entertainment and education; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature of West Virginia hereby proclaims and makes the fiddle the official musical instrument of the State of West Virginia; and, be it

Further Resolved, That the Legislature of West Virginia recognizes the importance and significance of the fiddle in West Virginia's history, traditions, and culture; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to Buddy Griffin; Tim O'Brien; Clark Kessinger's daughter; Frances Goad; the descendants of West Virginia's other great fiddle players, Blind Alfred Reed, Edwin Hammons, Melvin Wine, and Ed Haley; the West Virginia Music Hall of Fame; the Friends of Old Time Music and Dance (FOOTMAD) and Stan Bumgardner, Editor of "Goldenseal", the official state magazine of West Virginia traditional life.

Delegates J. Pack and Rohrbach offered the following resolution, which was reported by the Clerk:

H. C. R. 15 - "Recognizing the last day of February every year as Rare Disease Day to bring awareness to various rare diseases and the need to continue to fund research and find a treatment."

Whereas, Rare diseases are defined as any disease, disorder, illness or condition affecting fewer than 200,000 Americans; and

Whereas, 80 percent of rare diseases are genetically based; and

Whereas, Families and private foundations provide about three percent of all medical research funding in the United States of America; and

Whereas, 7,000 rare diseases exist, and less than 500 have approved treatments by the Food and Drug Administration; and

Whereas, Only five percent of all rare diseases currently have approved treatments; and

Whereas, 90 percent of health care providers must treat the majority of rare disease patients with non-Food and Drug Administration approved drugs; and

Whereas, One in every 10 Americans has a rare disease and approximately 30 million Americans have a serious, lifelong condition; and

Whereas, Of the 30 million Americans with serious, lifelong conditions and rare diseases, approximately half are found in children; and

Whereas, Many rare diseases result in premature death of infants and young children or are fatal in early adulthood; and

Whereas, If every person with a serious, lifelong condition and rare disease held hand, they would circle the globe one and a half times; therefore, be it

Resolved by the Legislature of West Virginia:

That the last day in February of every year be recognized as Rare Disease Day to bring awareness to the necessity of conducting and funding research for treatments of rare diseases; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Governor.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 15) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

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

Having been ordered, the yeas and nays were taken (**Roll No. 56**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hamrick, Hanna, Hardy, Riley, Statler and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 15) adopted.

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

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Haynes, Hardy, Mandt, Hanna, Hamrick, Wamsley, Burkhammer, Tully, Longanacre, J. Pack and Maynard:

H. J. R. 23 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section 1b, article X thereof; relating to permitting an increase in homestead exemption; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of the proposed amendment"; to the Committee on Finance then the Judiciary.

Bills Introduced

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

By Delegates Young, Queen, Kessinger, Zukoff, Hansen, Fluharty, Capito and Garcia:

H. B. 2771 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1-12, relating to providing tuition fees at an institution of higher education for certain persons, who are not yet residents, at the rate for residents of the state; and providing requirements to be met by these persons before qualified for resident tuition rates, based upon employment by a business or organization that is established in this state as part of a program under the Economic Development Act of 1985"; to the Committee on Education then Finance.

By Delegate Jennings:

H. B. 2772 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating generally to transferring the duties of the Purchasing Division to the State Auditor"; to the Committee on Government Organization then Finance.

By Delegate Maynard:

H. B. 2773 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-22, relating to establishing a study conducted by the Division of Natural Resources to allow boats with motors larger than 10 horsepower to idle on the Upper Mud River Lake; requiring the Division of Natural Resources to create special permits for 100 boaters; requiring the Division of Natural Resources to study the habitats of fish and surrounding wildlife; requiring reports to the Legislature; and establishing an effective date and termination date of the study”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Cooper:

H. B. 2774 - “A Bill to amend and reenact §17E-1-18 of the Code of West Virginia, 1931, as amended, relating to commercial driver’s license; and requiring that a state employee with a commercial driver’s license have a current medical evaluation certification and may not have a medical waiver”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Cooper:

H. B. 2775 - “A Bill to amend and reenact §20-2-35 of the Code of West Virginia, 1931, as amended, relating to the beginning and expiration of hunting and fishing licenses”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Westfall:

H. B. 2776 - “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-11B-1, §33-11B-2, §33-11B-3, §33-11B-4, §33-11B-5, §33-11B-6, and §33-11B-7, relating to the creation of the Air Ambulance Patient Protection Act, declaring that an air ambulance service provider who solicits air ambulance membership subscriptions, accepts membership applications, or charges membership fees, is an insurer and shall be regulated by the commissioner, including an air ambulance patient bill of rights, providing for certain patient disclosures and consumer protections regarding existing coverage for air ambulance services, out-of-pocket costs or cost-sharing, advising patients of his or her rights

pursuant to Section 105 of the federal No Surprises Act, providing for rulemaking by the commissioner, and providing for severability and internal effective dates”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Foster, Steele, D. Jeffries, Kimes, J. Pack and Linville:

H. B. 2777 - “A Bill to repeal §8-13-6 of the Code of West Virginia, 1931, as amended, relating to the repeal of the municipal amusement tax”; to the Committee on Finance.

By Delegates Foster, Steele, D. Jeffries, Smith, Linville, G. Ward, Burkhammer, Hardy, Jennings and Hanna:

H. B. 2778 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-31-1 and §18-31-2, all relating to creating the Education Tax Credit, against taxes actually owed, for qualifying expenses of parents or guardians of children in grade levels K through 12”; to the Committee on Education then Finance.

By Delegates Haynes, G. Ward, Hardy, Mandt, Hanna, Hamrick, Wamsley, Longanacre, J. Pack, Kessinger and Riley:

H. B. 2779 - “A Bill to amend and reenact §15-2-18 of the Code of West Virginia, 1931, as amended, relating to allowing compensation paid to State Police personnel by virtue of contracts to be included in any formulation used to calculate an employee’s benefits”; to the Committee on Finance.

By Delegates Foster, Steele, D. Jeffries, Smith, Kimes, J. Pack, Linville and Jennings:

H. B. 2780 - “A Bill to repeal §8-13-4 of the Code of West Virginia, 1931, as amended, relating to municipal licensing and taxes therefor”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Foster, Steele, D. Jeffries, Summers, Kimes, J. Pack, Linville, Hardy and Jennings:

H. B. 2781 - “A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to establishing

an Occupational Licensing Legal Fund from existing revenue; creating special revenue fund; providing for transfer of money from excess receipts of occupational licensing boards; specifying authorized uses of fund; providing that expenditures are subject to appropriation by Legislature; requiring transfer of balance excess to General Revenue Fund; and providing for notification to the Legislative Auditor”; to the Committee on the Judiciary then Finance.

By Delegates Foster, Steele, D. Jeffries, Kimes and J. Pack:

H. B. 2782 - “A Bill to repeal §8-13-10 of the Code of West Virginia, 1931, as amended, relating to domestic animal tax”; to the Committee on Finance.

By Delegates Steele, Foster, Summers, J. Pack, Toney, J. Jeffries, McGeehan, Gearheart, Jennings, Sypolt and Kimble:

H. B. 2783 - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to permitting a licensed physician to grant a medical exemption from the required immunizations for a child to enter a school or a state-regulated child care center; removing the Commissioner of the Bureau for Public Health from the responsibility of granting immunization certificates and medical exemptions from immunization; providing for written statements of medical exemption; and providing for the statewide acceptance of the medical exemption”; to the Committee on Health and Human Resources then Education.

By Delegates Bates, J. Pack, Steele and Evans:

H. B. 2784 - “A Bill to amend and reenact §8-22-25 of the Code of West Virginia, 1931, as amended, relating to including ‘fractional years’ into annual pension retirement plans”; to the Committee on Pensions and Retirement then Finance.

By Delegates Worrell, D. Jeffries, Burkhammer, Fast, Pinson and Ellington:

H. B. 2785 - “A Bill to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, relating to requirements for compulsory school attendance; providing that parent and guardian

make determination to remove child from kindergarten program; allowing enforcement of compulsory school attendance against anyone required to attend school; allowing students who attend certain Montessori programs enroll in first grade without further placement testing; and requiring out of state students be placed in the grade from which they transferred”; to the Committee on Education.

By Delegate Linville:

H. B. 2786 - “A Bill to amend and reenact §5A-6-2, §5A-6-3, §5A-6-4, §5A-6-4b, §5A-6-4c, §5A-6-5, §5A-6-6, §5A-6-7, and §5A-6-8 of the Code of West Virginia, 1931, as amended, all relating to the Office of Technology; renaming the Chief Technology Officer; updating definitions; updating authority of the Chief Technology Officer; continuing special fund; providing an information technology governance structure for executive agencies; authorizing the Chief Technology Officer to provide training; authorizing the Project Management Office to review agency proposals for technology investment; providing criteria to evaluate proposals; authorizing the Project Management Office to maintain an enterprise technology portfolio; authorizing the Project Management Office to collect necessary data develop a technology portfolio; authorizing the Chief Technology Officer to establish an advisory committee; and authorizing the Chief Technology Officer to request resources and support from the federal government for cybersecurity and technology initiatives”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Linville:

H. B. 2787 - “A Bill to amend and reenact §5A-3-10 and §5A-3-11 of the Code of West Virginia, 1931, as amended, relating to updating state procurement procedures and spending thresholds; authorizing the Director of the Division of Purchasing to delegate bid solicitations and commodity procurement to spending units within thresholds to be determined by the Director; authorizing the Director to increase or decrease the dollar limit of agency-delegated procurements based upon inspection; providing a process for an agency to cure inspection findings; establishing method for calculation of total procurement by commodity;

providing that agency-delegated procurements must follow the same process as procurements under the supervision of the Purchasing Division; providing access to agency-delegated procurement records as public records; and defining monetary ranges for different means of collecting competitive bids”; to the Committee on Government Organization then Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2788 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021, in the amount of \$6,497,548 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2789 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2021, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2790 - “A Bill supplementing, amending, decreasing, and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2021, organization 0803, for the fiscal year ending June 30, 2021”; to the Committee on Finance.

Special Calendar

Third Reading

Com. Sub. for S. B. 12, Relating to local health department accountability; on third reading, coming up in regular order, was read a third time.

Delegate Fleischauer was addressing the House when Delegate J. Kelly arose to a point of order, regarding the content of the Member's remarks not being directed to the question before the House, to which point the Speaker replied that he would allow some latitude and allowed the Delegate to finish her remarks.

Delegate Fluharty arose to a point of order regarding Delegate Gearheart and the mask requirements in House Resolution 5. The Speaker replied that the point was well taken.

Delegate Gearheart later arose to inquire of the Chair regarding an exception to the mask requirement when speaking or when actively eating or drinking. The Speaker confirmed that such an exception is provided.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 57**), and there were, including pairs—yeas 63, nays 33, absent and not voting 4, with the paired, nays and absent and not voting being as follows:

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

Paired:

Yea: Hardy

Nay: Barrett

Yea: Haynes

Nay: Hanna

Nays: Barach, Bates, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Higginbotham, Hornbuckle, L. Pack, Lovejoy, Miller, Nestor, Paynter, Pethtel, Pushkin, Reed, Reynolds, Rowan, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Ellington, Riley, Statler and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 12) passed.

On motion of Delegate J. Pack, the title of the bill was amended to read as follows:

Com. Sub. for S. B. 12 - “A Bill to amend and reenact §16-2-2, §16-2-9, and §16-2-11 of the Code of West Virginia, 1931, as amended, all relating to local health departments; defining terms; permitting an appointing entity to remove a board member; creating an appeal process for adverse determinations; requiring rules by a local board of health to be published; requiring rules to be approved, disapproved or amended and approved by an appointing entity; providing that a rule currently in effect is not subject to approval, unless amended; providing an emergency rule process; requiring that an approved rule shall be filed with the appropriate entity; clarifying that a rule is only effective in the jurisdiction where the appointing entity grants approval; requiring rules shall be kept as public records; establishing an emergency health rule process; and permitting the state health officer to develop policies that each of the local departments must comply with when a statewide public health emergency is declared.”

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. 14, Providing for additional options for alternative certification for teachers; 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. 58**), and there were, including pairs—yeas 68, nays 27, absent and not voting 5, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Hanna

Nay: Doyle

Nays: Barach, Barrett, Bates, Boggs, Brown, Dean, Diserio, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Holstein, Hornbuckle, Lovejoy, Nestor, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Ellington, Hardy, Riley, Statler and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 14) passed.

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

H. B. 2265, Relating to collaborative pharmacy practice and updating rulemaking authority; 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. 59**), and there were—yeas 93, nays none, absent and not voting 7, with absent and not voting being as follows:

Absent and Not Voting: Ellington, Hanna, Hardy, Longanacre, Riley, Statler and Westfall

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2265) passed.

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

H. B. 2265 - “A Bill to amend and reenact §30-5-7 and §30-5-19 of the Code of West Virginia, 1931, as amended, all relating to collaborative pharmacy practice; and updating rulemaking authority.”

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

Com. Sub. for H. B. 2290, Initiating a State Employment First Policy to facilitate integrated employment of disabled persons; 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. 60**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Ellington, Hanna, Hardy, Riley, Statler and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2290) passed.

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

Com. Sub. for H. B. 2529, Prohibiting West Virginia institutions of higher education from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing; 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. 61**), and there were, including pairs—yeas 94, nays 1, absent and not voting 5, with the paired, nays and absent and not voting being as follows:

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

Paired:

Yea: Hanna

Nay: Doyle

Absent and Not Voting: Ellington, Hardy, Riley, Statler and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2529) passed.

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

Second Reading

Com. Sub. for S. B. 272, Relating to WV Employment Law Worker Classification Act; on second reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

H. J. R. 2, Providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2267, Establishing an optional bus operator in residence program for school districts; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2363, Relating to “Best Interests of the Child Protection Act of 2021”; on second reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

Com. Sub. for H. B. 2616, Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification’s website; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bill on first reading, was read a first time and ordered to second reading:

Com. Sub. for H. B. 2628, Relating to the removal of the prohibition on having ATMs in the area where racetrack video lottery machines are located.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Hanna, Hardy, Riley, Statler and Westfall.

Miscellaneous Business

At the request of Delegate Criss, the House of Delegates observed a moment of silence on the forty-ninth anniversary of the Buffalo Creek disaster.

Delegate Longanacre noted to the Clerk that he was absent when the vote was taken on H. B. 2265, and had he been present, he would have voted “Yea” thereon.

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

H. B. 2023: Delegate Forsht;

H. B. 2156: Delegate Keaton;

H. B. 2303: Delegate Wamsley;

H. B. 2741: Delegate L. Pack;

H. B. 2743: Delegate Wamsley;

H. B. 2770: Delegate Brown;

And,

H. J. R. 17: Delegate Forsht.

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

H. B. 2629: Delegate Longanacre;

H. B. 2693: Delegate L. Pack;

H. B. 2717: Delegate Longanacre;

H. B. 2718: Delegate Longanacre;

H. B. 2743: Delegates Forsht and Worrell;

And,

H. B. 2753: Delegate Longanacre.

At 12:35 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 1, 2021.

Monday, March 1, 2021

TWENTIETH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Friday, February 26, 2021, 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 H. J. R. 2, on Third reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for S. B. 272, Com. Sub. for H. B. 2363 and Com. Sub. for H. B. 2628, on Second reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

Your Committee on Technology and Infrastructure has had under consideration:

Com. Sub. for H. B. 2002, Relating to Broadband,

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 2019, Elevating Economic Development and Tourism Departments.

A message from the Senate, by

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

Com. Sub. for S. B. 80 - “A Bill to amend and reenact §44-1-28 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §44-1A-1, §44-1A-2, §44-1A-3, §44-1A-4, and §44-1A-5, all relating to payment of small sums to spouse or distributees of decedents upon whose estates there have been no qualifications; allowing the administration of small estates containing under \$50,000 in personal property and under \$100,000 in real property by affidavit and without appointment of a personal representative; providing for a short title; providing for definitions; identifying affidavit contents and form; establishing duties of fiduciary supervisor and clerk of the county commission; setting forth requirements for death certificate, proof of residence, and bond; setting forth form of affidavit; providing for issuance of certificates and authorization of small estates; setting forth requirements for objections by interested parties and revocation of certificate and authorization; rescinding of certificates and authorization when determination is made that estate does not qualify; detailing methods for payment or delivery of small assets to authorized successors; discharging and releasing payors; setting forth fiduciary duty of authorized successor; detailing treatment of real estate in a small estate; and providing for applicability”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 459 - “A Bill to amend and reenact §8-22-26 of the Code of West Virginia, 1931, as amended, relating to providing a mechanism by which contributions paid by a member into a

retirement plan would be returned to the member's heirs after the member's death in the event that the member's survivors are deceased and his or her remaining heirs no longer receive death benefits under the retirement plan after reaching the age of 18"; which was referred to the Committee on Finance.

Resolutions Introduced

Delegates Maynard, J. Jeffries, Rohrbach, Mandt, Bridges, Holstein, Mazzocchi, Lovejoy, Linville, Worrell and Queen offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 16 - "Requesting the Division of Highways name a portion of WV Route 37, known as East Lynn Road, in Lincoln County, from the Lincoln County line a distance of 4.39 miles, to its intersection with WV Route 10, the 'U. S. Army PFC Franklin Delano Frazier Memorial Road'."

Whereas, Franklin Delano Frazier was born on January 10, 1933, unto his parents, Mr. and Mrs. Emmett Frazier, of Ranger, West Virginia; he was raised on Barberry Road, off of WV Route 37 in Lincoln County; and

Whereas, U. S. Army PFC Franklin Delano Frazier served in the U. S. Army during the Korean War; and

Whereas, U. S. Army PFC Franklin Delano Frazier was awarded the Bronze Star Medal for heroism in action and was cited for killing or wounding approximately 30 enemy soldiers while serving as a tank gunner with the U.S. First Cavalry Division; and

Whereas, the citation states that while PFC Franklin Frazier's tank, supported by infantry, was covering the strategic withdrawal of an infantry battalion, they were attacked by a numerically superior force employing heavy artillery, mortar and automatic weapon fire. Displaying exceptional skill as a tank bow gunner, PFC Frazier fearlessly opened his hatch and courageously exposed himself to heavy enemy fire in order to more efficiently place grazing fire on the hordes of rushing enemy troops. Unperturbed

by the momentum of the enemy attack, PFC Frazier maintained a high rate of accurate and deadly fire, killing or wounding approximately 30 enemy troops and materially contributed to the safe withdrawal of the battalion; and

Whereas, U. S. Army PFC Franklin Delano Frazier was the beloved husband of his wife, Wanda, and loving dad of the late Rick, Janet Skeans and Kevin; and

Whereas, U. S. Army PFC Franklin Delano Frazier died a resident of Trenton, Michigan, at age 85, on June 8, 2018, and is interred in Webb Cemetery, Ranger, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate the life of U. S. Army PFC Franklin Delano Frazier 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 WV Route 37, known as East Lynn Road, in Lincoln County, from the Lincoln County line a distance of 4.39 miles, to its intersection with WV Route 10, the “U. S. Army PFC Franklin Delano Frazier 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. Army PFC Franklin Delano Frazier Memorial Road”; and, be it

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

Bills Introduced

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

By Delegates Anderson, J. Kelly, Zatezalo, Boggs, Criss and Reynolds:

H. B. 2792 - “A Bill to amend and reenact §24-2-20 of the Code of West Virginia, 1931, as amended, relating to the expansion of direct access to natural gas service for new customers and allowing existing natural gas utility customers to have direct access to natural gas service if the end user expands its service in the amount of 25 million cubic feet of natural gas per year or more; allowing this direct access for end users without the permission, consent, control, review, or input of the Public Service Commission; requiring the Public Service Commission to promulgate rules to implement the provisions of this section no later than July 1, 2021”; to the Committee on Energy and Manufacturing.

By Delegates Howell, Horst, Hott, Martin, Fast, Kimble, Hamrick, Reed, Maynard, Statler and Storch:

H. B. 2793 - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to permitting nonresidents to obtain state licenses to carry a concealed deadly weapon; providing that concealed weapons licenses may only be issued for pistols and revolvers; establishing a fee; and providing how that fee is to be used”; to the Committee on the Judiciary then Finance.

By Delegates Storch, Westfall, Gearheart, Criss, Howell, Capito, Householder, Anderson, Ellington, Statler and Rohrbach:

H. B. 2794 - “A Bill to amend and reenact §11-13J-6, §11-13J-8, and §11-13J-12 of the Code of West Virginia, 1931, as amended, all relating to extending the Neighborhood Investment Program Act; increasing the aggregate limit for the tax credit authorized under the program; and extending duration of the program until July 1, 2026”; to the Committee on Finance.

By Delegate Griffith:

H. B. 2795 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-5a, relating to criminal justice training regarding individuals with autism spectrum disorders; providing for training in appropriate

interactions with individuals with autism spectrum disorder; and requiring the Law-Enforcement Professional Standards subcommittee to develop guidelines for law-enforcement and correction officer response to individuals on the autism spectrum who are victims or witnesses to a crime, or suspected or convicted of a crime”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Summers, Tully, Householder, Criss and Reynolds:

H. B. 2796 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021, in the amount of \$200,000 from the WV Board of Examiners for Registered Professional Nurses – Registered Professional Nurses, fund 8520, organization 0907, fiscal year 2021, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2021, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Householder, Boggs, Barrett, Criss, Espinosa, Pethel, Riley, Rowan, Gearheart, Ellington and Anderson:

H. B. 2797 - “A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof”; to the Committee on Finance.

By Delegates Boggs, Hanshaw (Mr. Speaker), Hornbuckle and Rohrbach:

H. B. 2798 - “A Bill to amend and reenact §16-22-3 of the Code of West Virginia, 1931 as amended, relating to requiring the Health Department to mandate mucopolysaccharidosis type 1 (MP1) test for newborn babies, to be known as Embie’s Law”; to the Committee on Senior, Children, and Family Issues then Health and Human Resources.

By Delegates Barrett, Maynard, Storch, Graves and Jennings:

H. B. 2799 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5V-36, relating to providing that moneys in the West Virginia Emergency Medical Services Retirement Fund are exempt from any state or municipal tax, are not subject to execution, garnishment, attachment or any other process whatsoever with the exception that the benefits or contributions under the system shall be subject to ‘qualified domestic relations orders,’ and are generally unassignable”; to the Committee on Pensions and Retirement then Finance.

By Delegates Dean, Paynter, Haynes, Maynard, Ferrell, Toney, Hornbuckle and Wamsley:

H. B. 2800 - “A Bill to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating to providing an 11-month window to permit members of the Public Employees Retirement System to purchase credited service that had been previously forfeited”; to the Committee on Pensions and Retirement then Finance.

By Delegates Espinosa, Criss, Graves, Storch, Rowe, Rohrbach, Pethel, Clark, Howell, Barrett and Householder:

H. B. 2801 - “A Bill to amend and reenact §29-22C-8 of the Code of West Virginia, 1931, as amended; relating to changing date the annual racetrack table games license renewal fee is due to October 1 annually; and making technical corrections”; to the Committee on the Judiciary then Finance.

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

H. B. 2802 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2021, organization 0606, by supplementing and

amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2803 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2021, organization 0305, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2804 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021 in the amount of \$13,500,000 from the Department of Administration, Board of Risk and Insurance Management, Mine Subsidence Insurance Fund, fund 2361, fiscal year 2021, organization 0218; and in the amount of \$2,000,000 from the Department of Veterans’ Assistance, Veterans’ Facilities Support Fund, fund 6703, fiscal year 2021, organization 0613”; to the Committee on Finance.

By Delegates Statler, Summers, Hamrick, Higginbotham, L. Pack, Howell, Capito, Hanshaw (Mr. Speaker) and Ellington:

H. B. 2805 - “A Bill to repeal §18B-2A-7a of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1-2 of said code; to amend and reenact §18B-1B-6 of said code; to amend and reenact §18B-2A-1 of said code; and to amend and reenact §18B-3C-13 of said code, all relating to public higher education governance; making Pierpont Community and Technical College a fully integrated division of Fairmont State University known as the Pierpont College of Community and Technical Education; increasing the number of members of the Fairmont State Board of Governors to 15 persons; requiring the appointment by the Governor of at least one member on the Fairmont State University

Board of Governors who has knowledge and practical experience in community and technical education; providing for two faculty members on the Fairmont State University Board of Governors at least one of which shall be from the faculty of the Pierpont College of Community and Technical Education elected by the faculty senate; providing that the administrative head of the Pierpont College of Community and Technical Education shall be a dean appointed by the president of Fairmont State University; providing that the chairperson of the Fairmont State University Board of Governors shall appoint an advisory board to advise the Fairmont State University Board of Governors on matters relating to the community and technical college curriculum; providing that the members of the advisory board shall elect a chairperson on or after July 1, 2021 who shall be an ex-officio, voting member of the Fairmont State University Board of Governors; providing that the operating budget of Pierpont Community and Technical College is integrated under the authority and jurisdiction of the Fairmont State University Board of Governors; transferring all financial assets and liabilities from the authority of Pierpont Community and Technical College Board of Governors to the authority of the Fairmont State University Board of Governors; satisfying existing outstanding deficits or financial obligations prior to the unification of Fairmont State University and Pierpont Community and Technical College; continuing any capital debt service payment of Pierpont Community and Technical College and making it the responsibility of the Fairmont State University Board of Governors; transferring titles to all real property, facilities, and equipment of, as well as each valid agreement undertaken by Pierpont Community and Technical College to the Fairmont State University Board of Governors; vesting title of all property purchased for the use of Pierpont Community and Technical College in the Fairmont State University Board of Governors; making faculty, classified employees, and nonclassified employees of Pierpont Community and Technical College employees of Fairmont State University; providing for a transition period to achieve full accreditation by the Higher Learning Commission; requiring reports to the Council for Community and Technical College Education and the Legislative Oversight Commission on Education Accountability; clarifying that the Council for Community and Technical College Education

shall retain jurisdiction over the academic programming offered by the Pierpont College of Community and Technical Education; updating certain state institution of higher education names; repealing outdated language, and deleting obsolete language”; to the Committee on Education then Finance.

By Delegates Dean, Paynter, Maynard, Booth, Ferrell, Toney, Brown, Hornbuckle and Wamsley:

H. B. 2806 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25d, relating to providing a supplemental year for West Virginia high school students who have been affected by COVID-19 in order to complete their studies and remain with their parents another year, so long as they satisfy other necessary requirements; and providing for an effective date”; to the Committee on Education then Finance.

By Delegates Rohrbach and J. Pack:

H. B. 2807 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-55-11, relating to creating the ‘Fairness in Cost-Sharing Act;’ providing definitions; and requiring manufacturer pharmaceutical rebates to be passed through to the consumer”; to the Committee on Health and Human Resources then Finance.

By Delegates Capito, Rowe, Pushkin, Pritt, Young, L. Pack, Barach, Barnhart, Graves and Skaff:

H. B. 2808 - “A Bill to amend and reenact §11-13A-2 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of minerals as to eliminate salt produced for human consumption from being subject to severance taxation”; to the Committee on Health and Human Resources then Finance.

By Delegate Anderson:

H. B. 2809 - “A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to admissibility of certain evidence in a civil action for damages; and allowing the admission of the use or nonuse of a safety belt on the issues of negligence, contributory negligence, comparative negligence and failure to mitigate damages”; to the Committee on the Judiciary.

By Delegates Anderson and Evans:

H. B. 2810 - “A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, relating to the removal of the severance tax on oil and gas produced from low producing oil and natural gas wells below a specific production level”; to the Committee on Energy and Manufacturing then Finance.

By Delegate Anderson:

H. B. 2811 - “A Bill to amend and reenact §24-2-1k of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; natural gas infrastructure; actual investment of capital and costs; and how utility’s expedited cost recovery are calculated and determined”; to the Committee on Energy and Manufacturing.

By Delegate Anderson:

H. B. 2812 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, §5B-2K-6, and §5B-2K-7, all relating to authorizing local units of government to adopt local energy efficiency partnership programs and to create districts to promote use of energy efficiency improvements by owners of certain real property; providing for financing of programs through voluntary property assessments, commercial lending and other means; authorizing local unit of government to issue bonds, notes and other evidences of indebtedness and to pay the cost of energy efficiency improvements from the proceeds thereof; providing for repayment of bonds, notes and other evidences of indebtedness; authorizing certain fees; prescribing the powers and duties of certain governmental officers and entities; and providing remedies”; to the Committee on Government Organization then Finance.

By Delegate Barrett:

H. B. 2813 - “A Bill to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating to employees of local boards of health; making legislative findings; requiring the Legislature to provide funds to Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-

board pay raises for state employees; limiting Department of Health and Human Resources from using provided funds for any other purpose; requiring annual funding to continue pay raises; and prohibiting Department of Health and Human Resources from placing additional restrictions or obligations on provided funds”; to the Committee on Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 2267, Establishing an optional bus operator in residence program for school districts; 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. 62**), and there were—yeas 93, nays none, absent and not voting 7, with absent and not voting being as follows:

Absent and Not Voting: Booth, Bridges, Doyle, Ellington, Holstein, Hornbuckle and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2267) passed.

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

Com. Sub. for H. B. 2616, Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification’s website; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 63**), and there were—yeas 93, nays none, absent and not voting 7, with absent and not voting being as follows:

Absent and Not Voting: Booth, Bridges, Doyle, Ellington, Holstein, Hornbuckle and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2616) passed.

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

First Reading

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

Com. Sub. for S. B. 277, Creating COVID-19 Jobs Protection Act,

Com. Sub. for H. B. 2024, Expand use of telemedicine to all medical personnel,

Com. Sub. for H. B. 2025, Provide liquor, wine, and beer licensees with some new concepts developed during the State of Emergency utilizing new technology to provide greater freedom to operate in a safe and responsible manner,

Com. Sub. for H. B. 2093, Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes,

And,

H. B. 2791, Relating to enrollment and costs of homeschooled or private school students at vocational schools.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Booth, Bridges, Ellington, Holstein, Hornbuckle and Thompson.

Miscellaneous Business

Delegate Doyle, who arrived in the Chamber prior to adjournment, noted to the Clerk that he was absent when the votes were taken on Com. Sub. for H. B. 2267 and Com. Sub. for H. B. 2616, and had he been present, he would have voted “Yea” thereon.

At 11:13 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, March 2, 2021.

Tuesday, March 2, 2021

TWENTY-FIRST DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Monday, March 1, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At 11:09 a.m., on motion of Delegate Summers, the House recessed for five minutes.

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

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for S. B. 277, on Second reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for S. B. 11 and H. J. R. 2, on Third reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on Government Organization has had under consideration:

H. B. 2621, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2621 - "A Bill to amend and reenact §15A-11-8 and §15A-11-9 of the Code of West Virginia, 1931, as amended, all relating to requirements of fire departments; requiring the Fire Officer 2 training to contain a component on current laws, rules and regulations governing the fire service; requiring the Firefighter 1 training to contain a section on the Fire Commission, Fire Marshal's Office and the operations of both; establishing a mandatory certification program for fire chiefs, or acting chiefs, of every fire department; requiring the Fire Commission propose emergency legislative rules and legislative rules to implement the certification process; setting forth the process of denial, suspension, or revocation of fire departments, chiefs, or acting chiefs, and the conditions under which the certification can be denied, suspended or revoked; allowing persons with specialized training to be members of volunteer fire departments who are not certified as firefighters; limiting the actions of specialized members of fire departments who are not certified fire fighters; requiring the fire commission to propose emergency legislative rules and legislative rules to implement the process of allowing specialized members of departments; allowing the fire commission to propose emergency rules and legislative rules governing the activities of junior firefighters; requiring the Fire Marshal to issue certificates to departments following a department evaluation, and requiring that the certificate of evaluation be posted at the fire department in a conspicuous place to be visible to members of the department and to members of the public,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2699, Authorize the Workforce West Virginia to hire additional employees to serve at the Commissioner's will and pleasure,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2699 - "A Bill to amend §21A-2-6 of the Code of West Virginia, 1931, as amended, relating to the general powers and duties of the Commissioner of Workforce West Virginia, and authorizing the agency to hire additional employees to serve at the will and pleasure of the Commissioner,"

With the recommendation that the committee substitute do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for H. B. 2699) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 270, Providing for collection of tax by hotel marketplace facilitators,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2741, Relating to expansion of the alcohol test and lock program to offenders with a drug related offense,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2257, Relating to extended supervision for certain drug offenders,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2257 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-30, relating to extended supervision for certain drug offenders; establishing supervised release penalty of up to 10 years for certain drug offenders; establishing when period of supervised release begins; providing for supervision by multijudicial circuit probation officers; clarifying terms of supervised release same as those for probation; establishing a fee for supervised release; establishing that court may modify or revoke supervised release; providing court required probation officer provide written conditions; providing for supervised release following revocation; providing for delayed revocation,"

H. B. 2507, Remove the limitations on advertising and promotional activities by limited video lottery retailers,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2507 - "A Bill to repeal §29-22B-404 of the Code of West Virginia, 1931, as amended, and to amend and reenact §29-22B-702, §29-22B-706, and §29-22B-1201 of said Code, relating to removing certain limitations on advertising and promotional activities by the Lottery Commission, limited video lottery retailers and limited video lottery operators; removing requirements for notice and public hearing; and removing a

required reduction of limited video lottery locations which was to take effect this year,”

And,

H. B. 2675, Relating to costs and interest in eminent domain condemnation proceedings,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2675 - “A Bill to amend and reenact §54-2-12, §54-2-13, §54-2-14, §54-2-14a, §54-2-15, §54-2-16, §54-2-18, and §54-2-21 of the Code of West Virginia, 1931, as amended, all relating to bringing the statutory interest rate to be paid in condemnation cases into conformity with current statutory rates, and establishing an effective date,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

Com. Sub. for H. B. 2013, Relating to the Hope Scholarship Program,

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

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:

H. B. 2262, Relating to the controlled substance monitoring database.

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

On page two, section five, line thirty-one, by striking out “30A-9-5(b)” and inserting in lieu thereof “§60A-9-5(b)”.

On page two, section five, line thirty-two, by striking out “30A-9-5(b)” and inserting in lieu thereof “§60A-9-5(b)”.

And,

On page seven, section five-a, line one, by striking out “§60A-2-101” and inserting in lieu thereof “§60A-2-201”.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 64**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: 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. 2262) 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 passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 16 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1 and §9-11-2, all relating to providing continued eligibility for developmental disability services to dependents of military service members; defining terms; establishing dependents retention of rights for developmental disability services provided conditions are met; providing dependents be placed on waiting list for services;

establishing a process to reestablish services for dependent upon return to state; prohibiting payment for services rendered outside state; and providing for rulemaking”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 53 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-6-22b, relating to barring a person who has been charged with willfully and intentionally causing the death of another by a criminal complaint, indictment, or a child abuse petition from participating in or planning the funeral or burial of the deceased”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 308 - “A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to modifying the requirement that a racetrack must have participated in the West Virginia Thoroughbred Development Fund since January 1, 1999, or before in order for counties to receive two percent of the net terminal income where the video lottery terminals are located”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 321 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to

updating language regarding special license plates for Fairmont State University”; which was referred to the Committee on Technology and Infrastructure then the Judiciary.

A message from the Senate, by

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

S. B. 338 - “A Bill to amend and reenact §15A-11-11 of the Code of West Virginia, 1931, as amended, relating to creating the Fire Service Equipment and Training Fund; restricting the use of grant funds to specified purposes; specifying disposition of grant funds remaining in the fund at the end of the fiscal year; requiring the Fire Commission to establish an equipment and training grant program for volunteer and part-volunteer companies based upon certain circumstances; specifying the criteria the State Fire Marshal shall consider when making grants; authorizing the Fire Commission to propose emergency legislative rules and legislative rules; requiring the Legislative Auditor notify the Fire Commission of any volunteer or part-volunteer department that is ineligible to receive grant funds; and requiring that volunteer or part-volunteer department or companies are ineligible until the Legislative Auditor informs the Fire Commission that the company or department has come into compliance”; which was referred to the Committee on Fire Departments and Emergency Medical Services then Finance.

A message from the Senate, by

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

S. B. 358 - “A Bill to amend and reenact §29-22A-9 of the Code of West Virginia, 1931, as amended, relating to removing the prohibition on having automated teller machines in the area where racetrack video lottery machines are located; and making technical corrections.”

At the request of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 358) to a committee was dispensed with.

A message from the Senate, by

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

S. B. 374 - “A Bill to amend and reenact §15A-3-14 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of money for which a purchase may be made without obtaining three bids to \$10,000”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 377 - “A Bill to amend and reenact §16-1-9a of the Code of West Virginia, 1931, as amended, relating to public water systems; providing an extension of the deadline by which a water utility company and public service district must provide boiled water advisories through a text or voice alert mass notification system; and clarifying the advisory may be made by either text or voice alert”; which was referred to the Committee on Health and Human Resources then the Judiciary.

Resolutions Introduced

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

H. C. R. 17 - “Requesting the Division of Highways name a portion of Rt 85 South, starting at the Van Community Park of the community of Van and ending at the bridge at Clinton Camp Rd in Wharton in Boone County, the ‘U. S. Army SSG James C. Vickers Silver Star Highway’.”

Whereas, James C. Vickers was born on February 3, 1932, in Lorado, West Virginia, the son of Watt and Desta Vickers. In April 1950, he enlisted in the United States Army and took his basic training at Fort Knox, Kentucky. He completed basic training there the same month the Korean War started, June 1950. SSG James C. Vickers was assigned to B Company, 31st Infantry Regiment, 7th Infantry Division, and saw his first combat action in the amphibious assault at Inchon, South Korea on September 14, 1950. SSG James C. Vickers made a second amphibious assault at Iwon, North Korea on October 29, 1950, as part of a push for an early end to the war. His unit was part of Taskforce Drysdale, an action to clear a number of enemy roadblocks between Koto-ri and Hagaruri, North Korea. His whole unit was pinned down by a .50 caliber heavy machine gun 800 to 1,000 yards away. He took out the enemy gun, protecting his unit from taking losses. SSG James C. Vickers was wounded in action a day later in the battle for the Chosin Reservoir, in weather as cold as -32 degrees. He was one of very few in his unit that was not killed or captured in the battle, as he ignored his commander's order to surrender and fought his way back to American troops. His actions on that day were recognized when SSG Vickers was awarded the prestigious Silver Star March 11, 2001. SSG James C. Vickers distinguished himself on many occasions and is the recipient of many awards including: The Purple Heart, Combat Infantry Badge, Republic of South Korea Presidential Unit Citation, Army Presidential Unit Citation W/ Oak Leaf Cluster, Navy Presidential Unit Citation W/ Oak Leaf Cluster, Korean Service Medal W/ four Combat Stars and two Arrowheads, National Defense Service Medal, United Nations Service Medal, Army of Occupation Medal (Japan), and Army Good Conduct Medal; and

Whereas, The citizens of Boone County's 23rd District of West Virginia, seek to honor the service and bravery of Korean War veteran and Silver Star recipient U.S. Army Staff Sgt James C. Vickers; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of RT 85 South, starting at the Van Community Park of

the community of Van and ending at the bridge at Clinton Camp Rd in Wharton in Boone County, the “U. S. Army Staff Sgt James C. Vickers Silver Star Highway”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the portion of road containing bold and prominent letters proclaiming the road as “U.S. Army Staff Sgt James C. Vickers Silver Star Highway”; and, be it

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

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

H. C. R. 18 - “Requesting the Division of Highways name bridge number 18-021/22-000.49 (18A245), locally known as Sycamore Creek Bridge #1, carrying County Route 21/22 over Sycamore Creek in Jackson County, the ‘U. S. Army CWO3 Daniel Okey Cunningham Memorial Bridge’.”

Whereas, Daniel Okey Cunningham was born on September 22, 1941, to Okey and Mildred Cunningham at their homestead near Ripley, West Virginia; and

Whereas, Daniel Okey Cunningham, known to most people as “Danny”, enlisted in the United States Army immediately after high school and was deployed to Korea; and

Whereas, Following his service in Korea, he joined the U.S. Army Reserves and eventually attained the rank of Chief Warrant Officer Three; and

Whereas, Danny Cunningham continued to be active in veterans’ affairs long after he concluded his service in the Reserves, becoming a life member of Veterans of Foreign Wars Post 3488, and a member of American Legion Post 107 and the Military Officers Association of America; and

Whereas, On October 4, 1963, following his return from his overseas deployment, Danny Cunningham married Dorothy Easter, whom he had known since he was nine years old. The two of them saved until they were able to purchase property along Sycamore Road where they built their own home by themselves. Through their industry and enterprise, they were able to pay off their mortgage on the property within one and a half years. Danny and Dorothy raised four children and were married for 51 years until his passing; and

Whereas, Danny Cunningham was employed with the Kaiser Aluminum Company at their plant in Ravenswood and worked there diligently until his retirement; and

Whereas, He continued to stay active after his retirement, caring for the cattle, chickens, doves, and sheep at his farm, tending to his bees, and growing vegetables. He also was a skilled woodworker who created many beautiful masterpieces in wood during his lifetime; and

Whereas, Soon after his retirement, Daniel Okey Cunningham developed Chronic Obstructive Pulmonary Disorder as a result of exposure to asbestos while he was employed and, yet he continued to stay active and to push himself in activities at his home and in his community. Eventually, he succumbed to the ravages of the disease after saying, "I love my family. I love my family so much" before his passing; and

Whereas, Daniel Okey Cunningham was known as a man who was devoted to his country and who greatly enjoyed sharing his time and knowledge with the people of his community; and

Whereas, It is fitting that an enduring memorial be established to commemorate Chief Warrant Officer Daniel Okey Cunningham 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 18-021/22-000.49 () (18A245), locally known as Sycamore Creek Bridge #1, carrying County Route 21/22 over Sycamore Creek in

Jackson County, the “U. S. Army CWO3 Daniel Okey Cunningham 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 “Army CWO3 Daniel Okey Cunningham Memorial Bridge”; and, be it

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

Delegates J. Jeffries, Maynard, Graves, Pinson, Wamsley, Phillips, McGeehan, Toney, Hott, Smith and Higginbotham offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 19 - “Requesting the Division of Highways name a bridge bearing the milepost 6.14, carrying County Route 41 in Putnam County, locally known as ‘Clymer’s Creek Road’, as the ‘U. S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge’.”

Whereas, Dallis Harold Johnson was born on March 5, 1925, in Hurricane, West Virginia, where he was a lifelong resident of Putnam County and worked as a farmhand on the Johnson family farm; and

Whereas, Private Johnson enlisted in the US Army at Huntington, WV August 23, 1943; and

Whereas, In June of 1944, Private Johnson was stationed with the US Army 133rd Infantry, fighting the Germans for control of Italy; and

Whereas, Private Johnson wrote his last letter home to his parents on June 19, 1944, as his regiment was taking a period of rest near Rome, Italy; and

Whereas, On June 26 and 27, 1944, Private Johnson’s regiment fought fiercely to capture small towns near Cecina, Italy; and

Whereas, On Wednesday, June 28, 1944, Dallis Harold Johnson, age 19, died in combat while fighting the Germans near Campiglia, Italy; and

Whereas, Private Johnson was sorely missed by his entire family, including his parents, Walter and Demma Bryant Johnson, sister Mairlis Edwards, brother Orus Johnson, brother Chester Johnson, brother Harless Johnson, and brother Gordon Johnson, after giving his life to fight for his country; and

Whereas, Several years after his passing and later in her life, sister Mairlis Johnson Edwards worked to have Private Johnson's name placed onto the West Virginia Veterans Memorial at the West Virginia State Capitol, which honors those lost in World War I, World War II, the Vietnam War and the Korean War, where it may still be seen today; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Private Johnson; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a bridge bearing the milepost 6.14, carrying County Route 41 in Putnam County, locally known as "Clymer's Creek Road", as the "U. S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "U. S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge"; and, be it

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

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

H. C. R. 20 - "Requesting the Division of Highways to name Slab Fork Road, beginning near the Lester Highway and proceeding along County State Route 34 to its end at the Coalfield Expressway in Raleigh County, the 'Bill Withers Memorial Road'."

Whereas, Bill Withers was born July 4, 1938, and grew up in Slab Fork, West Virginia, in the final years of the Great Depression. He was the youngest of six kids and struggled to fit in, largely due to his speech impediment. He joined the Navy after high school and worked as a milkman in Santa Clara County, California, after he left the service. He later worked at an aircraft-parts factory. It was during his time in the service that he developed an interest in singing and songwriting. He bought a cheap guitar at a pawn shop, taught himself to play, and began writing songs between shifts at the factory. He recorded an album at Sussex Records with producer Booker T. Jones, bassist Donald "Duck" Dunn, and Stephen Stills on guitar. One of the first songs they cut was "Ain't No Sunshine". The album 1971's "Just As I Am", became an enormous hit and turned Bill Withers into a star overnight. He followed it up with 1972's "Still Bill", which became an even bigger hit thanks to the leadoff single, "Lean on Me". Bill had nine Grammy nominations, was inducted into the 2007 Grammy Hall of Fame for "Lean on Me". On being inducted into the West Virginia Music Hall of Fame he said, "I am from this place, and I am of this place." In 2015, he was inducted into the Rock and Roll Hall of Fame. He has left a lasting impression on American music. His final album was 1985's *Watching You Watching Me*. One of West Virginia's most successful songwriters, his career spanned four decades, and his music continues to influence today's soul and hip-hop. He passed on April 3, 2020; and

Whereas, It is fitting that an enduring memorial be established to commemorate Bill Withers 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 Slab Fork Road, beginning near the Lester Highway and proceeding along County State Route 34 to its end at the Coalfield Expressway in Raleigh County, the “Bill Withers 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 “Bill Withers Memorial Road”; and, be it

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

Delegates Evans, Pethtel, Thompson, Bates, Griffith, Young, Barach, Hansen, Dean, Paynter and Walker offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 21 - “Requesting the Division of Highways name bridge number 24-005/02-004.51 (24A031), (37.41379, - 81.78366), locally known as Avondale Bridge, carrying CR 5/2 over Dry Fork in McDowell County, the ‘U. S. Army SP4 Dennis Harvey Roberts Memorial Bridge’.”

Whereas, U.S. Army Specialist Dennis Harvey Roberts was born on April 12, 1949, in McDowell County; and

Whereas, Specialist Roberts was a resident of Avondale, West Virginia for nearly 40 years. He was a well-respected member of the Avondale Community. He raised a family there, in the community he loved so much. “Ritter Hollow” as the locals call it, is home to Avondale. Specialist Roberts lived “up the hollow” for nearly 50 years. As a young man, he became a member of the United States Army. He was deployed to Vietnam, where he would spend 11 months and 15 days in the defense of our country. Specialist Roberts’ last duty assignment was Troop A 2TM Squadron 1* Cavalry, 24 Armed Division, Fort Hood, Fourth Army. Specialist Roberts was a combat infantry man and was

specially trained in auto mechanics, track, and vehicle mechanics; and

Whereas, Specialist Roberts was a highly decorated soldier, having been awarded the following commendations by the Army: National Defense Service Medal, Vietnam Campaign Medal, Vietnam Service Medal with one Bronze Star, Republic of Vietnam Campaign Medal, Marksman with Rifle bar, and Combat Infantry Badge; and

Whereas, Specialist Roberts was honorably discharged from the Army on April 1, 1975. He suffered from Post-Traumatic Stress Disorder (PTSD), a challenge he worked to overcome each day of his life. He also suffered a hearing loss in both ears, as result of his battlefield service. Specialist Roberts lost his struggle with PTSD and his life on June 18, 2016. Specialist Roberts demonstrated many hours of community service to not only Avondale, but to McDowell County. He has given countless hours of support to community activities such as local school groups and activities; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army Specialist Dennis Harvey Roberts and his contributions to our country and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 24-005/02-004.51 (24A031), (37.41379, -81.78366), locally known as Avondale Bridge, carrying CR 5/2 over Dry Fork in McDowell County, the “U. S. Army SP4 Dennis Harvey Roberts 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 SP4 Dennis Harvey Roberts Memorial Bridge”; and, be it

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

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegates Doyle, Hansen, Fleischauer, Skaff, Thompson, Evans, Hornbuckle, Walker, Young, Griffith and Bates:

H. B. 2814 - "A Bill to repeal §3-3-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-34 and §3-1-41 of said code; to amend and reenact §3-1A-5 of said code; to amend and reenact §3-2-25 and §3-2-27 of said code; to amend and reenact §3-3-1, §3-3-1a, §3-3-2, §3-3-2a, §3-3-3, §3-3-5, §3-3-9, §3-3-10, and §3-3-12 of said code; to amend and reenact §3-4A-19 of said code; to amend and reenact §3-5-13 and §3-5-17 of said code; to amend and reenact §3-6-6, §3-6-7, and §3-6-9 of said code; to amend said code by adding thereto a new section, designated §3-9-14; and to amend and reenact §3-9-19 of said code, all relating to modernization of procedures for voting in public elections; modifying voter identification procedure at the polls; removing authority of election commissioners and poll clerks to dispute voter claims of disability; providing for distribution of informational materials and periodic updates thereof; revising the procedure to declare voters inactive on registration lists; authorizing all registered voters to vote absentee ballot by mail; simplifying the requirements for an emergency absentee ballot; providing for secure receipt of hand-delivered absentee ballots; specifying security and accessibility requirements for early voting locations; providing for stand-alone drop-off locations for deposit of completed absentee ballots; revising time requirements and deadlines; eliminating restrictions on in-person and absentee voting for elections held on Saturdays; revising terms and procedures for casting an absentee ballot by mail; reforming the procedures and grounds for challenging an absentee ballot; specifying the form and printed text of envelopes for absentee ballots; establishing a prec canvass procedure for ballots received in advance of Election Day; authorizing voter cure for potentially deficient absentee ballots; establishing a criminal offense of coercion and intimidation of a voter; defining a criminal offense of

unauthorized marking of another person's absentee ballot; providing criminal penalties for violations; and correcting citations and grammar throughout"; to the Committee on the Judiciary then Finance.

By Delegates Maynard and Evans:

H. B. 2815 - "A Bill to amend and reenact §17C-14-12 of the Code of West Virginia, 1931, as amended, relating to requiring air conditioning on all school buses"; to the Committee on Education then Finance.

By Delegate Linville:

H. B. 2816 - "A Bill to amend and reenact §6-9-8 of the Code of West Virginia, 1931, as amended, establishing the 'State Auditor's Public Integrity and Fraud Fund;' and relating to restitution to the state for the reimbursement of costs incurred for misuse of public funds"; to the Committee on the Judiciary then Finance.

By Delegate Graves:

H. B. 2817 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §60B-1-1, §60B-1-2, §60B-1-3, §60B-1-4, §60B-1-5, §60B-1-6, §60B-1-7, and §60B-1-8, all relating to creating the Donated Drug Repository Program; establishing the West Virginia Board of Pharmacy has the authority to administer the program; setting forth eligible drugs and eligible recipients; establishing how the drugs are to be received, handled, stored, dispensed, distributed, and disposed of; permitting a handling fee; defining terms; and requiring rule-making"; to the Committee on Health and Human Resources.

By Delegate Graves:

H. B. 2818 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5AA-1, relating to enacting the 'Solemn Covenant of the States to Award Prizes for Curing Diseases' Compact"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Cooper:

H. B. 2819 - “A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, relating to exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Mandt:

H. B. 2820 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1 and §16-63-2, all relating to oversight of syringe exchange programs by the Department of Health and Human Resources; providing syringe exchange program requirements for operation; requiring the Department of Health and Human Resources to incorporate operational requirements into grant agreements; providing for rulemaking; and providing for civil penalties and other remedies at law”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

By Delegate Graves:

H. B. 2821 - “A Bill to amend and reenact §6C-4-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §6C-4-4, all relating to providing adequate opportunities for state employees to obtain continuing education credits for professional licenses and registrations; and requiring Division of Personnel to conduct rulemaking”; to the Committee on Government Organization.

By Delegate Graves:

H. B. 2822 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-37a, relating to requiring state purchases of certain items to be made from authorized dealers in this state rather than directly from the manufacturers in certain circumstances”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegate Cooper:

H. B. 2823 - “A Bill to amend and reenact §15A-11-3 of the Code of West Virginia, 1931, as amended, relating to exempting

buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Barrett:

H. B. 2824 - “A Bill to amend and reenact §18-20-10 of the Code of West Virginia, 1931, as amended, relating to public school education assessment of students for dyslexia and dyscalculia; specifying State Board of Education and local school boards responsibilities relating to dyslexia and dyscalculia”; to the Committee on Education then Finance.

By Delegates Barrett, Householder, Criss, Hardy and Graves:

H. B. 2825 - “A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-16-4 of said code, all relating to shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities; providing for an additional fee; providing for reduction of a fee; and setting out conditions and limitations for collection and use of the additional fee”; to the Committee on Government Organization then Finance.

By Delegate Barrett:

H. B. 2826 - “A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to providing civil rights protections to certain individuals”; to the Committee on the Judiciary.

By Delegate Holstein:

H. B. 2827 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to creating the felony offense of sexual crimes against animals; providing criminal penalties and exceptions to the offense; and ordering relinquishment of possession of animals”; to the Committee on the Judiciary.

By Delegates Hanna, Haynes, Holstein, Barnhart, Martin, Wamsley, Bruce, Pritt, Burkhammer, Bridges and Phillips:

H. B. 2828 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-18, relating to creating the ‘Firearm Protection Act’; providing that any federal law which attempts to ban semiautomatic firearms or to limit the size of a magazine of a firearm or other limitation on firearms in this state is unenforceable in West Virginia; and providing an effective date”; to the Committee on the Judiciary.

By Delegates Storch, Gearheart, Pethtel, Evans, Anderson and J. Pack:

H. B. 2829 - “A Bill to amend and reenact §8-22-20 of the Code of West Virginia, 1931, as amended, relating to the amortization of annual impacts on funding deficiencies due to new gains or losses on assets and liabilities and changes in actuarial assumptions”; to the Committee on Pensions and Retirement then Finance.

By Delegate Graves:

H. B. 2830 - “A Bill to amend and reenact §49-5-104 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-8-5 of said code; and to amend and reenact §61-14-2, §61-14-8, and §61-14-9 of said code, all relating to strengthening sex trafficking laws; allowing for accessibility of juvenile adjudication records for child victims of sex trafficking; providing for immunity from prosecution for child victims of sex trafficking; providing for criminal liability of a person who aids, assists, or abets the trafficking of an adult or child; providing that a child victim of sex trafficking be eligible for comprehensive and specialized trauma-informed child welfare services; and allowing a child victim of sex trafficking to expunge records of juvenile delinquency adjudication”; to the Committee on the Judiciary.

By Delegate Graves:

H. B. 2831 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-16A-1, §18B-16A-2, §18B-16A-3, and §18B-16A-4, all relating to a nursing program expansion pilot project; establishing a pilot project; providing for an application and selection process;

providing for funding; and setting forth accountability and reporting requirements”; to the Committee on Health and Human Resources then Finance.

By Delegate Holstein:

H. B. 2832 - “A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-2-1 of said code; to amend and reenact §18A-4-7a of said code; to amend and reenact §18A-5-1 of said code; and to amend and reenact §18B-8-6 of said code, all relating to providing that expression of political ideas and speech (verbal or written), may not be a factor in hiring or employment, admittance, suspension or expulsion in schools, colleges, or universities”; to the Committee on Education then the Judiciary.

By Delegate Clark:

H. B. 2833 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-7-6B, relating to permitting Class A licensees through the West Virginia ABC to sell wine; clarifying limits; and providing for an effective date”; to the Committee on Government Organization.

By Delegates Espinosa, Howell, Barrett, Householder and Higginbotham:

H. B. 2834 - “A Bill to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, related to the Commission on the Arts; to add the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission; other technical updates”; to the Committee on Government Organization.

By Delegates J. Kelly, Rohrbach, Anderson, Conley, Toney, Criss, Linville, Mandt and Paynter:

H. B. 2835 - “A Bill to amend and reenact §16-2D-8 and §16-2D-11 of the Code of West Virginia, 1931, as amended, all relating to requiring a certificate of need for substance use facilities and services”; to the Committee on Health and Human Resources.

By Delegates Evans, Toney, Bridges, Booth, Mazzocchi, Boggs, Dean, Paynter, Brown, Steele and Maynard:

H. B. 2836 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-1-25,

relating to the establishment of a public easement by prescription on private property; providing that failure of noticed owners to limit or condition use of the road or path for a continuous period of 20 years may create a public easement; providing for circuit court petition and designation of public easements conditions for granting easement by a court; defining terms; and providing effective dates”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Higginbotham:

H. B. 2837 - “A Bill to amend and reenact §49-2-115 and §49-2-121 of the Code of West Virginia, 1931, as amended, all relating to providing that no bond may be required as a condition of licensure, approval, certification, or registration of a child care facility”; to the Committee on Government Organization.

By Delegates Westfall and Queen:

H. B. 2838 - “A Bill to amend and reenact §6-9-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-6-26, and §11-6-27 of said code; and to amend and reenact §11A-3-36 of said code, all relating to authorizing the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds; creating the State Auditor’s Public Integrity and Fraud Fund for use of said funds; and providing for operating funds in the public utilities and land sections to expire funds at the end of the fiscal year in a method consistent with other divisions of the State Auditor’s Office”; to the Committee on the Judiciary then Finance.

By Delegates Thompson, Walker, Young and Doyle:

H. B. 2839 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, and §16-63-4; to amend said code by adding thereto a new article, designated §16-64-1 and §16-64-2; to amend and reenact §18-5-22 of said code; and to amend and reenact §55-7-15 of said code, all relating to providing naloxone to patients in the event of an emergency to ensure immunity; providing Naloxone medication to the families of those predisposed to overdoses; providing ‘Naloxone distribution days’ sponsored by the State of West Virginia; making Naloxone kits available for distribution to first responders in public buildings, prisons, and

treatment centers; providing naloxone to patients in the event of an emergency to ensure immunity; providing Naloxone medication to the families of those predisposed to overdoses and who have addiction issues; providing ‘Naloxone distribution days’ sponsored by the State of West Virginia; making Naloxone kits available for distribution to first responders in public buildings, prisons, treatment centers, etc.; and providing mental health professionals to school-aged children in West Virginia to accompany the nurses who are already there and to ensure that enough mental healthcare opportunities are given to West Virginia schoolchildren who have loved ones dealing with addiction issues or addiction tendencies. This shall be known as the ‘Recovery Can’t Wait Act’”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Thompson, Walker, Young and Doyle:

H. B. 2840 - “A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to minimum wages to be paid to employees in West Virginia; providing a schedule of gradual increases in the minimum hourly wage; and increasing the allowable subminimum training wage for new employees based upon the employee’s date of hire”; to the Committee on Small Business, Entrepreneurship and Economic Development then Workforce Development then Finance.

By Delegates Thompson, Walker and Young:

H. B. 2841 - “A Bill to amend and reenact §3-8-5 and §3-8-5f of the Code of West Virginia, 1931, as amended, all relating to the regulation and transparency of campaign finance contributions; establishing a \$3,000 limit on loans a candidate may make to his or her campaign; requiring candidates publicly declare donor lists; requiring lawmakers make donor lists publicly available on their legislative websites; requiring candidates to make public their income tax filings”; to the Committee on the Judiciary.

By Delegates Higginbotham, Anderson, Householder, J. Kelly, Wamsley, Kessinger, Statler, Ellington, G. Ward, Kimble and Zatezalo:

H. B. 2842 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-22, relating to placing limitations on the authority of municipalities and

local governments to enact any code, ordinance, or land use regulation that would prohibit, have the effect of prohibiting, or regulate in any manner a public utility or department of public utilities from furnishing a utility service to a utility customer based on an energy source provided or used by a utility service, a customer of a public utility or department of public utilities from purchasing, using, or connecting or reconnecting to a utility service based on the energy source provided or used by a utility service, a public utility or department of public utilities from utilizing vehicles, equipment, machinery, or tools, to provide utility services to a utility customer based on the energy source used by or powering vehicles, equipment, machinery, or tools used by utility service; and defining terms”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Keaton, Barnhart, Wamsley, Holstein and Haynes:

H. B. 2843 - “A Bill to amend and reenact §33-20B-9 of the Code of West Virginia, 1931, as amended, relating to requiring insurers of physicians who perform abortions to establish a separate insurance pool”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Keaton, Wamsley and Haynes:

H. B. 2844 - “A Bill to amend and reenact §11-13S-4 of the Code of West Virginia, 1931, as amended, relating to the amount of tax credit allowed for manufacturing investment; and reducing the 40 percent limitation to 25 percent”; to the Committee on Finance.

By Delegate Keaton:

H. B. 2845 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, §55-7L-2, and §55-7L-3, all relating to permitting civil actions by a social media website user for censorship or suppression of social media user’s speech; providing definitions; stating defenses to civil action; and authorizing the Attorney General to bring action on behalf of a social media user”; to the Committee on the Judiciary.

By Delegates Keaton and Haynes:

H. B. 2846 - “A Bill to amend and reenact §33-3-14 of the Code of West Virginia, 1931, as amended, relating to dedicating 25 percent of the annual insurance premium tax to the PEIA Rainy Day Fund”; to the Committee on Banking and Insurance then Finance.

By Delegate Keaton:

H. B. 2847 - “A Bill to amend and reenact §7-11B-21 of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-18-1 of said code, all relating to the eligibility of the hotel occupancy tax for a payment in lieu of taxes agreement under the Tax Increment Financing Act”; to the Committee on Finance.

By Delegates Thompson, Walker, Young, Doyle and Hornbuckle:

H. B. 2848 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, and §21-5A-8, all relating to establishing fair minimum rates of wages to be paid under contracts for the construction of public improvements; establishing state policy for payment of prevailing wages; defining terms; requiring annual determination of prevailing rates for localities in the state; providing for hearing of objections, judicial review, and appeal; requiring fair minimum rates of wages to be published as part of specifications to bid on contracts; specifying required language in contracts; limiting scope of this article to public improvements in excess of \$500,000; requiring records of wage payments to be preserved; providing for access to wage payment records; granting authority to promulgate legislative rules; and limiting applicability to contracts entered after the effective date of this act”; to the Committee on Workforce Development then Government Organization then Finance.

By Delegates Thompson, Walker, Young, Doyle and Hornbuckle:

H. B. 2849 - “A Bill to repeal §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, and §21-5G-7 of the Code of West Virginia, 1931, as amended, all relating to worker affiliation with a labor organization”; to the Committee on Small Business,

Entrepreneurship and Economic Development then Workforce Development then the Judiciary.

By Delegates Thompson, Walker, Young, Doyle and Hornbuckle:

H. B. 2850 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-26, relating to establishing a Business and Corporate Crime Unit of the West Virginia State Police; authorizing the superintendent to determine the structure of the unit; describing the purpose and focus; authorizing investigations by members of the unit; and providing for cooperation with and assistance to other law-enforcement officers and authorities”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates Foster and Steele:

H. B. 2851 - “A Bill to amend and reenact §29A-3-19 of the Code of West Virginia, 1931, as amended, relating to sunset provisions of legislative rules; removing the five year sunset requirement for new legislative rules after initial five year sunset provision; requiring all legislative rules to sunset on July 1 of the applicable year effective July 1, 2021; authorizing the Secretary of State to modify all active legislative rules with sunset provisions in accordance with this requirement; and requiring the Secretary of State to file a notice of sunset in the State Register upon the expiration of a legislative rule”; to the Committee on Government Organization.

By Delegates Ellington, Toney, Conley, J. Kelly and Kimes:

H. B. 2852 - “A Bill to amend and reenact §18-9A-15 of the Code of West Virginia, 1931, as amended, relating to distribution of the allowance for increased enrollment; removing mandated distribution of 60 percent of allowance based on projected increased enrollment prior to September 1; authorizing advance at district request prior to availability of actual increased enrollment of partial distribution of up to 60 percent of school districts estimated share; and providing for return of refund of excess distribution”; to the Committee on Education then Finance.

By Delegates Steele, Westfall, J. Pack, Higginbotham, Foster, Graves, J. Kelly, Maynard and Keaton:

H. B. 2853 - “A Bill to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4, and §22C-9-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating to oil and gas conservation; providing for the unitization of interests in drilling units in connection with shallow horizontal oil or gas wells generally; setting forth application requirements; establishing the standard of review; providing for unitization orders for shallow horizontal drilling units; requiring notice and timeliness; providing for hearings; addressing oil and gas produced from shallow horizontal wells, vertical wells and unconventional reservoirs; providing for reunification of interests of unknown and unlocatable interest owners with surface owners in certain circumstances and providing procedures therefor; adding new definitions; and modifying existing definitions”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Storch, Gearheart, Pethtel, Evans, Anderson, Graves and J. Pack:

H. B. 2854 - “A Bill to amend and reenact §8-22A-2, §8-22A-14, §8-22A-16, §8-22A-17, §8-22A-18, and §8-22A-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §8-22A-34 and §8-22A-35, all relating to the West Virginia Municipal Police Officers and Firefighters Retirement System; defining terms; removing conflicting and obsolete statutory provisions; eliminating conflicting provisions relating to late retirement and restrictions on annuity options for married members; clarifying preretirement death benefits; clarifying commencement date of disability benefits; clarifying death benefit for dependent children; providing for return to covered employment; and providing for severability”; to the Committee on Pensions and Retirement then Finance.

By Delegates Storch, Gearheart, Pethtel, Evans, Anderson, Graves and J. Pack:

H. B. 2855 - “A Bill to amend and reenact §20-18-2, §20-18-8, §20-18-20, §20-18-23, and §20-18-27 of the Code of West

Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-18-37, all relating to the Natural Resources Police Officers Retirement System; defining terms; clarifying concurrent employer contribution rate; clarifying preretirement death benefits; amending conflicting statutory provisions; and adding a severability clause”; to the Committee on Pensions and Retirement then Finance.

By Delegates Statler, Nestor, Horst, Kimes, Paynter, J. Jeffries, Toney, Hanna, Williams and Barnhart:

H. B. 2856 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to performance metrics for the West Virginia Division of Highways; requiring the division to develop performance standards and criteria to measure agency performance in all essential operations; requiring the division to employ a management information system that will track the division’s past and current progress toward meeting performance standards; and requiring the division to report to the Joint Committee on Infrastructure”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Statler, Longanacre, Horst, Kimes, Paynter and Hanna:

H. B. 2857 - “A Bill to amend and reenact §6B-2B-2 of the Code of West Virginia of 1931, as amended, relating to use of public funds to display a public official’s name or likeness and prohibiting such display on public road signs”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Statler, Horst, Kimes, Nestor, Longanacre, J. Jeffries, Toney, Hanna, Williams and Barnhart:

H. B. 2858 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4 and §17-30-5, all relating to requiring the Commissioner of Highways to develop a formula for allocating road funds among districts, for the benefit of the counties; making legislative findings; requiring the Commissioner to solicit and consider public comments; requiring the Commissioner to include certain factors in the formula; and

requiring the Commissioner to submit the formula to the Legislature for approval as a legislative rule”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Mazzocchi, Tully, Fast, Paynter, Bridges, J. Jeffries, D. Jeffries and Horst:

H. B. 2859 - “A Bill to amend and reenact §55-7-22 of the Code of West Virginia, 1931, as amended, relating to use of reasonable force in defense of self, real, and personal property; providing immunity from civil and/or criminal prosecution against persons lawfully using force in defensive actions; when there is no duty to retreat; and entitlement to receive court costs, fees and damages to persons acting to protect self, real, and personal property, another person or in other defined situations”; to the Committee on the Judiciary.

By Delegates Statler, Barnhart, Holstein, Longanacre, Bridges, Toney and Hanna:

H. B. 2860 - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to requiring that open hunting season for big game begin on a Saturday”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Bates:

H. B. 2861 - “A Bill to amend and reenact §23-4-8 of the Code of West Virginia, 1931, as amended, relating to physical examination of a claimant for Workers Compensation benefits; and requiring information relating to who scheduled and paid for the examination”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Storch, Gearheart, Pethtel, Evans, Anderson, Graves and J. Pack:

H. B. 2862 - “A Bill to amend and reenact §7-14D-2, §7-14D-11, §7-14D-13, §7-14D-19, and §7-14D-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §7-14D-32, all relating to the Deputy Sheriff Retirement System Act; defining terms; amending and removing conflicting statutory provisions; removing obsolete

restriction on type of annuity for married members; clarifying preretirement death benefits; clarifying survivor death benefit; and providing for severability"; to the Committee on Pensions and Retirement then Finance.

Special Calendar

Third Reading

Com. Sub. for S. B. 11, Declaring work stoppage or strike by public employees to be unlawful; 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. 65**), and there were—yeas 53, nays 46, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Bridges, Brown, Conley, D. Kelly, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Holstein, Hornbuckle, J. Kelly, Lovejoy, Miller, Paynter, Pethtel, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Storch, Thompson, Toney, Walker, Wamsley, Williams, Worrell, 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. 11) passed.

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

H. J. R. 2, Providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate; on third reading, coming up in regular order, was read a third time.

Delegate Rowe had been recognized to ask questions of Delegate Capito when Delegate Foster arose to a point of order, regarding the content of the Gentleman's remarks. The Speaker ruled that the point was well taken and then recognized Delegate Rowe to speak to the bill.

On the adoption of the resolution, the yeas and nays were taken (**Roll No. 66**), and there were—yeas 78, nays 21, absent and not voting 1, with the yeas, nays and absent and not voting being as follows:

Yeas: Anderson, Barnhart, Barrett, Bates, Booth, Bridges, Bruce, Burkhammer, Capito, Clark, Conley, Cooper, Criss, Dean, Ellington, Espinosa, Fast, Ferrell, Forsht, Foster, Gearheart, Graves, Hamrick, Hanna, Hardy, Haynes, Higginbotham, Holstein, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Mallow, Mandt, Martin, Maynard, Mazzocchi, McGeehan, Miller, Nestor, J. Pack, L. Pack, Paynter, Phillips, Pinson, Pritt, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Smith, Statler, Steele, Storch, Summers, Sypolt, Thompson, Toney, Tully, Wamsley, B. Ward, G. Ward, Worrell, Zatezalo and Hanshaw (Mr. Speaker).

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

Absent and Not Voting: Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the resolution (H. J. R. 2) adopted, as follows:

H. J. R. 2 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section nine, article IV thereof, relating to the impeachment of officials; providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of

Delegates or the Senate; specifying that a judgment rendered by the Senate following an impeachment trial is not reviewable by any court of this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.”

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2022, which proposed amendment is that section nine, article IV thereof, be amended to read as follows:

ARTICLE IV.

§9. Impeachment of officials.

Any officer of the state may be impeached for maladministration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor. The House of Delegates ~~shall have~~ has the sole power of impeachment. The Senate ~~shall have~~ has the sole power to try impeachments and no person shall be convicted without the concurrence of two thirds of the members elected thereto. When sitting as a court of impeachment, the ~~President~~ Chief Justice of the Supreme Court of Appeals, or, if from any cause it be improper for him or her to act, then any other judge of that court, to be designated by it, shall preside; and the senators shall be on oath or affirmation, to do justice according to law and evidence. Judgment in cases of impeachment ~~shall~~ does not extend further than ~~to~~ removal from office, and disqualification to hold any office of honor, trust or profit, under the state; but the party convicted ~~shall be~~ remains liable to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the Legislature for the trial of impeachments. No court of this state has any authority or jurisdiction, by writ or otherwise, to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate conducted hereunder; nor is any judgment

rendered by the Senate following a trial of impeachment reviewable by any court of this state.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No. 1” and designated as the “Clarification of the Judiciary’s Role in Impeachment Proceedings Amendment” and the purpose of the proposed amendment is summarized as follows: “Clarifying that courts have no authority or jurisdiction to intercede or intervene in or interfere with impeachment proceedings of the House of Delegates or the Senate; and specifying that a judgment rendered by the Senate following an impeachment trial is not reviewable by any court of this state.”

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

Second Reading

Com. Sub. for H. B. 2002, Relating to Broadband; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Technology and Infrastructure, was reported by the Clerk on page four, immediately following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“CHAPTER 17. ROADS AND HIGHWAY

ARTICLE 2E. DIG ONCE POLICY.

§17-2E-2. Definitions.

In this article, unless the context otherwise requires:

(1) ‘Broadband conduit’ or ‘conduit’ means a conduit, innerduct, or microduct for fiber optic cables that support facilities for broadband service.

(2) 'Broadband service' has the same meaning as defined in §31G-1-2 of this code.

(3) 'Council' means the Broadband Enhancement Council.

(4) 'Direct bury' means the burying of telecommunications wire or cable directly into the ground by means of plowing or direct insertion without the opening of a trench and without the installation of conduit or innerduct.

(5) 'Division' means the Division of Highways.

(6) 'Longitudinal access' means access to or the use of any part of a right-of-way that extends generally parallel to the traveled right-of-way.

(7) 'Permit' means an encroachment permit issued by the commissioner of the division under the authority of this code, and pursuant to the Accommodation of Utilities on Highway Right-of-Way and Adjustment and Relocation of Utility Facilities on Highway Projects Policy, or equivalent policy, as may be currently enforced by the division, that specifies the requirements and conditions for performing work in a right-of-way ~~and where such work involves the creation or opening of a trench for the installation of telecommunications facilities in a right of way.~~

(8) 'Right-of-way' means land, property, or any interest therein acquired or controlled by the division for transportation facilities or other transportation purposes or specifically acquired for utility accommodation.

(9) 'Telecommunications carrier' means a telecommunications carrier:

(A) As determined by the Public Service Commission of West Virginia; or

(B) That meets the definition of telecommunications carrier with respect to the Federal Communications Commission, as contained in 47 U.S.C. §153

(10) 'Telecommunications facility' means any cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, hut, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment, or other equipment, system, or device that is used to transmit, receive, produce or distribute a signal for telecommunications purposes via wireline, electronic, or optical means.

(11) 'Utility' has the meaning ascribed to it in §17-2A-17a of this code.

(12) 'Wireless access' means access to, and use of, a right-of-way for the purpose of constructing, installing, maintaining, using, or operating telecommunications facilities for wireless telecommunications.

§17-2E-3. Use of rights-of-way; broadband conduit installation in rights-of-way; permits; agreements; compensation; valuation of compensation; telecommunications facilities construction and installation in rights of way.

~~(a) Before obtaining a permit for the construction or installation of a telecommunications facility in a right of way, a telecommunications carrier, must enter into an agreement with the division consistent with the requirements of this article.~~

~~(b) Before granting a permit for longitudinal access or wireless access to a right of way, the division shall:~~

~~(1) First enter into an agreement with a telecommunications carrier, that is competitively neutral and nondiscriminatory as to other telecommunications carriers, and~~

~~(2) Upon receipt of any required approval or concurrence by the Federal Highway Administration the division may issue a permit granting access under this section: *Provided*, That the division shall comply with all applicable federal regulations with respect to approval of an agreement, including, but not limited to, 23 C.F.R. §710.403 and 23 C.F.R. §710.405. The agreement shall be approved by the Commissioner of Highways in order to be effective and, without limitation:~~

~~(A) Specify the terms and conditions for renegotiation of the agreement;~~

~~(B) Set forth the maintenance requirements for each telecommunications facility;~~

~~(C) Be nonexclusive; and~~

~~(D) Be for a term of not more than 30 years;~~

~~(e) Unless specifically provided for in an agreement entered into pursuant to subsection (a) of this section, the division may not grant a property interest in a right of way pursuant to this article.~~

~~(d) A telecommunications carrier shall compensate the division for the use of spare conduit or related facilities owned or controlled by the division as part of any longitudinal access or wireless access granted to a right of way pursuant to this section. The compensation must be, without limitation:~~

~~(1) At fair market value: *Provided*, That because the social, environmental, and economic benefits from such use of state highway rights of way is of overwhelming value to the citizens of this state and is in the overall public interest, the division shall establish the fair market value for purposes of this article at \$0 in monetary compensation;~~

~~(2) Competitively neutral;~~

~~(3) Nondiscriminatory;~~

~~(4) Open to public inspection;~~

~~(5) Determined based on the geographic region of this state, taking into account the population and the impact on private right of way users in the region; and once determined, set at an amount that encourages the deployment of digital infrastructure within this state; and~~

~~(6) Paid with in-kind compensation.~~

~~(e) The division may consider adjustments for areas the division, in conjunction with the council, determines are underserved or unserved areas of the state and may consider the value to such areas for economic development, enhancing the transportation system, expanding opportunities for digital learning, and telemedicine.~~

~~(f) For the purpose of determining the amount of in-kind compensation a telecommunications carrier must pay the division for the use of spare conduit or excess conduit or related facilities of the division as part of any longitudinal access or wireless access granted to a right of way pursuant to this section, the division may:~~

~~(1) Conduct an analysis once every five years, in accordance with the rules, policies, or guidelines of the division, to determine the fair market value of a right of way to which access has been granted pursuant to this section; and~~

~~(2) Determine the fair market value of the in-kind compensation based on the incremental costs for the installation of conduit and related facilities~~

(a) If in-ground construction or installation of a telecommunications facility in right-of-way owned or controlled by the division serves a public purpose and may be accommodated as a utility pursuant to federal and state law, the division will receive applications and issue a permit to the owner of the facility for access to, and occupation of, division's right-of-way consistent with this section and applicable division policy with respect to requirements and conditions for performing work in division right-of-way.

(b) Upon receipt of a complete application as specified in the Accommodation of Utilities on Highway Right-of-Way and Adjustment and Relocation of Utility Facilities on Highway Projects Policy, or equivalent policy, as may be currently enforced by the division, that specifies the requirements and conditions for performing work in a right-of-way, the division will, within sixty business days, advise applicant in writing of any deficiencies with the planned project that: (1) adversely affect the safety, design,

construction, operation, maintenance or stability of the state road system; (2) interfere with or impair the present use or planned future expansion of any affected highway or bridge; (3) conflict with applicable division policy with respect to requirements and conditions for performing work in division right-of-way; or (4) violate applicable federal or state law. The applicant may correct any deficiencies and resubmit the application, which shall be reviewed by the division and either approved or denied within thirty days of the resubmittal. Any denial of a resubmittal shall be in writing and explain any deficiencies as provided in this subsection. After the division approves a permit application, and notwithstanding any other provision of this code to the contrary, the division shall issue a specific district level construction authorization for the approved project within ten business days unless specific logistical issues reasonably prevent commencement.

(c) Compliance with applicable environmental laws shall at all times be the responsibility of the applicant. If any environmental clearance must be performed by the division before an application is approved, the division will notify the applicant in writing of all necessary requirements for such clearance within fifteen working days of receiving a complete application. Division will also provide a list of all known federal and state entities with whom an applicant may also need to consult and coordinate for environmental clearance purposes.

(d) The division will create and make available for potential applicants an informational notice specific to in-ground telecommunications facility construction and installation that explains routine issues for such projects including a consolidated checklist or flow chart of all state or federal regulatory requirements, including but not limited to permits, agency required reviews, agency required approvals, and agency required forms, that may apply. The division shall annually update such informational notice for accuracy and completeness by coordination with each state or federal agency having required regulatory action in the permitting process legal, regulatory and

division requirements and may request the assistance of the Office of Broadband in preparing this informational notice.

~~(g)~~ (e) The provisions of this article shall not apply to the relocation or modification of existing telecommunications facilities in a right-of-way, nor shall these provisions apply to aerial telecommunications facilities or associated apparatus or equipment in a right-of-way. Relocation of telecommunications facilities within rights-of-way for state highways shall be in accordance with the provisions of §17-4-17b of this code.

§17-2E-5. Telecommunications carrier initiated construction and joint use.

(a) Upon application for a permit for construction and installation in the division's right-of-way as set forth in §17-2E-3(d) of this code, the ~~applying telecommunications carrier applicant~~ shall notify, by email, the ~~council~~ Office of Broadband and all other telecommunications carriers on record with the council of the application. Other telecommunications carriers have 15 calendar days to notify the applicant of their interest to share the applicant's trench. This requirement extends to all underground construction technologies.

(b) If no competing telecommunications carrier or other utility provides notice of interest to share the applicant's trench within 15 calendar days of notice of the project, the carrier or other utility applying for the permit shall ~~affirm that fact to the division prior to being issued a permit~~ provide written certification in accordance with §17-2E-5(g).

(c) If a competing telecommunications carrier or other utility provides notice of interest to share the applicant's trench, an agreement between the two (or more) telecommunications carriers or other utilities shall be executed by those entities within 30 days of the notice of interest, outlining the responsibilities and financial obligations of each, with respect to the installation within the right-of-way. The financial obligations of each carrier shall be based on the proportionate sharing of costs between each carrier for joint trenching or trench sharing based on the amount of conduit or

innerduct space or excess conduit that is authorized in the agreements entered into pursuant to this article. If the division use a trench, it shall also pay its proportional share unless it is utilizing the trench as in-kind payment for use of the right-of-way, or the division has otherwise determined, in its sole discretion, that including the division in the apportionment of costs is not warranted. A copy of the executed agreement shall be provided to the division.

(d) Should a dispute arise between the initial applying telecommunications carrier or utility and a competing telecommunications carrier or utility, including a failure to execute an agreement required by subsection (c) of this section, the dispute shall ~~be adjudicated by the Public Service Commission. All disputes brought to the Public Service Commission under this article shall be adjudicated within 45 days~~ addressed in a Public Service Commission informal complaint process and the Public Service Commission shall attempt to resolve the dispute within 45 days. If a dispute is not resolved informally within 45 days, the commission will adjudicate the dispute within 60 days of the date that the informal process concluded without a resolution: *Provided*, That the Public Service Commission does not have jurisdiction to award damages, and: *Provided, however*, the Public Service Commission does not have jurisdiction to adjudicate disputes in which the Division of Highways is a party.

(e) If two or more telecommunications carriers or utilities are required or authorized to share a single trench, each carrier or utility in the trench must share the cost and benefits of the trench in a fair, reasonable, competitively neutral, and nondiscriminatory manner. This requirement extends to all underground construction technologies.

~~(f) The commissioner of the division shall promulgate rules governing the relationship between the telecommunications carriers, as hereinafter provided in this article~~

~~(g) The provisions of this section do not apply to the following projects:~~

(1) Projects where the total length of the trench is less no more than 1,000 feet in length;

(2) Projects that use the direct bury of cable or wire facilities;

(3) Projects that are solely for the service of entities involved in national security matters or where the disclosure or sharing of a trench location would be against federal policy; or

(4) made available for lease to competing telecommunications carriers on a nondiscriminatory basis at rates established by the rules of the Federal Communications Commission Projects where the telecommunications carrier or utility installs an amount of spare conduit or innerduct equal to what is being installed for its own use and which is shall be given to the Office of Broadband. Such spare conduit or innerduct shall be made available for sale or lease to competing telecommunications carriers on a nondiscriminatory basis at rates apportioned on the basis of the cost of the installation thereof, to other telecommunications providers; and, the revenues derived from such sale, less any costs associated therewith, shall be remitted to the telecommunications carrier or utility that installed such spare conduit or innerduct established by the rules of the Federal Communications Commission in a manner consistent with all applicable state and federal law and regulations. All carriers installing spare conduit or innerduct shall notify the council and the Office of Broadband of the location and capacity of such spare conduit and innerduct upon completion of the project, and the council shall make such information publicly available for competing telecommunications carriers.

(g) The Office of Broadband is responsible for ensuring compliance with this section and will provide the division and the applicant with certification of compliance at such time as the applicant has met all of the requirements of this section.

§17-2E-6. In-kind compensation.

[Repealed].

§17-2E-7. Multiple carriers in a single trench. Use of telecommunications facilities owned or controlled by Division of Highways.

~~(a) If the Division of Highways enters into an agreement with two or more telecommunications carriers, a consortium or other entity whose members, partners or other participants are two or more telecommunications carriers, or, if the Division requires or allows two or more telecommunications carriers to share a single trench, the agreements entered into pursuant to this article shall require that the telecommunications carriers share the obligation of compensating the Division of Highways on a fair, reasonable and equitable basis, taking into consideration the proportionate uses and benefits to be derived by each telecommunications carrier from the trench, conduits, and other telecommunications facilities installed under the agreements.~~

~~(b) The provisions of §17-2E-7(a) of this code do not prevent the Division of Highways from requiring every participating telecommunications carrier to bear joint and several liability for the obligations owed to the Division of Highways under the agreements.~~

~~(c) Any agreement requiring two or more telecommunications carriers to share the obligation of compensating the Division of Highways shall provide the Division the right to review and audit the records and contracts of and among the participating carriers to ensure compliance with §17-2E-7(a) of this code~~

The division may enter into an agreement and issue a permit consistent with the requirements of §17-2E-3 of this code to allow any carrier to use excess telecommunications facilities owned or controlled by the division: *Provided*, That this section shall be subject to the provisions of the Vertical Real Estate Management and Availability Act and no excess telecommunications facilities owned or controlled by the division subject to §31G-5-1 *et seq.* of this code shall be governed by the provisions of this section.

§17-2E-8. Existing policies. Disposal of in-kind compensation; excess telecommunications facilities.

~~(a) The requirements set forth in this article do not alter existing rules, policies, and procedures relating to other utility facilities within a right of way or for accommodating utility facilities or other facilities under the control of the Division of Highways.~~

~~(b) The Division of Highways may consider the financial and technical qualifications of a telecommunications carrier when determining specific insurance requirements for contractors authorized to enter a right of way to construct, install, inspect, test, maintain, or repair telecommunications facilities with longitudinal access or wireless access to the right of way.~~

~~(c) If the Division of Highways authorizes longitudinal access, wireless access, or the use of, and access to, conduit or related facilities of the Division for construction and installation of a telecommunications facility, the Division may require an approved telecommunications carrier to install the telecommunications facility in the same general location as similar facilities already in place, coordinate their planning and work with other contractors performing work in the same geographic area, install in a joint trench when two or more telecommunications carriers are performing installations at the same time and equitably share costs between such carriers.~~

~~(d) The placement, installation, maintenance, repair, use, operation, replacement, and removal of telecommunications facilities with longitudinal access or wireless access to a right of way or that use or access conduit or related facilities of the Division shall be accommodated only when in compliance with this code and Division of Highways rules, policies and guidelines.~~

~~(e) Access to a right of way must be administered in compliance with the Telecommunications Act of 1996, 47 U.S.C. §151, *et seq.*, as amended~~

Upon written approval of the Governor, the division may transfer or assign the ownership, control, or any rights related to

any excess telecommunications facilities owned or controlled by the division to any other state agency.

§17-2E-9. Rule-making authority.

~~The Commissioner of the Division of Highways may promulgate rules pursuant to the provisions of §29A-3-15 of this code as may be necessary to carry out the purpose of this article, and as may have been specifically delineated within this article~~

The commissioner of the division may promulgate rules pursuant to the provisions of §29A-3-1 et seq. of this code as may be necessary to carry out the purpose of this article.

CHAPTER 24D. CABLE TELEVISION AND BROADBAND TELECOMMUNICATIONS.

ARTICLE 1. CABLE TELEVISION AND BROADBAND TELECOMMUNICATIONS SYSTEMS ACT.

§24D-1-1. Legislative findings.

The Legislature finds that television and broadband telecommunications ~~is~~ are an important source of information and entertainment affecting the welfare and economy of the state, and that cable television services and broadband internet have become widespread, often providing the only access to quality television signals in many areas of the state. The Legislature finds that it is in the public interest to establish uniform standards within the State of West Virginia for the issuance, renewal and transfer of cable television franchises; to establish uniform standards for the provision of cable and broadband internet service; to establish uniform procedures for the investigation and resolution of complaints concerning cable service; and to establish just, reasonable and nondiscriminatory rates and charges for the provision of cable and broadband internet service to the extent that the service is not subject to effective competition. The purpose of the article is to promote such goals by all available means not in conflict with federal law, rules or regulations

§24D-1-2. Definitions.

As used in this chapter:

(1) ‘Applicant’ means a person who initiates an application or proposal.

(2) ‘Application’ means an unsolicited filing for a cable franchise.

(3) ‘Basic cable service’ means any service tier which includes the retransmission of local television broadcast signals.

(4) ‘Broadband’ or ‘broadband service’ means any service providing advanced telecommunications capability with the same downstream data rate and upstream data rate as is specified by the Federal Communications Commission and that does not require the end-user to dial up a connection, that has the capacity to always be on, and for which the transmission speeds are based on regular available bandwidth rates, not sporadic or burstable rates, with latency suitable for real-time applications and services such as voice-over Internet protocol and video conferencing, and with monthly usage capacity reasonably comparable to that of residential terrestrial fixed broadband offerings in urban areas: *Provided*, That as the Federal Communications Commission updates the downstream data rate and the upstream data rate the council will publish the revised data rates in the State Register within 60 days of the federal update.

(5) ‘Broadband operator’ means any person or group of persons: (A) Who provides broadband service and directly or through one or more affiliates owns a significant interest in the broadband system; or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of a broadband system.

(4) (6) ‘Cable franchise’ or ‘franchise’ means a nonexclusive initial authorization or renewal thereof issued pursuant to this chapter, whether the authorization is designated as a franchise, permit, order, contract, agreement or otherwise, which authorizes the construction or operation of a cable system.

~~(5)~~ (7) 'Cable operator' means any person or group of persons: (A) Who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in the cable system; or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.

~~(6)~~ (8) 'Cable service' means: (A) The one-way transmission to subscribers of video programming or other programming service; and (B) subscriber interaction, if any, which is required for the selection of video programming or other programming service.

~~(7)~~ (9) 'Cable system' means any facility within this state consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but does not include: (A) A facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control or management, unless that facility or facilities uses any public right-of-way; or (C) a facility of a public utility subject, in whole or in part, to the provisions of chapter twenty-four of this code, except to the extent that those facilities provide video programming directly to subscribers.

~~(8)~~ (10) 'Commission' or 'Public Service Commission' means the Public Service Commission of West Virginia.

~~(9)~~ (11) 'County commission' means the commissioners composing the county commission in pursuance of section nine, article IX of the Constitution of this state within whose jurisdiction there exists a cable or broadband system or where such cable or broadband system is hereafter constructed, operated, acquired or extended.

~~(10)~~ (12) 'Facility' includes all real property, antennas, poles, supporting structures, wires, cables, conduits, amplifiers, instruments, appliances, fixtures and other personal property used

by a cable or broadband operator in providing service to its subscribers.

~~(11)~~ (13) 'Franchising authority' means a municipality, a county commission or the Public Service Commission empowered by federal, state or local law to grant a cable or broadband franchise.

~~(12)~~ (14) 'Institution of higher education' means an academic college or university accredited by the north central association of colleges and schools.

~~(13)~~ (15) 'Municipality' means any municipal corporation duly chartered in the State of West Virginia within whose jurisdiction there exists a cable or broadband system or where such cable or broadband system is hereafter constructed, operated, acquired or extended.

~~(14)~~ (16) 'Other programming service' means information that a cable or broadband operator makes available to all subscribers generally.

~~(15)~~ (17) 'Person' means an individual, partnership, association, joint stock company, trust, corporation or governmental agency.

~~(16)~~ (18) 'Proposal' means a filing solicited by the franchising authority for a cable or broadband franchise.

~~(17)~~ (19) 'Public, educational or governmental access facilities' means: (A) Channel capacity designated for public, educational or governmental uses; and (B) facilities and equipment for the use of that channel capacity.

~~(18)~~ (20) 'Public place' includes any property, building, structure or water to which the public has a right of access and use.

~~(19)~~ (21) 'School' means an academic and noncollege type regular or special education institution of learning established and maintained by the Department of Education and the arts or licensed and supervised by that department.

(20) (22) 'Service area' means that geographic area for which a cable or broadband operator has been issued a cable or broadband franchise.

(21) (23) 'Video programming' means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

§24D-1-9. Cable or broadband system installation, construction, operation, removal, general provisions.

(a) A cable franchise or broadband operator shall be construed to authorize the construction or operation of a cable or broadband system: (i) Over public rights-of-way; and (ii) through easements, which are within the area to be served by the cable or broadband system and which have been dedicated for compatible uses.

(b) The technical specifications, general routes of the distribution system and the schedule for construction of the cable system are subject to the approval of the franchising authority.

(c) In installing, operating and maintaining facilities, the cable or broadband operator shall avoid all unnecessary damage and injury to any trees, structures and improvements in and along the routes ~~authorized by the franchising authority~~ utilized for the system.

(d) The cable or broadband operator shall indemnify and hold the state, county and municipality harmless at all times from any and all claims for injury and damage to persons or property, both real and personal, caused by the installation, operation or maintenance of its cable or broadband system, notwithstanding any negligence on the part of the state, county and/or municipality, their employees or agents. Upon receipt of notice in writing from the state, county and/or municipality, the cable or broadband operator shall, at its own expense, defend any action or proceeding against the state, county and/or municipality in which it is claimed that personal injury or property damage was caused by activities of the cable or broadband operator in the installation, operation or maintenance of its cable or broadband system.

(e) The cable operator shall provide a cable drop and basic cable service at no cost to any school or institution of higher education within its service area if service is actually being delivered within ~~a reasonable distance~~ 1000 feet from the school or institution of higher education which may request service.

(f) The cable operator shall be required to designate at least 10 percent but not more than three of all of its channels for public, educational or governmental use.

(g) Upon termination of the period of the cable permit or of any renewal thereof, by passage of time or otherwise, the cable operator shall remove its facilities from the highways and other public places in, on, over, under or along which they are installed if so ordered by the franchising authority and shall restore the areas to their original or other acceptable condition or otherwise dispose of its facilities. If removal is not completed within six months of the termination, any property not removed shall be deemed to have been abandoned and the cable operator shall be liable for the cost of its removal.

(h) The use of public highways and other public places shall be subject to

(1) All applicable state statutes, municipal ordinances and all applicable rules and orders of the commission governing the construction, maintenance, and removal of overhead and underground facilities of public utilities.

(2) For county highways, all applicable rules adopted by the governing body of the county in which the county highways are situated; and

(3) For state or federal-aid highways, all public welfare rules adopted by the secretary of the Department of Transportation.

(4) For use of any railroad right-of-way, or, in the crossing of the trackway of any railroad, nothing in this article shall be construed to provide any greater or any lesser compliance with any safety policy or procedure established by the railroad dealing with use of such right of way or the crossing of a trackway and which is

applicable to any other similarly situated utility, whether utilizing aerial or buried lines.

(i) In the use of easements dedicated for compatible uses, the cable or broadband operator shall ensure:

(1) That the safety, functioning and appearance of the property and the convenience and safety of other persons is not adversely affected by the installation or construction of facilities necessary for a cable or broadband system;

(2) That the cost of the installation, construction, operation or removal of facilities is borne by the cable or broadband operator or subscribers, or a combination of both; and

(3) That the owner of the property is justly compensated by the cable or broadband operator for any damages caused by the installation, construction, operation or removal of facilities by the cable or broadband operator.

(4) An 'easement dedicated for compatible uses' is a public or private easement for electric, gas, telephone, or other utility transmission.

§24D-1-15. Procedures for restoring interrupted service and improving substandard service.

(a) Each cable or broadband operator, for the purpose of restoring interrupted service and improving substandard service, shall be able to receive calls twenty-four hours a day, seven days a week, and shall have one or more qualified persons as may be necessary to repair the cable or broadband system, facilities and equipment owned by the cable or broadband operator and located on a subscriber's premises, including, but not limited to, cable or broadband receiving equipment and directly associated equipment.

(b) Each cable or broadband operator shall restore interrupted service not later than 24 hours after being notified by a subscriber that service has been interrupted, unless:

(1) Service cannot be restored until another company repairs facilities owned by such company and leased to, or required for the operation of, the cable service;

(2) The interruption was caused by an act of nature; or

(3) The cable operator is unable to restore service within 24 hours due to extenuating circumstances. In the event of such extenuating circumstances, the cable or broadband company shall restore service as soon as feasible. ~~and~~ A cable operator shall then submit a written notice to the commission indicating that service has been restored and explaining the nature of the extenuating circumstances.

§24D-1-16. Credit or refund for interrupted service.

(a) If cable or broadband service to a subscriber is interrupted for more than 24 continuous hours, such subscriber shall, upon request, receive a credit or refund from the cable or broadband operator in an amount that represents the proportionate share of such service not received in a billing period, provided such interruption is not caused by the subscriber. Electric utilities that lease fiber to broadband providers shall not be required to provide refunds to broadband providers who lease the fiber for service outages.

(b) The commission may promulgate rules establishing a viewing time reliability standard for cable operators and requiring such companies to file with the commission information on service interruptions not caused by subscribers.

§24D-1-21. Rights of individuals.

(a) A cable television or broadband system operator may not deny service, deny access, or otherwise discriminate against subscribers, channel users, or any other citizens on the basis of age, race, religion, sex, physical handicap, political affiliation, political views, or exercise of other speech protected by the 1st Amendment to the United States Constitution, or country of natural origin.

(b) A cable or broadband system operator shall provide subscribers 30 days advance written notice of any changes to rates or charges, including the expiration of any promotion or special pricing that would result in an increase in the subscribers billing or cost of service.

(c) A cable or broadband system operator shall inform subscribers and provide written notice to subscribers that disputes regarding interrupted or substandard service or billing issues, which are unresolved to satisfaction of the subscriber, can be filed as a complaint with the consumer protection division of the WV Attorney General's Office.

§24D-1-26. Cable television ~~and broadband industry~~ industries not regulated as a utility.

No provision of this article may be construed to grant the commission the power to regulate the cable television industry or the broadband industry as a utility.

CHAPTER 31G. BROADBAND ENHANCEMENT AND EXPANSION POLICIES.

ARTICLE 1. BROADBAND ENHANCEMENT COUNCIL.

§31G-1-2. Definitions.

For the purposes of this article:

(1) 'Applicable codes' means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, including, but not limited to, the National Electrical Safety Code, or any local amendments to those codes: *Provided*, That notwithstanding any other provisions of these applicable codes, the Code of West Virginia and/or the West Virginia Code of State Rules, variances for the installation and maintenance of broadband service infrastructure on utility poles, if these are agreed upon between infrastructure owners, shall be allowed.

(4) (2) 'Broadband' or 'broadband service' means any service providing advanced telecommunications capability with the same downstream data rate and upstream data rate as is specified by the Federal Communications Commission and that does not require the end-user to dial up a connection, that has the capacity to always be on, and for which the transmission speeds are based on regular available bandwidth rates, not sporadic or burstable rates, with latency suitable for real-time applications and services such as voice-over Internet protocol and video conferencing, and with monthly usage capacity reasonably comparable to that of residential terrestrial fixed broadband offerings in urban areas: *Provided*, That as the Federal Communications Commission updates the downstream data rate and the upstream data rate the council will publish the revised data rates in the State Register within 60 days of the federal update.

(2) (3) 'Council' means the Broadband Enhancement Council.

(3) (4) 'Digital Equality of Opportunity' means a condition in which all individuals and communities have the information technology capacity needed for full participation in our society, democracy and economy.

(5) 'Downstream data rate' means the transmission speed from the service provider source to the end-user.

(4) (6) 'Internet protocol address' or 'IP address' means a unique string of numbers separated by periods that identifies each computer using the internet protocol to communicate over a network.

(5) (7) 'Upstream data rate' means the transmission speed from the end-user to the service provider source.

(6) (8) 'Unserved area' means a community that has no access to broadband and an area lacking broadband internet service from at least one broadband internet service provider offering all of the following in at least one service plan to residential consumers:

(A) an actual downstream data rate of 25 megabits per second;
and

(B) an actual upstream data rate of three megabits per second; and

(C) unlimited data usage without overage charges; and

(D) unlimited data usage without ‘throttling’ or reduction of downstream or upstream data rate due, in whole or in part, to the amount of data transferred in any period.

(9) ‘Underserved’ means an area lacking broadband internet service from at least two broadband internet service providers offering all of the following in at least one service plan to residential consumers:

(A) an actual downstream data rate of 100 megabits per second; and

(B) an actual upstream data rate of 50 megabits per second; and

(C) unlimited data usage without overage charges; and

(D) unlimited data usage without ‘throttling’ or reduction of downstream or upstream data rate due, in whole or in part, to the amount of data transferred in any period.

§31G-1-4. Powers and duties of the council generally.

(a) The council shall

(1) Explore any and all ways to expand access to broadband services, including, but not limited to, middle mile, last mile and wireless applications;

(2) Gather data regarding the various speeds provided to consumers in comparison to what is advertised. The council may request the assistance of the Legislative Auditor in gathering this data;

(3) Explore the potential for increased use of broadband service for the purposes of education, career readiness, workforce preparation and alternative career training; and

(4) Explore ways for encouraging state and municipal agencies to expand the development and use of broadband services for the purpose of better serving the public, including audio and video streaming, voice-over Internet protocol, teleconferencing and wireless networking; ~~and~~

(5) Cooperate and assist in the expansion of electronic instruction and distance education services; and

(6) explore ways to achieve digital equality of opportunity throughout the state.

(b) In addition to the powers set forth elsewhere in this article, the council is hereby granted, ~~has and may exercise the following powers authority necessary or appropriate to carry out and effectuate the purpose and intent of this article, as enumerated herein to:~~ The council shall have the power and capacity to

~~(1) Provide consultation services to project sponsors in connection with the planning, acquisition, improvement, construction or development of any broadband deployment project~~

~~(2)~~ (1) Promote awareness of public facilities that have community broadband access that can be used for distance education and workforce development;

~~(3)~~ (2) Advise on deployment of e-government portals such that all public bodies and political subdivisions have homepages, encourage one-stop government access and that all public entities stream audio and video of all public meetings;

(4) (3) Make and execute contracts, commitments and other agreements necessary or convenient for the exercise of its powers; including, but not limited to, the hiring of consultants to perform the duties of the council ~~assist in the mapping of the state and categorization of areas within the state;~~

~~(5)~~ (4) Acquire by gift or purchase, hold or dispose of real property and personal property in the exercise of its powers and performance of its duties as set forth in this article; and to

~~(4) (5) Receive and dispense funds appropriated for its use by the Legislature or other funding sources or solicit, apply for and receive any funds, property or services from any person, governmental agency or organization to carry out its statutory duties.~~

~~(7) to oversee the use of conduit installed pursuant to section two of article three of this chapter; and to~~

~~(8) Perform any and all other activities in furtherance of its purpose~~

(c) The council shall ~~exercise its powers and authority to~~ advise and make recommendations to the ~~Legislature~~ Office of Broadband and shall coordinate with that Office on bringing broadband service to unserved and underserved areas, as well as to propose statutory changes that may enhance and expand broadband in the state.

(d) The council shall report to the ~~Secretary of Commerce Joint Committee on Government and Finance~~ on or before ~~January~~ December 1 of each year. The report shall include the action that was taken by the council during the previous year in carrying out the provisions of this article, and shall be a public document. The council shall also make any other reports as may be required by the Legislature or the Governor.

§31G-1-6. Mapping of areas within state.

[Repealed]

§31G-1-9. Collection of data.

[Repealed]

§31G-1-12. Grants.

[Repealed]

ARTICLE 1A. OFFICE OF BROADBAND.

§31G-1A-1. Office of Broadband; Director of Office; qualifications for Director.

(a) There shall be created an Office of Broadband which shall be organized within the Economic Development Office under the

authority of the Secretary of Commerce. The Office of Broadband shall be given a dedicated annual appropriation within the state budget.

(b) The Director of the Office of Broadband shall have a minimum of a baccalaureate degree in a relevant field of finance, economics, or technology, and shall have a minimum of 10 years of experience in the broadband industry.

§31G-1A-2. Powers and duties of the Office of Broadband generally.

(a) The Office of Broadband shall:

(1) Explore any and all ways to expand access to broadband services, including, but not limited to, middle mile, last mile, and wireless applications;

(2) Gather data regarding the various speeds provided to consumers in comparison to what is advertised. The council may request the assistance of the Legislative Auditor in gathering this data;

(3) Cooperate and assist in the expansion of electronic instruction and distance education services;

(4) Gather and report data regarding the adoption by broadband services, by speed, and by community, separately for residential and non-residential consumers;

(5) Gather and report data regarding prices charged for broadband services to residential and non-residential consumers (including, but not limited to one-time fees, monthly fees, termination fees, equipment fees, and other fees); and

(6) Incorporate the goal of digital equity in its fulfillment of responsibilities.

(b) In addition to the powers set forth elsewhere in this article, the Office of Broadband is hereby granted, has and may exercise the powers necessary or appropriate to carry out and effectuate the

purpose and intent of this article, as enumerated herein. The Office of Broadband shall have the power and capacity to:

(1) Explore any and all ways to expand access to broadband services, including, but not limited to, middle mile, last mile, and wireless applications;

(2) Make and execute contracts, commitments, and other agreements necessary or convenient for the exercise of its powers, including, but not limited to, the hiring of consultants to assist in the mapping of the state and categorization of areas within the state;

(3) Acquire by gift or purchase, hold or dispose of real property and personal property in the exercise of its powers and performance of its duties as set forth in this article;

(4) Receive and dispense funds appropriated for its use by the Legislature or other funding sources or solicit, apply for and receive any funds, property or services from any person, governmental agency or organization to carry out its statutory duties;

(5) To oversee the use of conduit installed pursuant to §31G-3-2 of this code; and to

(6) Perform any and all other activities in furtherance of its purpose.

(c) The Office of Broadband shall exercise its powers and authority to advise and make recommendations to the Legislature on bringing broadband service to unserved and underserved areas, as well as to propose statutory changes that may enhance and expand broadband in the state.

(d) The Office of Broadband shall report to the Joint Committee on Government and Finance of the West Virginia Legislature on or before January 1 of each year. The report shall include the action that was taken by the Office of Broadband during the previous year in carrying out the provisions of this article. The

Office of Broadband shall also make any other reports as may be required by the Legislature or the Governor.

§31G-1A-3. Mapping of areas within state.

(a) Based on its analysis of data, broadband demand, and other relevant information, the Office of Broadband shall establish a mapping of broadband services in the state. The council shall publish an annual assessment and map of the status of broadband, including specific designations of unserved areas of the state. With respect to unserved areas of the state, the Office of Broadband shall, to the extent it is able, map project areas with funding provided by public entities.

(b) To the extent possible, and subject to limitations contained in subsection (f) of this section, the Office of Broadband shall additionally establish an interactive public map reflecting estimated or actual downstream data rate and upstream data rate in a particular region, area, community, street or location. Any such mapping may only specify data rates at a particular street address or physical location, and shall not make public the IP address or the name of the specific individual at such location. This map shall be known as the West Virginia Broadband Availability Map.

(c) To the extent possible, and subject to limitations contained in subsection (f) of this section, the Office of Broadband shall additionally establish an interactive public map reflecting the adoption of broadband services, separately by estimated or actual downstream data rate and upstream data rates, in a particular region, area, community, street or location. Any such mapping shall provide data separately for residential connections and non-residential connections. This map shall be known as the West Virginia Broadband Adoption Map.

(d) The mapping provided for in this section may be based on information collected or received by the Broadband Council and Office of Broadband, including, but not limited to, data collected from:

(1) State and federal agencies or entities that collect data on broadband services;

(2) Industry provided information;

(3) Consumer data provided to the Broadband Council or Office of Broadband pursuant to §31G-1A-6 and §31G-1A-9 of this code; and

(4) Other data sources procured by or provided to the Office of Broadband or the Broadband Council.

(e) Any entity that has received or hereinafter receives state or federal moneys, and which has used those moneys to install infrastructure used for broadband services, shall furnish detailed information concerning the location, type, and extent of such infrastructure to the Office of Broadband for use in mapping and shall furnish the location, type, and prices of any broadband services subscribed to by residential (and separately non-residential) consumers as a result of the installed infrastructure.

(f) The mapping and designations provided for under this section may be revised on a continuing basis by the council as warranted by the data and information provided.

(g) In addition to the provisions of §31G-1A-13 of this code, the mapping of broadband services may exclude from public accessibility and availability:

(1) The location or identity of any critical infrastructure used by public or private entities in furtherance of their internet services;

(2) Personal name and personal IP addresses connected with particular data rates; and

(3) Information designated as confidential for public security reasons by either state or federal homeland security agencies: *Provided*, That it shall be duty of the public and private entities to make the Office of Broadband aware of such confidential designation: *Provided, however*, That unless the Office of Broadband determines good cause exists, the actual or estimated

upstream and downstream data rates of an area or region of the state shall not be excluded from public or private availability.

(h) All executive agencies which have permitting and/or regulatory approval authority over any project permitted or reviewed and approved pursuant to §17-2E-3(d) of this code shall cooperate with and provide all necessary information to the Office of Broadband to determine the feasibility and federal allowability of creating Advanced Regulatory Environment Analysis (AREA) maps. AREA maps will pre-survey likely routes for middle-mile infrastructure so all relevant information can be included in a centralized GIS mapping system to be maintained by the Office of Broadband for utilization by the private sector when extending new fiber infrastructure pursuant to Chapter 17, Article 2E of this code. AREA mapping shall also include, but is not limited to, any areas already granted Finding of No Significant Impact ('FONSI'), categorical exclusions ('CATEX'), areas prior approved by the West Virginia State Historic Preservation Office ('SHPO'), and all West Virginia Division of Highways mapping for permits that include installation of infrastructure. The Office of Broadband shall report to the legislature's interim Joint Committee on Technology within 180 days following the amendment and reenactment of this article during the Regular Session of the Legislature in 2021, and shall regularly report on AREA mapping to the legislature's interim Joint Committee on Technology annually during the November interim session of following years.

(i) (1) If in analyzing the consumer-supplied speed data for an area of 2 square miles or more, the Office of Broadband finds that speeds supplied by a provider are less than 80% of the lowest speed tier advertised by the provider in more than 40% of the tests in that area in a calendar year, then the Office of Broadband shall notify the Consumer Protection Division of the Attorney General's Office; and shall transmit such records of any relevant speed tests in their custody to the Consumer Protection Division of the Attorney General's Office.

(2) A customer experiencing such a status as described above will be due a proportional service credit.

(3) There shall be a rebuttable presumption that such customer is entitled to such credit: *Provided*, That such presumption is rebuttable with speed tests supplied by the provider demonstrating performance.

§31G-1A-4. Retention of outside expert consultant.

(a) (1) In order to assist the Office of Broadband with the highly technical task of categorizing the areas of the state, the Office of Broadband may retain outside expert consultants to assist in the purposes of this article. The experts may assist the Office of Broadband to map the state on the basis of broadband availability, to evaluate and categorize data, to assist in public outreach and education in order to stimulate demand and to provide other support and assistance as necessary to accomplish the purposes of this article. To the extent necessary to carry out the provisions of this article, any expert consultants retained by the Broadband Council shall also be made available to the Office of Broadband whether through the direction of the Broadband Council or transfer of existing agreements to the Office of Broadband. All work products, reports, and correspondence between the Broadband Council and any expert consultants shall be provided to the Office of Broadband.

(2) To the extent funds are made available for such a purpose and where necessary to carry out the provisions of this article, any expert consultants retained by the Office of Broadband shall also be made available to the Broadband Council in furtherance of its mission.

(b) The retention and contracting of all expert consultants shall be transparent, including specifically, making publicly available any contracts, retention agreements, payments and invoicing for services.

§31G-1A-5. Public awareness and education.

In order to implement and carry out the intent of this article, the Office of Broadband may take such actions as it deems necessary or advisable in order to increase awareness of issues

concerning broadband services and to educate and inform the public.

§31G-1A-6. Collection of data.

(a) In order to ascertain, categorize, analyze, map, and update the status of broadband in the state, as well as to enable the Office of Broadband to make informed policy and legislative recommendations, the Office of Broadband may establish a voluntary data collection program. The program may include voluntarily submitted data from internet service providers, including any home or region data rate meters utilized by the provider. The program may also utilize and collect voluntarily submitted data rate information submitted by any person reflecting the person's personal data rate at a particular IP address. This personal data rate may be based upon a web-based test or analysis program.

(b) Any and all data collected by the Office of Broadband shall not be deemed public information and is not subject to public release or availability pursuant to §29B-1-1 *et seq.* of this code.

(c) Any data collection program established by the Office of Broadband shall:

(1) Make clear to those providers or persons submitting information that the data rate speed may become public, including specific reference to the person's physical address;

(2) Make clear this is a voluntary data collection program and that submission of information shall be deemed consent to use and make public such data rate information; and

(3) Not include any person's personal web history or search information, or otherwise publicly identify the person's name in connection with an IP address or physical address.

(d) The Office of Broadband may establish guidelines and additional rules governing a data collection program through the legislative rulemaking process, pursuant to the provisions of §29A-3-1 *et seq.*

§31G-1A-7. Voluntary donation and easement programs.

(a) The Office of Broadband shall create guidelines for, and recommend to the Legislature a means of implementing a voluntary donation program to allow for pipeline, railroad, and other similar structures and rights-of-way in the state to be donated to the state for use by public or private entities to facilitate broadband service and availability through placement of fiber.

(b) The Office of Broadband shall create guidelines for, and recommend to the Legislature a means of implementing a program to allow for an easement program to be established to allow public or private entities to facilitate broadband service and availability through placement of fiber.

§31G-1A-8. Grants.

In furtherance of the purposes of this article, the Office of Broadband is permitted to seek non-state funding and grants. The Office of Broadband may utilize funding and grants to support the responsibilities, initiatives, and projects set forth in this article. The Office of Broadband may additionally disburse such moneys to fund projects and initiatives in furtherance of the enhancement and expansion of broadband services in this state, and the other purposes of this article.

§31G-1A-9. Protection of proprietary business information.

(a) Broadband deployment information provided to the Office of Broadband or its consultants and other agents, including, but not limited to, physical plant locations, subscriber levels, and market penetration data, constitutes proprietary business information and, along with any other information that constitutes trade secrets, shall be exempt from disclosure under the provisions of §29B-1-1 *et seq.* of this code: *Provided*, That the information is identified as confidential information when submitted to the Office of Broadband.

(b) Trade secrets or proprietary business information obtained by the council or the Office of Broadband from broadband providers and other persons or entities shall be secured and

safeguarded by the state. Such information or data shall not be disclosed to the public or to any firm, individual or agency other than officials or authorized persons of the state. Any person who makes any unauthorized disclosure of such confidential information or data is guilty of a misdemeanor and, upon conviction thereof, may be fined not more than \$5,000 or confined in jail not more than one year, or both fined and confined.

(c) The official charged with securing and safeguarding trade secrets and proprietary data for the Office of Broadband is the Secretary of Commerce, who is authorized to establish and administer appropriate security measures. The Office of Broadband shall designate two additional persons to share the responsibility of securing trade secrets or proprietary information. No person will be allowed access to trade secrets or proprietary information without written approval of a minimum of two of the three authorized persons specified above.

§31G-1A-10. Legislative rule-making authority.

In order to implement and carry out the intent of this article, the Secretary of the Department of Commerce, at the direction and recommendation of the Office of Broadband, may propose rules for legislative approval, pursuant to the provisions of §29A-3-1 et seq. of this code.

ARTICLE 3. CONDUIT INSTALLATION; MICROTRENCHING.

§31G-3-3. Conduit installation or fiber installation by counties, municipalities, and other political subdivisions.

(a) Notwithstanding any other provision of this code, any county, municipality, or other political subdivision of the State of West Virginia may:

(1) Contract with any entity to make payment necessary for that entity to install conduit, fiber or broadband facilities as defined in §31G-1-2 of this code throughout that political subdivision; or

(2) Acting as a county, municipality, or political subdivision, install such conduit, fiber, or broadband facilities as defined in §31G-1-2 of this code throughout that political subdivision; or

(3) Partner with:

(i) Any nonprofit organization; or

(ii) Cooperative association; or

(iii) Another county, municipality, or political subdivision; or

(iv) With any private corporations, company, or person; or,

(v) With any public-private partnership; or

(vi) Any combination of such entities;

to install such conduit or fiber throughout that county, municipality, or political subdivision; and,

(4) Additionally, any county, municipality, or political subdivision of the State of West Virginia may partner with any of the previously mentioned entities, or any combination of the same, which operate a network operations center, to operate a fiber network: *Provided*, That, such network must be open for access to all carriers and content providers in a manner:

(i) Which is consistent with all applicable state and federal law; and

(ii) Which is neutral and nondiscriminatory, making all services offered available to all carriers and content providers on the same terms.

(b) All work performed must be in accordance with all applicable codes, as defined in §31G-1-2 of this code.

ARTICLE 4. MAKE-READY POLE ACCESS.

§31G-4-1. Definitions.

As used in this article, the following terms are defined as follows:

(1) ‘Applicable codes’ means the same as set forth in §31G-1-2(1) of this code.

~~(1)~~ (2) ‘Attacher’ means any person, corporation, or other entity, or the agents or contractors of such seeking to permanently or temporarily fasten or affix any type of equipment, antenna, line or facility of any kind to a utility pole in the right of way or its adjacent ground space.

~~(2)~~ (3) ‘Attachment Application’ means the application made by an Attacher to a Pole Owner for attachment of equipment, antenna, line or facility of any kind to a utility pole. It shall include:

(A) Proof of insurance; or

(B) An indemnification agreement prepared by the Pole Owner.

~~(3)~~ (4) ‘Make Ready Costs’ means the costs incurred by an Attacher associated with the transfer of the facilities, antenna, lines or equipment of a Pre-Existing Third Party User, undertaken by an Attacher to enable attachment to the utility pole or similar structure. Make-Ready Costs that are to be paid by an Attacher include, without limitation, all costs and expenses to relocate or alter the attachments or facilities of any Pre-Existing Third Party User as may be necessary to accommodate an Attacher’s attachment.

~~(4)~~ (5) ‘Pole Owner’ means a person, corporation or entity having ownership of a pole or similar structure in the right of way to which utilities, including without limitation, electric and communications facilities, are located or may be located whether such ownership is in fee simple or by franchise.

~~(5)~~ (6) ‘Pre-Existing Third Party User’ means the owner of any currently operating facilities, antenna, lines or equipment on a pole or its adjacent ground space in the right of way.

§31G-4-2. Attachment to third party facilities.

(a) Upon approval of an Attachment Application, an Attacher may relocate or alter the attachments or facilities of any Pre-

Existing Third Party User as may be necessary to accommodate an Attacher's attachment using Pole Owner approved contractors; provided, however, that an Attacher will not effectuate a relocation or alteration of a Pre-Existing Third Party User's facilities that causes or would reasonably be expected to cause a customer outage without first providing 45 days prior written notice to the Pre-Existing Third Party User, in order to permit the Pre-Existing Third Party User to relocate its facilities on its own.

(b) In the event the Pre-Existing Third Party Users of such other facilities fail to transfer or rearrange their facilities within forty-five days from receipt of notice of relocation or alteration of a Pre-Existing Third Party User's facilities that causes or would reasonably be expected to cause a customer outage, an Attacher may undertake such work.

(c) Within 30 days of the completion of any relocation or alteration, an Attacher shall send notice of the move and as-built reports to the Pre-Existing Third Party User and the owner of all poles or other structures on which such relocations or alterations were made. The as-built reports shall include a unique field label identifier, and an address or coordinates.

(d) Upon receipt of the as-built reports, the Pre-Existing Third Party User and pole or structure owner(s) may conduct an inspection within 14 days at an Attacher's expense. An Attacher shall pay the actual, reasonable, and documented expenses incurred by the Pre-Existing Third Party User and pole or structure owner for the inspection. If any such relocation or alteration results in the facilities of the Pre-Existing Third Party User on the pole or other structure failing to conform with the applicable safety Pole Owner's standards, the Pre-Existing Third Party User shall, within seven days of the inspection, notify an Attacher of such failure to conform.

(e) In a notice, the Pre-Existing Third Party User may elect to either:

(1) Perform the correction itself and bill the Attacher for the actual, reasonable and documented costs of the correction, or

(2) Instruct the Attacher to correct such conditions at Attacher's expense. Any post-inspection corrections performed by the Attacher must be completed within 30 days of such notification.

(f) As a condition of exercising the ability to relocate, rearrange, or alter a Pre-Existing Third Party User's facilities pursuant to this section, an Attacher shall indemnify, defend and hold harmless the owner or owners of all poles or other structures on which such relocation, rearrangement or alteration takes place, the affiliates of such owner or owners, and the officers, directors and employees of such owner or owners and their affiliates, each being deemed an Indemnitee, from and against all third party damage, loss, claim, demand, suit, liability, penalty or forfeiture of every kind and nature, including, but not limited to, costs and expenses of defending against the same, payment of any settlement or judgment therefor and reasonable attorney's fees, that are actually and reasonably incurred by an Indemnitee, by reason of any claim by an affected Pre-Existing Third Party User or any person or entity claiming through such Pre-Existing Third Party User arising from such relocation, rearrangement or alteration.

(g) All work performed must be in accordance with applicable codes as set forth in §31G-1-2(1) of this code: including, but not limited to, the National Electrical Safety Code and other generally accepted safety codes: *Provided*, That the variances to applicable codes as set forth in §31G-1-2(1) of this code and to private agreements as set forth in §31G-6-1 of this code shall apply to this section.

(h) In the event an ILEC pole owner requires and accepts payment for make-ready work, and fails to perform that work within 45 days, the ILEC pole owner which has been paid and which has failed to perform the work, shall immediately return and refund the moneys paid for that work which was not completed. Failure to return those funds within 14 calendar days shall be cause for a fine, payable to the Public Service Commission, equal to the amount of the payment and a cause of action in circuit court for return of the payment and is subject to treble damages, reasonable attorney's fees, and any applicable court costs. Good-cause and good-faith efforts to have performed the work shall be a defense

against the imposition of any fine: *Provided*, That the provisions of this subsection shall not apply to any make-ready work where a pole replacement is necessary.’

ARTICLE 6. PRE-EMPTION OF CONFLICTING LOCAL ORDINANCES AND PRIVATE RESTRICTIONS; REPORTING REQUIREMENTS FOR WEST VIRGINIA PROJECTS RECEIVING FEDERAL OR STATE FUNDING.

§31G-6-1. Pre-emption in favor of broadband services; construction of language in agreements.

(a) Notwithstanding any other provision of the West Virginia Code and/or the West Virginia Code of State Regulations, any ordinance of any political subdivision relating to broadband service is hereby pre-empted to the extent necessary in favor of such broadband installation.

(b) No corporate, organizational, or institutional policy, agreement, contract, or other like document, including the rules and regulations of any Home Owners Association, or any similar entity or organization, promulgated or effective after the effective date of this legislation, may regulate or prevent the exterior installation of antennas and equipment necessary to or typically utilized for broadband deployment and the terms of any such document shall be strictly construed in favor of encouraging and assisting broadband installation and deployment.

§31G-6-2. Pre-emption in favor of broadband service in pole attachments; construction of language in pole attachment agreements.

(a) Notwithstanding any other provision of the West Virginia Code and/or the West Virginia Code of State Regulations, any ordinance of any political subdivision regarding pole attachment spacing, positioning, or order by or between any Investor Owned Utility (‘IOU’) and any Incumbent Local Exchange Carrier (‘ILEC’) and/or Competitive Local Exchange Carrier (‘CLEC’) which would seek to provide broadband service, is hereby pre-

empted to the extent necessary in favor of such broadband installation or deployment.

(b) Any corporate policy, individual agreement, organizational policy, contract or like document relating to pole attachment spacing, positioning, or order by or between any Investor Owned Utility ('IOU') and any Incumbent Local Exchange Carrier ('ILEC') and/or Competitive Local Exchange Carrier ('CLEC') shall be strictly construed in favor of encouraging and assisting broadband installation and deployment.

§31G-6-3. Reporting Requirements.

Reporting, under oath, from executives of companies receiving federal or state funding for broadband expansion in the State of West Virginia may be required at the directive of the Senate Committee on Transportation and Infrastructure, the House Committee on Technology and Infrastructure and/or the Joint Interim Committee on Technology."

On motion of Delegate Linville, the amendment was amended on page 25, section 21, line 9, immediately following the word "A", by striking out the words "cable or".

An amendment, offered by Delegate Fleischauer, was reported by the Clerk.

Whereupon,

Delegate Fleischauer obtained unanimous consent to withdraw the amendment.

The Committee on Technology and Infrastructure amendment, as amended, was then adopted.

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

Com. Sub. for H. B. 2024, Expand use of telemedicine to all medical personnel; on second reading, coming up in regular order, was read a second time.

Delegate Rowe moved to amend the bill on page 4, section 26, lines 42 through 44, by striking out current subdivision (1) and replacing it with the following:

“(1) The laws regarding the profession in this state, including jurisdiction of state courts to enforce the state’s laws regulating medical care in the state with service of process on the health care provider provided through the West Virginia Secretary of State, all professional rules and standards of conduct incorporated into the health care practitioner’s practice act, and the legislative rules of the registering board; and”

Delegate J. Pack arose to inquire of the Chair regarding the placement of the amendment.

Whereupon, in the absence of objection, the amendment was reformed as follows:

On page 3, section 26, lines 42 through 44, by striking out current subdivision (1) and replacing it with the following:

“(1) The laws regarding the profession in this state, including jurisdiction of state courts to enforce the state’s laws regulating medical care in the state with service of process on the health care provider provided through the West Virginia Secretary of State, all professional rules and standards of conduct incorporated into the health care practitioner’s practice act, and the legislative rules of the registering board; and”

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2025, Provide liquor, wine, and beer licensees with some new concepts developed during the State of Emergency utilizing new technology to provide greater freedom to operate in a safe and responsible manner; on second reading, coming up in regular order, was read a second time.

Delegate Steele moved to amend the bill on page five, by striking out the entirety of section 3, including the section heading, from line 1 through 136.

Delegate Martin requested to be excused from voting on Com. Sub. for H. B. 2025 under the provisions of House Rule 49.

The Speaker replied that the Delegate belongs to a class of not greater than five impacted by the bill and excused the Member from voting on the amendment and passage of the bill.

On the question of the amendment, the same was put and adopted.

Having been engrossed, on motion of Delegate Steele and by unanimous consent, the bill was advanced to third reading with the right to amend, and the rule was suspended to permit the offering and consideration of such.

Com. Sub. for H. B. 2093, Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2791, Relating to enrollment and costs of homeschooled or private school students at vocational schools; on second reading, coming up in regular order, was read a second time.

Delegate Walker moved to amend the bill on page 1, section 15g, lines 3 and 4, following the words “public school students”, by striking out the colon and inserting in lieu thereof a period.

And,

On line 4, by striking out the words “*Provided, That if*” and inserting in lieu thereof the following:

“The homeschooled or private school student applicant must meet equivalent qualifications required of public school applicants and disclose if he or she in the last year has been subject to any disciplinary or absentee issues in a public or private school. The

county shall at least annually notify homeschoolers in the county of the availability of the vocational education classes to homeschooled students. If'

On the question of the adoption of the amendment, the same was put and did not prevail.

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

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Westfall.

Miscellaneous Business

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

- Delegate Capito regarding H. J. R. 2

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

H. B. 2051: Delegate Fleischauer;

H. B. 2141: Delegate Phillips;

H. B. 2335: Delegate Kessinger;

H. B. 2342: Delegate Reynolds;

H. B. 2495: Delegate L. Pack;

H. B. 2546: Delegates Higginbotham, Thompson and Walker;

H. B. 2667: Delegates Capito and Criss;

H. B. 2697: Delegate Hansen;

- H. B. 2702:** Delegate Higginbotham;
H. B. 2708: Delegate Tully;
H. B. 2709: Delegates Keaton and L. Pack;
H. B. 2711: Delegate Wamsley;
H. B. 2718: Delegate Wamsley;
H. B. 2719: Delegate Wamsley;
H. B. 2721: Delegate Wamsley;
H. B. 2735: Delegate Graves;
H. B. 2736: Delegate Graves;
H. B. 2742: Delegate Wamsley;
H. B. 2760: Delegates Queen and Riley;
H. B. 2764: Delegates Keaton and L. Pack;
H. B. 2765: Delegate Queen;
H. B. 2796: Delegate Rohrbach;
H. B. 2798: Delegate Rowan;
H. B. 2831: Delegate J. Pack;
H. B. 2835: Delegate Mazzocchi;
H. B. 2847: Delegate Hamrick;
H. C. R. 9: Delegate McGeehan;
And,
H. R. 7: Delegates Dean and McGeehan.

At 1:07 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, March 3, 2021.

Wednesday, March 3, 2021

TWENTY-SECOND DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, March 2, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 2363, on Second reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

By Delegates Rohrbach, L. Pack, Barnhart and Forsht:

H. B. 2905 - "A Bill to repeal §61-10-21 of the Code of West Virginia, 1931, as amended, relating to repealing the prohibition against the use of certain words."

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

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

S. B. 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2221, Relating to the establishment of an insurance innovation process,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2221 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-60-1, §33-60-2, §33-60-3, §33-60-4, §33-60-5, §33-60-6, §33-60-7, §33-60-8, §33-60-9, and §33-60-10 all relating to the establishment of an insurance innovation process; defining terms; setting forth application requirements; prohibiting certain persons from applying; providing for the acceptance or rejection of the application by the Insurance Commissioner; requiring that the Insurance Commissioner set forth certain terms and conditions that will govern a proposed insurance innovation; providing that the Insurance Commissioner issue a limited no-action letter that establishes a safe harbor under which the commissioner will not take administrative or regulatory action against a participant or client of the participant; establishing the time period of the safe harbor and for the extension thereof; setting forth the requirements that a participant must adhere to during the safe harbor period; providing for penalties regarding violations of the terms contained in a limited no-action letter; providing the right to an administrative hearing; setting forth the criteria for the Insurance Commissioner to issue an extended no-action letter; providing for what the extended no-action letter must contain;

requiring that documents and other information submitted to the Insurance Commissioner in relation to the insurance innovation be confidential and privileged; allowing the Insurance Commissioner to disclose in the extended no-action letter any information necessary to clearly establish the safe harbor; requiring the Insurance Commissioner to provide reports to the Joint Committee on Banking and Insurance regarding the activities pertaining to insurance innovation applications; allowing the Insurance Commissioner to enter into reciprocity agreements with state, federal, or foreign regulatory agencies; and allowing for rulemaking,”

H. B. 2335, Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2335 - “A Bill to amend and reenact §17C-5-1 and §17C-5-2 of the Code of West Virginia, 1931, as amended relating to increasing the penalty for DUI causing death when a child is present in the vehicle at the time of the accident and relating to increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor,”

And,

H. B. 2765, Relating to allowing emergency management and operations’ vehicles operated by airports to use red flashing warning lights,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2765 - “A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to allowing emergency management and operations’ vehicles operated by airports to use red flashing warning lights,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 216, Authorizing Department of Commerce to promulgate legislative rules,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards,

H. B. 2709, Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond,

And,

H. B. 2764, Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program,

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

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 280, Relating to e-commerce modernization,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2701, Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license,

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

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

Your Committee on Government Organization has had under consideration:

H. C. R. 9, Urging Congress to call a convention of states to limit terms of office of the US House of Representatives,

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

Pursuant to House Rule 88, Delegate Hansen submitted the following report:

Delegate Hansen, Minority Member of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. C. R. 9, Urging Congress to call a convention of states to limit terms of office of the US House of Representatives,

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

On the question of “Shall the Minority Report be substituted for the committee report?”, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 67**), and there were—yeas 22, nays 77, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Hornbuckle.

So, a majority of the members present not having voted in the affirmative, the Speaker declared the motion lost.

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

The Speaker later announced that the committee report omitted the second reference of the resolution and, in accordance with the former direction of the Speaker, the resolution (H. C. R. 9) was referred to the Committee on Rules.

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

Your Committee on Education has had under consideration:

H. B. 2746, Establishing the behavioral health workforce education initiative at the Higher Education Policy Commission,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2746) was referred to the Committee on Finance.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 2nd day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 2019, Elevating Economic Development and Tourism Departments.

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. 2012, Relating to public charter schools.

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

“On page three, section one, line forty-three, by striking out the word “Legislator” and inserting in lieu thereof the word “Legislative”;

On page five, section two, line forty-seven, by striking out the word “an” and inserting in lieu thereof the words “a public or private nonprofit or for-profit”;

On page ten, section five, line thirty-four, after the word “purposes” by striking out the period and inserting the words “except as needed under the provisions of the Public School Support Plan for funding purposes.”;

On page ten, section five, line thirty-nine, after the word “foundation” by inserting the word “allowance”;

On page thirteen, section six, lines fifty-six and fifty-seven by changing the colon to a period and striking out the proviso;

On page fifteen, section nine, line twenty-seven, by striking out the words “that set forth”;

On page sixteen, section nine, line fifty-seven by striking out the word “not”;

On page eighteen, section ten, line ten after the word “of” by inserting the words “the school year before”;

On page twenty, section ten, line sixty-eight, after the words “an authorizer” by inserting the words “revokes or”;

On page twenty, section ten, line sixty-nine, after the word “is” by inserting the words “revoked or”;

On page twenty, section ten, line seventy-six, after the word “threatened” by inserting a comma and the words “an administrator employed by or member of the governing board over the charter school is convicted of fraud or misappropriation of funds, there is a failure to meet generally accepted standards of financial management, there is a material breach of the charter contract, there is a substantial violation of any provision of law from which the public charter school is not exempted, or there are dire and chronic academic deficiencies”;

On page twenty-six, section fourteen, line four, by striking out the word “one” and inserting in lieu thereof the word “two”;

On page twenty-six, section fourteen, line six, by striking out “10” and inserting in lieu thereof the word “five”;

On page twenty-six, section fourteen, line seventeen after the words “Virtual public charter school” by inserting the word “funding”;

On page twenty-six, section fourteen, lines nineteen through twenty-two, by striking out all of subdivision (5) and inserting in lieu thereof a new subdivision (5) to read as follows:

(5) When enrolling a student who may require special education services, the same obligations apply to a virtual public charter school as applies to all other public charter schools. Enrollment shall not be denied or delayed on the basis of a disability and the charter school shall convene an Individualized Education Program (IEP) meeting after admission to ensure that the school develops an appropriate IEP in accordance with all of the requirements set forth in the Individuals with Disabilities Education Act (IDEA).;

On page twenty-eight, section fourteen, line seventy-two, by striking out the word “the” and inserting in lieu thereof the word “this”;

And,

On pages thirty-one and thirty-two, section fifteen, lines sixty-six through seventy-four, by striking out all of subsection (k) and inserting in lieu thereof a new subsection (k), to read as follows:

(k) The Professional Charter School Board shall investigate official complaints submitted to it that allege serious impairments in the quality of education in a public charter school or virtual public charter school it has authorized pursuant to this article, or that allege such schools are in violation of the policies or laws applicable to them. The Professional Charter School Board also may at its own discretion conduct or cause to be conducted audits of the education and operation of public charter schools or virtual public charter schools it has authorized pursuant to this article that it determines necessary to achieve its mission of authorizing high-quality public charter schools. Upon a determination that serious impairments or violations exist, the Professional Charter School Board shall promptly notify in writing the public charter school governing board of the perceived serious impairments or violations and provide reasonable opportunity for the school to remedy the serious impairments or violations. The Professional Charter

School Board shall take corrective actions or exercise sanctions in response to apparent serious impairments or violations. If warranted, the actions or sanctions may include requiring a charter school to develop and execute a corrective action plan within a specified time frame.”

And,

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

Com. Sub. for H. B. 2012 - “A Bill to amend and reenact §18-5G-1, §18-5G-2, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-9, §18-5G-10, and §18-5G-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §18-5G-13, §18-5G-14, and §18-5G-15, all relating to public charter schools; amending provisions pertaining to the number of public charter schools that may be authorized; requiring the Legislative Auditor to conduct an audit of the public charter school program two years after the first public charter school commences operations; amending process applicable when an applicant applies to two or more county boards to authorize a public charter school; allowing the West Virginia Professional Charter School Board to authorize public charter schools; clarifying that an education service provider can be public or private and nonprofit or for-profit; defining ‘full-time virtual public charter school’ and ‘West Virginia Professional Charter School Board’; amending provisions pertaining to revocation of a charter contract; amending timeline for charter school application and beginning operations; requiring public charter schools to be treated and act as their own local education agency for all purposes; specifying exception; prohibiting anything in certain State Board of Education rule from conflicting with code; setting deadline for certain State Board of Education rules; amending provisions pertaining to the charter contract; amending provisions pertaining to the renewal of a charter contract; creating a process by which to appeal certain authorizer decisions to the West Virginia Board of Education; setting forth parameters under which the Professional Charter School board and county boards may authorize a limited number of virtual public charter schools; addressing virtual public charter school enrollment limits, charter term, funding, enrollment

of students who may require special education services, governing body training, student absence, instructional time requirements, requirements that are applicable to the traditional deliver of instruction, student orientation, data demonstrating progress toward graduation, requirements relating to student engagement and teacher responsiveness, a policy regarding failure to participate in instructional activities, educational placement upon student transfer, virtual charter schools enrolling students in grades six and below, and application of requirements to certain other virtual instructional program; establishing the West Virginia Professional Charter School Board; providing for members, appointments, removal, immunity from civil liability in certain instances, appointment of executive director, employment of staff, and reimbursement of certain expenses; limiting how official actions of nonvoting ex officio members may be construed; requiring the Professional Charter School Board to investigate certain complaints and allowing it to conduct or cause to be conducted certain audits; and making technical improvements and 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. 68**), and there were—yeas 68, nays 31, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Boggs, Booth, Bridges, Brown, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Lovejoy, Maynard, Miller, Paynter, Pethtel, Pushkin, Rohrbach, Rowan, Rowe, Skaff, Thompson, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Hornbuckle.

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. 2012) 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 passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 5 - “A Bill to amend and reenact §46A-5-104 and §46A-5-108 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §46A-5-109; to amend and reenact §46A-6-106 of said code; and to amend and reenact §46A-8-101 of said code, all relating generally to the West Virginia Consumer Credit and Protection Act and claims arising thereunder; providing criteria for the court to evaluate reasonable attorney’s fees and expense awards to the consumer in an action under the act; providing a unified mechanism for pre-suit notices of violation and offers to cure; providing that a cure offer is not admissible at trial of an action under the act, except that a timely delivered cure offer may be presented in a proceeding before the court, after entry of judgment, to determine attorney’s fees, if any; providing that either party in a private action under the act may serve upon the other an offer to settle or for judgment to be entered, establishing a process therefor, and providing that if the offer is rejected, the circumstances under which parties may or may not recover attorney’s fees; providing for the award of attorney’s fees and expenses in actions under the act upon a judicial determination that a claim or defense presented in the case is frivolous; and providing for an effective date”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 160 - “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; directing the amendment of a legislative-exempt rule 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 distilleries, mini-distilleries, and micro-distilleries; relating to authorizing the Financial Institutions Division to promulgate a legislative rule relating to a rule pertaining to the Fintech Regulatory Sandbox; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to fingerprinting requirements for applicants for insurance producer and insurance adjuster license; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance adjusters; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance continuing education for individual insurance producers and individual insurance adjusters; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to mental health parity; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to health benefit plan network access and adequacy; relating to authorizing the Municipal Pensions Oversight Board to promulgate a legislative rule relating to exempt purchasing; 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 greyhound racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to advance deposit account wagering; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery interactive wagering rule; relating to directing the State Tax Department to amend a legislative-exempt rule relating to valuation of farmland and structures situated thereon for ad valorem property tax purposes; relating to authorizing the State Tax Department to promulgate a legislative rule relating to a tax credit for providing vehicles to low-income workers; relating to authorizing the State Tax Department to

promulgate a legislative rule relating to the downstream natural gas manufacturing investment tax credit; and relating to authorizing the State Tax Department to promulgate a legislative rule relating to the high-wage growth business tax credit”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 248 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-8-2a, relating to requiring the Department of Health and Human Resources to collaborate with the Workforce Development Board, the West Virginia Division of Personnel, and the West Virginia Department of Education for purposes of job placement”; which was referred to the Committee on Workforce Development then Government Organization.

A message from the Senate, by

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

S. B. 311 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-18-30, relating to the acquisition and disposition of certain real property by an urban development authority; prohibition on acquisition; and ability to exercise the right of first refusal of tax-delinquent properties”; which was referred to the Committee on Political Subdivisions then the Judiciary.

A message from the Senate, by

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

S. B. 359 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-4-

17, relating to law enforcement making reasonable attempt to contact landowner when an accident occurs that damages a fence that could contain livestock”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 389 - “A Bill to amend and reenact §29-31-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that State Resiliency Office is responsible to plan for emergency and disaster response, recovery, and resiliency; clarifying that the State Resiliency Officer is a member of the State Resiliency Office Board; placing Secretary of the Department of Health and Human Resources on board; requiring that State Resiliency Officer vote only in the event of a tie vote of board; requiring that board elect a vice chair from its membership; establishing duties and responsibilities of the vice chair; and eliminating notice requirement for board meetings”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 392 - “A Bill to amend §61-1-9 of the Code of West Virginia, 1931, as amended, relating to modifying the penalty for impersonation of a law-enforcement officer or official by adding a period of possible incarceration as a criminal penalty”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. J. R. 4 – “Proposing an amendment to the Constitution of the State of West Virginia, amending section 47, article VI thereof, relating to authorizing the incorporation of religious denominations; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.”

Resolutions Introduced

Delegates Higginbotham and Graves offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. R. 12 - “Support the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan), celebrating the 41st anniversary of the sister-state ties between the State of West Virginia and Taiwan, reaffirming support for Taiwan’s meaningful participation and contributions in international organizations, and for strengthening and expanding sister-state ties between the State of West Virginia and Taiwan.”

Whereas, The Republic of China (Taiwan) and the United States have enjoyed a longstanding partnership and share the common values of freedom, democracy and human rights. In 2020, Taiwan ranked as the 2nd freest country in Asia by Freedom House, and ranked 11th among 180 world economies in terms of economic freedom by the Heritage Foundation, demonstrating the strength and vitality of its democratic system and showcasing Taiwan as a beacon of democracy in East Asia; and

Whereas, The State of West Virginia is proud of the sister-state relationship it has enjoyed with Taiwan since August 4, 1980, marked by strong bilateral trade, education and cultural exchanges. In 2021, the State of West Virginia celebrates the 41st anniversary of the sisterhood relationship with Taiwan and looks forward to an even closer relationship between West Virginia and Taiwan in the future; and

Whereas, Taiwan has effectively contained the spread of COVID-19 through advanced deployment and the provision of

open and transparent information. The Taiwan model of COVID-19 prevention has become an internationally recognized paradigm for effectively containing the spread of the pandemic. In 2020, Taiwan donated 30,000 surgical face masks to the State of West Virginia to protect frontline health workers, demonstrating that Taiwan stands strong with the Mountain State in the face of difficult times; and

Whereas, In 2019, the bilateral trade between West Virginia and Taiwan amounted to nearly \$94.5 million and Taiwan is our seventh-largest export market in Asia, demonstrating that Taiwan is an important trading partner of West Virginia; and

Whereas, West Virginia welcomes all opportunities for an even closer economic partnership to increase trade and investment, supports Taiwan's effort to secure the signing of a U.S.-Taiwan Bilateral Trade Agreement (BTA) to boost greater West Virginia exports to Taiwan and considers it recommendable to re-open a trade office in Taiwan to bring in more Taiwanese investment such as the \$34 million project which Far Eastern New Century Corporation introduced in 2018; and

Whereas, The United States and Taiwan have forged ever stronger economic and security relations over the last four decades based on their shared commitment to democracy, the rule of law and free market principles; with the United States now Taiwan's second-largest trading partner and second-largest destination of Taiwan outward investment; and with Taiwan now the 9th largest trading partner of the United States and a key destination for United States agricultural exports; and

Whereas, In the 2019/20 academic year, 23,724 students from Taiwan studied in the U.S., making Taiwan the seventh-leading place of origin for students coming to the U.S. and contributed more than \$991 million to the U.S. economy, through their spending on tuition, accommodation and living expenses; and

Whereas, Taiwan has been proven to be a very valuable contributor in a broad range of global issues, and it is necessary for Taiwan to be granted access to meaningfully participate in various

international organizations including the World Health Organization (WHO), International Civil Aviation Organization (ICAO), United Nations Framework Convention on Climate Change (UNFCCC), and International Criminal Police Organization (INTERPOL); therefore, be it

Resolved by the House of Delegates:

To endorse Taiwan's efforts to secure the signing of a Bilateral Trade Agreement with the United States; recognizes the Taiwan model of COVID-19 prevention; commends Taiwan's vibrant full-fledged democracy; reaffirms its commitment to the strengthening and deepening of the sister-state relationship with Taiwan; and continues to support Taiwan's meaningful participation and contributions in the above-mentioned and other international organizations which impact the health, safety, and well-being of its people, and supports its aspiration to make more contributions in the international community; and, be it

Further Resolved, That a copy of this legislative citation be sent to Governor James C. Justice, II of West Virginia, and another sent to Ms. Bi-khim Hsiao, Representative of the Taipei Economic and Cultural Representative Office in the United States.

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

H. R. 13 - "Demanding that President Biden keep the United States Embassy in Israel in Jerusalem."

Whereas, On February 5, 2021, the United States Senate voted 97 to 3 to keep the United States Embassy in Israel in Jerusalem; and

Whereas, Congress has made the following findings in regards to the embassy being in Jerusalem:

(1) Each sovereign nation, under international law and custom, may designate its own capital.

(2) Since 1950, the city of Jerusalem has been the capital of the State of Israel.

(3) The city of Jerusalem is the seat of Israel's President, Parliament, and Supreme Court, and the site of numerous government ministries and social and cultural institutions.

(4) The city of Jerusalem is the spiritual center of Judaism, and is also considered a holy city by the members of other religious faiths.

(5) From 1948–1967, Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan.

(6) In 1967, the city of Jerusalem was reunited during the conflict known as the Six Day War.

(7) Since 1967, Jerusalem has been a united city administered by Israel, and persons of all religious faiths have been guaranteed full access to holy sites within the city.

(8) This year marks the 28th consecutive year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected.

(9) In 1990, the Congress unanimously adopted Senate Concurrent Resolution 106, which declares that the Congress “strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected”.

(10) In 1992, the United States Senate and House of Representatives unanimously adopted Senate Concurrent Resolution 113 of the One Hundred Second Congress to commemorate the 25th anniversary of the reunification of Jerusalem, and reaffirming congressional sentiment that Jerusalem must remain an undivided city; therefore be it

Resolved by the House of Delegates:

That the House of Delegates demand that President Biden keep the United States Embassy in Israel in Jerusalem; and, be it

Further Resolved, That the Clerk forward a copy of this resolution to the President of the United States.

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

H. C. R. 22 - "Requesting the Division of Highways name bridge number: 51-022/00-000.16 (51A094), (38.51804, - 80.44792) locally known as GRASSY CREEK BX BM, carrying CR 22 over GRASSY CREEK in Webster county, the 'U. S. Army PVT E- Bill O'Dell Memorial Bridge'."

Whereas, William Richard O'Dell was born August 4, 1937, in Osage, West Virginia; and

Whereas, He served in the United States Army during the Korean Conflict in the rocket launcher section and guarded the Czechoslovakian border; and

Whereas, After his return from the military, Bill married the love of his life. Sondra Fae Tracy, on November 1, 1954, and together they raised five daughters in a home on Orndorff Road. beside the Orndorff Church on Big Grassy Creek Road; and

Whereas, Bill was a humble and true man of God who enjoyed going to church and teaching the Holy Bible in church throughout Webster and Nicholas Counties; and

Whereas, Bill developed severe depression when his wife and two daughters died, which led to dementia and ultimately, Alzheimer's. He passed away at his home on October 21, 2015, with his family by his side.; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army PVT E- Bill O'Dell 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: 51-022/00-000.16 (51A094), (38.51804, - 80.44792) locally known as GRASSY CREEK BX BM, carrying CR 22 over GRASSY CREEK in Webster county, the “U. S. Army PVT E- Bill O’Dell 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 PVT E- Bill O’Dell Memorial Bridge”; and, be it

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

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegate Howell:

H. J. R. 24 - “Proposing an amendment to the Constitution of the State of West Virginia by adding thereto a new section, designated section fifty-eight, article VI thereto, relating to excluding implied powers of authority”; to the Committee on the Judiciary.

Bills Introduced

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

By Delegate Holstein:

H. B. 2863 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, §19-38-5, §19-38-6, §19-38-7, and §19-38-8, all relating to establishing a Livestock Branding Act; defining terms; creating registry of brands; providing for reregistration of brands; requiring bill of sale for branded livestock; authorizing rulemaking; and providing for criminal penalties of

violations of act”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Young:

H. B. 2864 - “A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to eligibility of voters; removing the prohibition voter registration for persons convicted of certain felonies who have fully served their sentence; requiring the Division of Corrections to notify persons of their renewed eligibility to vote upon release; and requiring the Division of Probation to notify persons of their renewed voter eligibility upon discharge”; to the Committee on Government Organization then the Judiciary.

By Delegates Mallow, Longanacre, Forsht and Horst:

H. B. 2865 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29B-1-1, §29B-1-2, §29B-1-3, §29B-1-4, §29B-1-5, §29B-1-6, §29B-1-7, §29B-1-8, §29B-1-9, §29B-1-10, §29B-1-11, §29B-1-12, and §29B-1-13, all relating to creating a Law-Enforcement Officers’ Bill of Rights; providing definitions; general rights of officers; general procedure in investigation or interrogation by a law-enforcement agency of a law-enforcement officer; right to hearing by a hearing board; disposition of administrative action; judicial review expungement of record of formal complaint; summary punishment; emergency suspension; and misdemeanor offense for false statement, report, or complaint, with penalty”; to the Committee on the Judiciary.

By Delegates Foster, Steele, Kimes, Ferrell, Gearheart, Paynter and Toney:

H. B. 2866 - “A Bill to amend and reenact §8-1-5A of the Code of West Virginia, 1931, as amended, relating to removing the authority of municipalities participating in the Municipal Home Rule Program to impose a municipal sales tax”; to the Committee on Government Organization then Finance.

By Delegates Martin, Summers, Criss, Burkhammer and Queen:

H. B. 2867 - “A Bill to amend and reenact §20-1-16 of the Code of West Virginia, 1931, as amended relating to the Natural

Resources Commission; providing for the composition and membership of the commission; providing criteria and qualifications for the appointment of commissioners; and providing for reimbursement of expenses for commissioners”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Storch, Gearheart, Pethtel, Evans, Anderson and J. Pack:

H. B. 2868 - “A Bill to amend and reenact §8-22-26 of the Code of West Virginia, 1931, as amended, relating to providing that member contributions and interest exceeding authorized payments of death benefits be paid to the member’s heirs”; to the Committee on Pensions and Retirement then Finance.

By Delegates J. Jeffries, Longanacre, Kimes, Graves, Jennings, Burkhammer, McGeehan, Horst, Martin, J. Pack and Householder:

H. B. 2869 - “A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-22, relating to providing limitations on mask wearing requirements”; to the Committee on the Judiciary.

By Delegates J. Pack, Steele and Graves:

H. B. 2870 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2B-9, relating to vocation program enrollment”; to the Committee on Education.

By Delegate Steele:

H. B. 2871 - “A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to compensation; providing for removal of certain directors; and providing for compensation for a new commissioner”; to the Committee on Health and Human Resources then Finance.

By Delegate Young:

H. B. 2872 - “A Bill to amend and reenact §5-11-3 and §5-11-10 of the Code of West Virginia, 1931, as amended, all relating to the Human Rights Commission; amending the definition of

employer and the number of persons employed to qualify as an employer; and extending the period of the statute of limitations to file a complaint for an alleged unlawful discriminatory practice”; to the Committee on Workforce Development then the Judiciary.

By Delegates Young, Graves, Zukoff, Summers, Fleischauer, Walker and Brown:

H. B. 2873 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21A-6-18, relating to allowing waiver of repayment of overpaid unemployment insurance; providing factors to consider by the Commissioner of Bureau of Employment Programs’ to waive repayments; prohibiting of a waiver if the insured commits fraud or is otherwise responsible for the over payment; providing criteria for eligibility for waiver; placing burden on insured to prove eligibility for waiver; providing procedures for review of claims; providing for discontinuance of further governmental payments until repayment is satisfied, and providing for a retroactivity clause”; to the Committee on Workforce Development then Finance.

By Delegates Young, Wamsley, Cooper, Doyle, Longanacre, Steele, J. Kelly, McGeehan and Worrell:

H. B. 2874 - “A Bill to amend and reenact §59-1-2 and §59-1-2a of the Code of West Virginia, 1931, as amended, relating to extending waiver of veterans’ initial business registration fees and annual business fees to active-duty military members, their spouses, and immediate family”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate Bates:

H. B. 2875 - “A Bill to amend and reenact §16-2L-3 and §33-45-2 of the Code of West Virginia, 1931, as amended, relating to changes to provider contracts with health benefit plans and Medicaid managed care plans; providing a notice and negotiation process for changes to provider and Medicaid managed provider contracts providing a notice and negotiation process for changes to health benefit insurer and provider contracts”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Westfall and Summers:

H. B. 2876 - “A Bill to amend and reenact §33-16-1a and §33-16-2 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §33-16-2a, all relating to modify group accident and sickness insurance requirements”; to the Committee on Health and Human Resources.

By Delegates Westfall and Summers:

H. B. 2877 - “A Bill to amend and reenact §30-3F-1, §30-3F-2, and §30-3F-3 of the Code of West Virginia, 1931, as amended, relating to expanding direct primary care arrangements to include other directed health care arrangements”; to the Committee on Health and Human Resources.

By Delegate Young:

H. B. 2878 - “A Bill to amend the Code of West Virginia, 1939, as amended, by adding thereto a new article, designated as §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6, and §5-30-7, all relating to establishing a task force to study and develop reparations for African Americans; legislative findings; composition and authority; requiring report to the Legislature; and providing that state level reparation actions that are undertaken as a result of this article are not a replacement for any reparations enacted at the federal level”; to the Committee on the Judiciary then Finance.

By Delegate Young:

H. B. 2879 - “A Bill to amend and reenact §5-11-3 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of ‘employee’ under the Human Rights Commission”; to the Committee on Workforce Development then the Judiciary.

By Delegate Young:

H. B. 2880 - “A Bill to amend and reenact §33-57-1 of the Code of West Virginia, 1931, as amended, relating accessibility of telehealth and telemedicine by persons with disabilities”; to the Committee on Health and Human Resources.

By Delegates Steele and Sypolt:

H. B. 2881 - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to removing Hepatitis B vaccine from the list of from compulsory immunizations”; to the Committee on Health and Human Resources then Education.

By Delegates Steele and Foster:

H. B. 2882 - “A Bill to repeal §16-27A-1 and §16-27A-2 of the Code of West Virginia, 1931, as amended, relating to a ban on construction of nuclear power plants”; to the Committee on Energy and Manufacturing then Government Organization.

By Delegate Foster:

H. B. 2883 - “A Bill to repeal §48-9-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-302 of said code, relating to removing the discretion of the court to issue a written investigation for proceedings under this article; to ensuring that the West Virginia judiciary remains neutral and detached in all matters pending before any court of this state; to ensuring that the West Virginia judiciary does not in any way initiate or participate in investigations or other activities properly reserved to the executive consistent with the separation of powers required under Article V, Section 1, of the Constitution of the State of West Virginia; to ensuring that the West Virginia judiciary at all times in the performance of its duties acts in a manner consistent with West Virginia Judicial Code of Conduct Rule 2.9, which states that ‘[a] judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter;’ and to ensuring that courts are abiding by the foundational principle of Anglo-American jurisprudence rooted in the Magna Carta and the Due Process clauses of the United States Constitution that no person may have their rights curtailed or stripped from them without the right to confront any witnesses and to rebut any evidence against them, as well as to present their own witnesses and evidence to the court”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Conley, J. Kelly, Mallow, Miller and Barnhart:

H. B. 2884 - “A Bill to amend and reenact §29B-1-2 and §29B-1-4 of the Code of West Virginia, as amended, all relating to exempting customer records of publicly-administered utility enterprises from production under the Freedom of Information Act; defining ‘publicly-administered utility enterprise’; establishing exemption from production; and allowing certain uses and disclosures of information”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 2885 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-110a, relating to the occurrence of the death of a child in foster care; requiring persons having custody of the child to immediately notify the Department of Health and Human Resources of the death; requiring that the department notify the parents and legal guardians of the death; and providing exceptions”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Higginbotham:

H. B. 2886 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to replacing minimum minutes of instructional time required per day with a flexible requirement based upon the completion of classroom or other equivalent work or assessments meeting defined levels of proficiency or mastery; providing legislative findings; establishing options for meeting minimal instructional time requirements; eliminating requirement related to instructional minutes and the use of equivalent time for days lost; providing that county school boards utilizing flexible instructional options shall submit for approval plans for assessing student competency and demonstrated proficiency; and providing the state board with rule-making authority to develop any evaluation criteria or guidelines necessary for county boards to utilize flexible instruction time options”; to the Committee on Education then Finance.

By Delegate Higginbotham:

H. B. 2887 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-

19e, relating to providing guidelines for school systems regarding their legal liability for exposure to COVID-19; and providing for immunity to school systems from lawsuits in certain circumstances”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 2888 - “A Bill to amend and reenact §53-4A-1 of the West Virginia Code, 1931, as amended, relating to clarifying when a contention is adjudicated; defining forensic scientific evidence; and providing that no additional liabilities are created”; to the Committee on the Judiciary.

By Delegate Steele:

H. B. 2889 - “A Bill to amend and reenact §5-11-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-5-1 of said code; to amend said code by adding thereto a new article designated §21-11B-1, §21-11B-2, §21-11B-3, §21-11B-4, §21-11B-5, §21-11B-6, and §21-11B-7; to amend and reenact §21A-1A-17 of said code; to amend and reenact §23-2-1 of said code; all relating to West Virginia Employment Law Worker Classification Act; providing for excluding independent contractors from the definition of employee in the Human Rights Act; providing for excluding independent contractors from the definition of employee or employees relating to the wage payment and collections act; providing for a short title; providing for legislative findings; providing for superseding consideration when hearing or considering conflicting state law; providing for criteria for employers to determine if a person working for the employer is in an employer-independent contractor relationship or an employer-employee relationship; providing for a written contract to establish the employer-independent contractor relationship; providing for certain conditions to be contained in the written contract establishing the employer-independent contractor relationship; providing for certain conditions required of an independent contractor; providing for the independent contractor to have the ability to control and direct the manner of the work regardless of other certain circumstances; providing for other conditions that may be considered to determine independent contractor status; providing for the principal’s decision to hire a person as an

employee when the person would otherwise meet criteria to be an independent contractor; providing for limitations for an independent contractor to receive certain benefits and legal protections offered to employees; providing for preemption of local laws; providing for a limited scope to certain benefits and legal protections offered to employees and not independent contractors; providing for severability; providing for an exclusion from the definition of employee or employment relating to unemployment compensation benefits; and providing for an exclusion relating to employers that establish an independent contractor relationship with a person relating to worker's compensation"; to the Committee on Workforce Development then the Judiciary.

By Delegates Steele, Foster and J. Pack:

H. B. 2890 - "A Bill to amend and reenact §24A-1-2 and §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the Public Service Commission of West Virginia over luxury limousine services; and creating an exemption from certain contract and common carrier laws for luxury limousine services"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates D. Kelly, B. Ward, Hott, Capito, Steele, Pinson, Queen and Westfall:

H. B. 2891 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-14, relating to creating minimum standards for law-enforcement officers; providing for the disqualification for entry into the basic law-enforcement academy or from certification in certain instances; providing for the direct supervision of officers who are not certified; providing for the maintenance and the transfer of certain records; and setting a limitation on the disclosure of certain records"; to the Committee on the Judiciary.

By Delegate Howell:

H. B. 2892 - "A Bill to amend and reenact §15-4-1, §15-4-2, §15-4-3, §15-4-4, §15-4-5, §15-4-6, §15-4-10, and §15-4-11 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia State Guard and the organization thereof; to adding additional directives for the West Virginia State Guard; adding a

minimum age requirement; providing a federal clause for when there are potentially conflicting directives; modifying the oath; and modifying terms of enlistment”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegate Riley:

H. B. 2893 - “A Bill to amend and reenact §11-13Q-5 and §11-13Q-10 of the Code of West Virginia, 1931, as amended, relating to modifying the Economic Opportunity Tax Credit allowed for locating corporate headquarters in this state and the credit for small business”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate Statler:

H. B. 2894 - “A Bill to amend and reenact §61-8-14 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of desecration of graves and vandalizing cemeteries and mandating that persons convicted thereof shall be required to perform 250 hours of community service to and for the cemetery involved”; to the Committee on the Judiciary.

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

H. B. 2895 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Veterans’ Assistance, Department of Veterans’ Assistance fund 0456, fiscal year 2021, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

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

H. B. 2896 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2021, organization 0511, by supplementing and amending the

appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2897 - “A Bill expiring funds to the balance of the Department of Commerce, West Virginia Development Office, Marketing and Communications Operating Fund, fund 3002, fiscal year 2021, organization 0307, in the amount of \$222,563, from the Department of Commerce, West Virginia Development Office, Synthetic Fuel – Producing County Fund, fund 3165, fiscal year 2021, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2898 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to WorkForce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2021, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2899 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Commerce, Division of Labor - Elevator Safety Fund, fund 3188, fiscal year 2021, organization 0308; the Department of Commerce, Division of Labor - Bedding and Upholstery Fund, fund 3198, fiscal year 2021, organization 0308; and that Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill, be supplemented and amended by adding to Title II a new item of appropriation to the Department of Commerce, Division of Natural Resources – West Virginia Parks and Recreation Endowment Fund, fund 3211, fiscal year 2021, organization 0310 by supplementing, amending and adding

appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2900 - “A Bill expiring funds to the balance of the Department of Education – State Board of Education – School Building Authority – School Construction Fund, fund 3952, fiscal year 2021, organization 0404, in the amount of \$2,766,137, from the State Department of Education – School Building Authority – Debt Service Fund, fund 3963, organization 0404, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2901 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2902 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Public Service Commission, fund 8623, fiscal year 2021, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2903 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June

30, 2021, to the Department of Homeland Security, West Virginia State Police, fund 8741, fiscal year 2021, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegate Hansen:

H. B. 2904 - “A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to the Robin W. Ames Memorial Act which revises current law for unlawfully using electronic communication devices while driving; creating new penalties, including community service, misdemeanor jail time and creating a felony for serious injury or death; revising what constitutes a violation of unlawful use of an electronic communication device; and authorizing seizure of electronic communication devices in certain circumstances”; to the Committee on Technology and Infrastructure then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 2002, Relating to Broadband; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Linville asked and obtained unanimous consent to amend the bill on third reading and the rule was suspended to permit the offering and consideration of an amendment on third reading.

On motion of Delegate Linville, the bill was amended on page 5, section 5, line 2, immediately following the word “way”, by striking out “as set forth in §17-2E-3(d) of this code”.

And,

On page 32, section 3, line 49 immediately following the words “pursuant to”, by striking out “§17-2E-3(d)” and inserting in lieu thereof “§17-2E-3”.

Having been engrossed a second time, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 69**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Hornbuckle.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2002) passed.

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

Com. Sub. for H. B. 2002 – “A Bill to repeal §17-2E-6 of the Code of West Virginia, 1931, as amended; to repeal §31G-1-6, §31G-1-9, and §31G-1-12 of said code; to amend and reenact §17-2E-2, §17-2E-3, §17-2E-5, §17-2E-7, §17-2E-8, and §17-2E-9 of said code; to amend and reenact §24D-1-1, §24D-1-2, §24D-1-9, §24D-1-15, §24D-1-16, §24D-1-21, and §24D-1-26 of said code; to amend and reenact §31G-1-2 and §31G-1-4 of said code; to amend and reenact §31G-4-1 and §31G-4-2 of said code; to amend said code by adding thereto a new article, designated §31G-1A-1, §31G-1A-2, §31G-1A-3, §31G-1A-4, §31G-1A-5, §31G-1A-6, §31G-1A-7, §31G-1A-8, §31G-1A-9, and §31G-1A-10; to amend said code by adding thereto a new section, designated §31G-3-3; and to amend said code by adding thereto a new article, designated §31G-6-1, §31G-6-2, and §31G-6-3 of said code, all relating to providing statutory framework to support, encourage, and expedite the expansion of broadband throughout the state of West Virginia; modifying the definition of ‘permit’; establishing requirements for agreements between the Division of Highways and an entity seeking to install telecommunications facilities; providing that if such installation can be accommodated as a utility pursuant to federal and state law, the division will issue a permit for access to, and occupation of, division’s right-of-way consistent with this section and applicable division policy; requiring that, the division will, within sixty business days, advise applicant in writing of any

major deficiencies with the planned project; providing the applicant may correct any deficiencies and resubmit the application, which shall be reviewed by the division and either approved or denied within thirty days of the resubmittal; providing that if the division approves a permit application, the division shall issue a specific district level construction authorization for the approved project within ten business days; requiring that compliance with applicable environmental laws shall at all times be the responsibility of the applicant; providing that division will create and make available for potential applicants an informational notice specific to in-ground telecommunications facility construction and installation that explains routine issues for such projects including legal, regulatory and division requirements; requiring notice to the Office of Broadband of a telecommunication entity's intent to seek construction in division's right-of way; providing the Office of Broadband is responsible for ensuring compliance with certain terms and will provide the Division of Highways and the applicant with certification of such compliance; allowing a utility to apply to share trench with telecommunications carrier; providing for dispute resolution by informal complaint process by the Public Service Commission; providing the Office of Broadband the authority to issue certificates of compliance to the Division of Highways and applicant; providing Division of Highways the authority to allow carriers the use of excess telecommunications facilities; allowing Division of Highways to transfer or assign ownership of excess telecommunications facilities to another state agency upon approval by Governor; providing rulemaking authority to Division of Highways; adding broadband telecommunications to Chapter on cable television and cable television system act for certain purposes; defining 'broadband' or 'broadband service' and 'broadband operator'; establishing requirements for broadband operators related to installation and construction; requiring broadband operators to indemnify the state for installation, operation, and maintenance; establishing requirements for broadband operator related to easement; providing installations in railroad rights of way and trackways do not have any greater or lesser requirement to comply with stated railroad safety requirements; providing requirements for broadband operators to restore interrupted service; providing electric utilities that lease fiber to broadband providers shall not be

required to provide refunds to broadband providers who lease the fiber for service outages; requiring broadband operator to credit subscribers for interruptions in service of more than 24 hours; establishing that broadband providers may not deny access based upon certain factors; providing that a cable or broadband system operator shall provide subscribers 30 days advance written notice of any changes to rates or charges, including the expiration of any promotion or special pricing that would result in an increase in the subscribers billing or cost of service; providing that a broadband system operator shall inform subscribers and provide written notice to subscribers that disputes regarding interrupted or substandard service or billing issues, which are unresolved to satisfaction of the subscriber, can be filed as a complaint with the consumer protection division of the WV Attorney General's Office; providing that broadband service is not a utility or subject to utility regulation; defining 'applicable codes', 'unserved area', and 'underserved'; defining powers and duties of Broadband Enhancement Council; providing the Broadband Enhancement Council and Office of Broadband coordinate on bringing broadband service to unserved and underserved areas; providing Broadband Enhancement Council publicly report to the Secretary of Commerce on or before December 1 annually; creating the Office of Broadband within the Economic Development Office and under the Department of Commerce; creating the position of, and requirements for, the Director of the Office of Broadband; establishing the powers and duties of the Office of Broadband; requiring the Office of Broadband report annually to the Joint Committee on Government and Finance; requiring the Office of Broadband to map broadband in the state and establish an interactive public map; requiring certain executive agencies to cooperate and provide information to the Office of Broadband regarding AREA maps; requiring Office of Broadband Report to the Joint Committee on Technology regarding AREA maps at specified times; allowing Office of Broadband to retain outside expert consultants; providing authority to Office of Broadband to educate public on broadband service issues; allowing Office of Broadband to establish a voluntary data collection program; providing that information collected in program not subject to the Freedom of Information Act; establishing, by Office of Broadband, requirements of data collection program to be submitted to the

Legislature; requiring the Office of Broadband to create guidelines for voluntary donation of rights away and similar structures to facilitate broadband development; allowing Office of Broadband to create guidelines and recommend to legislature an easement program to facilitate broadband service; allowing Office of Broadband to seek funding and grants; establishing process to protect proprietary business information provided to the Office of Broadband; excluding proprietary business information from production under the Freedom of Information Act; providing criminal penalties for unauthorized disclosure of confidential and proprietary information; providing rulemaking authority to the Office of Broadband; establishing requirements for counties, municipalities, and political subdivisions regarding installation of conduit; defining ‘applicable codes’ and ‘digital equality of opportunity’; requiring that an ILEC pole owner who requires and accepts payment for make-ready work, and fails to perform that work within 45 days, shall immediately return and refund the moneys paid for that work which was not completed, and providing remedies and exceptions in such instances; providing for preemption of West Virginia Code and Code of State Rules and ordinances relating to installation of certain broadband equipment; providing private agreements, promulgated or effective after the effective date of this legislation, may not regulate or prevent the exterior installation of antennas and equipment necessary to or typically utilized for broadband deployment; providing for scheme of construction of such language in favor of encouraging and assisting broadband installation and deployment; providing for preemption of West Virginia Code and Code of State Rules and ordinances relating to pole attachment of certain broadband equipment; providing for scheme of construction of language of private agreements relating to pole attachment; and requiring broadband operators receiving public funds to testify, upon request, under oath before the Legislature.”

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

In the absence of objection, the Calendar was reordered and the House proceeded to consideration of Com. Sub. for H. B. 2093.

Com. Sub. for H. B. 2093, Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes; 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. 70**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Hornbuckle and Longanacre

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2093) passed.

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

Com. Sub. for H. B. 2024, Expand use of telemedicine to all medical personnel; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 71**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Graves and Hornbuckle.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2024) passed.

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

Com. Sub. for H. B. 2025, Provide liquor, wine, and beer licensees with some new concepts developed during the State of

Emergency utilizing new technology to provide greater freedom to operate in a safe and responsible manner; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegate Hott moved to amend the bill on page 30, after line 17, by inserting the following:

“ARTICLE 3A. SALES BY RETAIL LIQUOR LICENSEES.

§60-3A-25. Certain acts of retail licensee prohibited; criminal penalties.

(a) It is unlawful for any retail licensee, or agent or employee thereof, on such retail licensee’s premises to:

(1) Sell or offer for sale any liquor other than from the original package or container;

(2) Sell, give away, or permit the sale of, gift of, or the procurement of, any liquor, for or to any person under 21 years of age;

(3) Sell, give away, or permit the sale of, gift of, or the procurement of, any liquor, for or to any person visibly intoxicated;

(4) Sell or offer for sale any liquor other than during the hours permitted for the sale of liquor by retail licensees as provided under this article;

(5) Permit the consumption by any person of any liquor;

(6) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand name of any liquor;

(7) Permit any person under 18 years of age to sell, furnish, or give liquor to any other person;

(8) Purchase or otherwise obtain liquor in any manner or from any source other than that specifically authorized in this article; or

(9) Permit any person to break the seal on any package or bottle of liquor.

(b) Any person who violates any provision of this article, except section 24 of this article, including, but not limited to, any provision of this section, or any rule promulgated by the board or the commissioner, or who makes any false statement concerning any material fact, or who omits any material fact with intent to deceive, in submitting an application for a retail license or for a renewal of a retail license or in any hearing concerning the suspension or revocation thereof, or who commits any of the acts declared in this article to be unlawful, is guilty of a misdemeanor and, shall, upon conviction thereof, for each offense be fined not less than \$100 or more than \$5,000, or imprisoned in the county jail for not less than 30 days nor more than one year, or both fined and imprisoned. Magistrates have concurrent jurisdiction with the circuit courts for offenses under this article.

(c) Nothing in this article, or any rule of the board or commissioner, prevents or prohibits any retail licensee from employing any person who is at least 18 years of age to serve in any retail licensee's lawful employment at any retail outlet operated by such retail licensee, or from having such person sell or deliver liquor under the provisions of this article. With the prior approval of the commissioner, a retail licensee may employ persons at any retail outlet operated by such retail licensee who are less than 18 years of age but at least 16 years of age, but such persons' duties shall not include the sale or delivery of liquor: *Provided*, That the authorization to employ such persons under the age of 18 years shall be clearly indicated on the retail license issued to any such retail licensee.

(d) Any licensee with a current and valid license to sell sealed bottles of liquor is authorized to sell or permit the sale of alcoholic liquors or fortified wine through a window at a drive-in or drive-through retail establishment."

And,

On page 67, section 8f, after line 53, by inserting a new subsection (d) stating the following:

“(d) Any licensee with a current and valid license to sell sealed bottles of liquor is authorized under to sell or permit the sale of alcoholic liquors or fortified wine through a window at a drive-in or drive-through retail establishment.”

Delegate Nestor requested to be excused from voting on Com. Sub. for H. B. 2025 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of five or more possibly to be affected and refused to excuse the Member from voting on the amendments and the bill.

Delegate Martin requested to be excused from voting on Com. Sub. for H. B. 2025 under the provisions of House Rule 49.

The Speaker replied and mentioned his ruling yesterday and consultation with the rules. With the Delegate being a member of a class of exactly five possibly to be affected, the Speaker refused to excuse the Member from voting on the amendment and the bill.

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

Delegate Fast moved to amend the bill by adding a proviso on page 37, section §60-6-8, line 55 by adding a new subdivision “(11) Sell, possess for sale, tender, serve, furnish, or provide any beer, wine, spirits or alcohol without first acquiring liability insurance in an amount to be determined by the commissioner but not less than \$300,000.00 for the licensed person or licensed entity.”

Delegate Rowe arose to inquire of the Chair regarding the placement of the amendment.

The Speaker replied that the point was well taken and clarified that the placement of the amendment was, by adding a proviso on page 32, section §60-6-8, following line 54 by adding a new subdivision “(11) Sell, possess for sale, tender, serve, furnish, or provide any beer, wine, spirits or alcohol without first acquiring

liability insurance in an amount to be determined by the commissioner but not less than \$300,000.00 for the licensed person or licensed entity.”

Delegate Thompson requested to be excused from voting on under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of five or more persons possibly to be affected and directed the Member to vote.

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. 72**), and there were—yeas 23, nays 75, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Barnhart, Brown, Bruce, Burkhammer, Conley, D. Jeffries, Fast, Ferrell, G. Ward, Garcia, Hanna, Jennings, Longanacre, Lovejoy, Mallow, Mandt, Mazzocchi, Nestor, Pinson, Rohrbach, Rowe, Toney and Worrell.

Absent and Not Voting: Graves and Hornbuckle.

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

Having been engrossed a second time, the bill was read a third time.

Delegate Reed requested to be excused from voting on under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of five or more persons possibly to be affected by the passage of the bill and directed the Member to vote.

During the debate, Delegate Fluharty arose to a point of order regarding the content of the remarks of Delegate Fast, to which point the Speaker replied he has been giving latitude but reminded

members to confine remarks as closely as possible to the question before the House.

Delegate Clark requested to be excused from voting on under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of five or more persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 73**), and there were—yeas 80, nays 18, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: B. Ward, Bruce, Burkhammer, Conley, D. Jeffries, Fast, G. Ward, Griffith, Hanna, Hanshaw, Jennings, L. Pack, Longanacre, Mallow, Pinson, Rohrbach, Toney and Worrell.

Absent and Not Voting: Graves and Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2025) passed.

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

Com Sub. for H. B. 2025 - “A Bill to amend and reenact §7-1-3ss of the Code of West Virginia, 1931, as amended, to amend and reenact §11-16-9 and §11-16-18 of said code; to amend said code by adding thereto two new sections, designated §11-16-6d and §11-16-11c; to amend said code by adding thereto two new sections, designated §19-2-12 and §19-2-13; to amend and reenact §60-1-5a of said code; to amend and reenact §60-3A-25 of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-6-8 of said code; to amend and reenact §60-7-2, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto five new sections, designated §60-7-8b, §60-7-8c, §60-7-8d, §60-7-8e, and §60-7-8f; to amend and reenact §60-8-2, §60-8-3, §60-8-4, §60-8-18, §60-8-29 and §60-8-34 of said code;

to amend said code by adding thereto four new sections, designated §60-8-6c, §60-8-6d, §60-8-6e, and §60-8-32a; to amend said code by adding thereto a new article, designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, and §60-8A-6; and to amend and reenact §61-8-27 of said code, all relating to nonintoxicating beer, nonintoxicating craft beer, liquor, wine, and hard cider sales in this state; providing for the authority and license to deliver nonintoxicating beer or nonintoxicating craft beer with requirements, no additional fee for certain licensees, a license fee for third parties, and a nonintoxicating beer retail transportation permit with requirements; providing certain licensees with the authority for nonintoxicating beer, nonintoxicating craft beer, outdoor dining, and outdoor street dining; authorizing in-person or in-vehicle pick up of purchased food and nonintoxicating beer or nonintoxicating beer orders-to-go; creating an unlicensed brewer or home brewer temporary license for use at fairs and festivals, requirements, and a license fee; providing for changing the beginning time for nonintoxicating beer, nonintoxicating craft beer, liquor, and wine sales to begin at 6:00 a.m. on all days; relating to the manufacture and sale of hard cider and wine by establishing the Agriculture Development Fund; establishing permitted expenditures from the Agriculture Development Fund; creating a new program to develop hard cider; providing for wine definitions; clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of ‘nonfortified dessert wine’; authorizing licensed liquor retail licensees to sell sealed bottles of liquor through a window of a drive-in or drive-through; creating a private manufacturer club license for distilleries, mini-distilleries, micro-distilleries, wineries, and farm wineries, requirements, and a license fee; authorizing distilleries, mini-distilleries, and micro-distilleries to also operate wineries, farm wineries, brewers, and resident brewers; authorizing wineries and farm wineries to also operate as distilleries, mini-distilleries, micro-distilleries, brewers, and resident brewers; authorizing the ability to pre-mix alcoholic liquors, establishing certain requirements, and creating a permit; creating private caterer license, requirements, and license fee; creating a private club bar license, requirements, and license fee; creating a private club restaurant license, requirements, and license

fee; creating a private manufacturer club license, requirements, and license fee; authorizing a private club licensee to sell sealed bottles of liquor from a window of a drive-in or drive-through; authorizing a distillery, mini-distillery, or micro-distillery to also obtain a winery or farm winery license; authorizing a winery or farm winery to also obtain a distillery, mini-distillery, or micro-distillery license; creating a private tennis club license, requirements, and license fee; creating a private wedding venue or barn license, requirements, and license fee; creating a one-day charitable rare, antique, or vintage liquor auction license for charitable purposes, requirements, and license fee; creating a private multi-vendor fair and festival license, requirements, and license fee; providing for a reduction of certain fees; creating private outdoor dining and private outdoor street dining areas as legally demarcated areas that are not a public place; authorizing and creating craft cocktail growlers and requirements, and a private cocktail delivery permit; authorizing in-person or in-vehicle pick up of purchased food and craft cocktail growler orders-to-go; clarifying penalties for failure to meet wine licensure requirements; replacing wine bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries, who are acting as either suppliers or distributors in a limited capacity, with an affidavit of compliance; providing penalties for failure to pay taxes and maintain good standing with the state; authorizing wineries and farm wineries to sell wine growlers and establishing requirements; authorizing certain Class A and Class B licensees to sell wine growlers and establishing requirements; creating the authority and license to deliver wine with a private wine delivery license, requirements, no additional fee for certain licensees, a license fee for third parties, and a private wine retail transportation permit and requirements; creating private wine outdoor dining and private wine outdoor street dining areas as legally demarcated areas that are not a public place; authorizing in-person or in-vehicle pick up of purchased food and wine orders-to-go; providing that there is no separate license required to manufacture and sell hard cider under certain conditions; providing for a hard cider distributor's license and permitting other current and valid licensees to distribute hard cider without an additional license fee; providing for hard cider exemptions to the wine liter tax; establishing a hard

cider gallon tax; providing for the application of West Virginia Tax Procedures and Administration Act and West Virginia Tax Crimes and Penalties Act to the hard cider gallon tax; providing for an internal effective date; providing for a tax credit against the hard cider tax; providing for applicability of other laws; requiring regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption on the licensed premises; providing for complimentary samples to be offered; establishing requirements for complimentary samples; permitting the sale of wine growlers; establishing wine growler requirements, in certain circumstances; and providing additional exceptions to the criminal penalty for the unlawful admission of children to dance house for certain private clubs with approved age verifications systems.”

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

On this question, the yeas and nays were taken (**Roll No. 74**), and there were—yeas 89, nays 10, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bruce, Burkhammer, Conley, Fast, G. Ward, Hanna, Jennings, Longanacre, Pinson and Worrell.

Absent and Not Voting: Graves.

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. 2025) takes effect from its passage.

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

H. B. 2791, Relating to enrollment and costs of homeschooled or private school students at vocational schools; 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. 75**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Ferrell and Reynolds.

Absent and Not Voting: Graves and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2791) passed.

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

Second Reading

Com. Sub. for H. B. 2013, Relating to the Hope Scholarship 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 amendment pending and the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 2363, Relating to “Best Interests of the Child Protection Act of 2021”; on second reading, coming up in regular order, was read a second time.

Delegates Foster and Kimble moved to amend the bill on page 4, section §48-1-239, line 2, by re-inserting the language striking sections (b) and (c) on line 2 through 8.

And,

On page 4, section §48-1-220, line 3, by striking out the proviso on line 3 through 7, “*Provided*, That with regard to spiritual guidance, both parents in any shared parenting plan, regardless of the relative ratio of parenting time allocated between the parents,

neither parent shall discourage or prohibit the minor child's participation in the other parent's faith life, nor discourage or prohibit the minor child's faith formation and/or reception of sacraments participating in the other parent's faith,".

By striking out the word "however" on page 4, section §48-1-220, line 7.

By changing the sections to (a) and (b) from (b) and (c).

On page 7, section §48-1-241, line 1, By re-adding the proviso section to the section header "Split Physical Custody and Shared Physical Custody defined."

On page 9, section §48-1-303, line 32, by striking out the proviso language to lines 32 through 33 starting at "Provided" and ending at "counsel."

On page 14, section §48-9-203, line 29, by striking out the proviso language from on line 29 starting at "after" and ending at "code;".

On page 14, section §48-9-203, line 44, by striking out the proviso language on line 44 from "Provided" to "code."

On page 15, section §48-9-204, line 11, by striking out the proviso language to line 11 "full adversarial judicial."

On page 15, section §48-9-204, line 13, by adding language on line 13 after the word guardian's "or anyone residing in the household."

By striking out the language on page 15, section §48-9-204, line 14 after (i) "Has been found by a court to have a substance abuse addiction" and adding language on page 29, section §48-9-401, line 29, after the numeral (i) "is actively using, or has within the past six months, used illegal or illegally obtained prescription drugs; (ii) frequently leaves the child in the care of third parties while pursuing his or her own pleasures; (iii) has been convicted within the past five years of either: child neglect, distributing of illegal substances, possession of illegal substances;

And,

On page 16, section §48-9-204, line 42, by striking the proviso language in line 42 “following a full adversarial judicial hearing.”

On page 16, section §48-9-204, line 47 through 48, by striking the proviso language in line 47 “full adversarial judicial hearing.”

On page 18, section §48-9-206, lines 23 to 24, by adding the proviso language in line 23 “or of abandonment defined in §48-22-306 of this code” after the word “incompetence.”

On page 24, section §48-9-209, line 18, By adding the proviso language to line 18 through 19 after the word fraudulent; adding “or (6) Has abandoned the child as defined in §48-22-306 of this code.”

On page 29, section §48-9-401, line 29, by adding the proviso language to line 29 through 30 after the word “guardian” adding “or anyone residing in the household.”

By striking out the language on page 29, section §48-9-401, line 29 after (i) “Has been found by a court to have a substance abuse addiction” and adding language on page 29, section §48-9-401, line 29, after the numeral (i) “is actively using, or has within the past six months, used illegal or illegally obtained prescription drugs;”.

On page 29, section §48-9-401, lines 30 to 31, by adding the proviso language in line 30 “has abandoned the child in accordance with §48-22-306 of this code” after the numeral (iii).

And,

On page 29, section §48-9-401, lines 32 to 34, by striking out the proviso language in line 30 “has not had any contact with their child for two years or more, unless such lack of contact has been due to parental alienation by the other parent, nor ever actively sought to obtain additional custody or parenting time with their child or” after the numeral (iii).

Delegate Capito requested to be excused from voting on under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote on the amendment and the bill.

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

First Reading

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

Com. Sub. for S. B. 270, Providing for collection of tax by hotel marketplace facilitators,

S. B. 358, Removing prohibition on ATMs located in area where racetrack video lottery machines are located,

Com. Sub. for H. B. 2257, Relating to extended supervision for certain drug offenders,

Com. Sub. for H. B. 2507, Remove the limitations on advertising and promotional activities by limited video lottery retailers,

Com. Sub. for H. B. 2621, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations,

Com. Sub. for H. B. 2675, Relating to costs and interest in eminent domain condemnation proceedings,

And,

H. B. 2741, Relating to expansion of the alcohol test and lock program to offenders with a drug related offense.

Miscellaneous Business

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

- Delegate Clark regarding Com. Sub. for H. B. 2025

Delegate Longanacre noted to the Clerk that he was absent when the votes were taken on Com. Sub. for H. B. 2093, and had he been present, he would have voted "Yea" thereon.

Pursuant to House Rule 65, the Speaker announced that the House of Delegates would convene at 5:00 p.m. for Remarks by Members.

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

H. B. 2060: Delegate Rowe;

H. B. 2101: Delegate Rowe;

H. B. 2117: Delegate Rowe;

H. B. 2120: Delegate Rowe;

H. B. 2187: Delegate Rowe;

H. B. 2220: Delegate Rowe;

H. B. 2233: Delegate Rowe;

H. B. 2266: Delegate Rowe;

H. B. 2293: Delegate Rowe;

H. B. 2589: Delegate Rowe;

H. B. 2618: Delegate Rowe;

H. B. 2626: Delegate Steele;

H. B. 2713: Delegate Mandt;

H. B. 2758: Delegates Bates, Fast, Hott, L. Pack, Reed, Rowe and Westfall;

H. B. 2760: Delegates Mandt and L. Pack;

H. B. 2778: Delegate Ellington;

H. B. 2831: Delegate Skaff;

H. B. 2858: Delegate Hansen;

H. B. 2866: Delegate Ferrell;

H. B. 2878: Delegate Walker;

H. B. 2880: Delegate J. Pack;

And,

H. C. R. 9: Delegate Worrell.

At 1:39 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 4, 2021.

Thursday, March 4, 2021

TWENTY-THIRD DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, March 3, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 2363, on Third reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for S. B. 216, on First reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

By Delegates D. Kelly, Hanna, Walker, Pushkin, Ellington, Holstein, Kessinger, Mandt, Reed and Rohrbach:

H. B. 2918 – “A Bill to amend and reenact §62-15B-1 and §61-15B-2 of the Code of West Virginia, 1931, relating to family drug treatment court; making permanent the pilot program; eliminating a report to the Legislative Oversight Commission on Health and Human Resources Accountability; and eliminating the ineligibility barrier for parents with a prior involuntary termination of parental rights of another child.

Pursuant to House Rule 80, the Speaker referred the Bill (H. B. 2918) to the Committee on the Judiciary.

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

By Delegates Higginbotham and Griffith:

H. B. 2906 - “A Bill to amend and reenact §18-9D-15 of the Code of West Virginia, 1931, as amended, relating to the allocation of money among categories of projects; providing that the School Building Authority’s discretion be increased to allow them to allocate up to ten percent of their annual budget for major projects and improvements to vocational school programs throughout the State.”

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2592, Require Counties and Municipalities to hold all local elections during statewide elections,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2592) was referred to the Committee on the Judiciary.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 2722, Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2722) was referred to the Committee on the Judiciary.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2758, Requiring the Insurance Commissioner to regulate professional bondsmen,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2758) was referred to the Committee on the Judiciary.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2862, Relating to the Deputy Sheriff Retirement System Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2862) was referred to the Committee on Finance.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2854, Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System,

And,

H. B. 2855, Relating to the Natural Resources Police Officers Retirement System,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2854 and H. B. 2855) were each referred to the Committee on Finance.

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2633, Creating the 2021 Farm Bill,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2633) was referred to the Committee on Government Organization.

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

Your Committee on Finance has had under consideration:

S. B. 459, Relating to return of member's paid contributions to heirs after member's death under certain circumstances,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bill (S. B. 459) was taken up for immediate consideration, read a first time and ordered to second 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. 76**), 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 Pinson.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to third reading.

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 77**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Cooper.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 459) passed.

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

On this question, the yeas and nays were taken (**Roll No. 78**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Cooper.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 459) takes effect from its passage.

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

Delegate Queen, Chair of the Committee on Small Business, Entrepreneurship and Economic Development submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

H. B. 2760, Relating to economic development incentive tax credits,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2760 - “A Bill to amend and reenact §11-13Q-9, §11-13Q-10, §11-13Q-10a and §11-13Q-22 of the Code of West Virginia, 1931, as amended, all relating to economic development incentive tax credits; specifying economic opportunity tax credit new jobs percentage of 10 percent corresponding to the creation of 10 new jobs; terminating §11-13Q-10 to prevent conflict with the 10 new jobs language added to the economic opportunity tax credit; specifying changes to §11-13Q-22, to resolve technical conflict with other sections; eliminating superannuated reference to business franchise tax; eliminating superannuated reporting requirement; specifying manufacturing activities that qualify for high technology manufacturing tax credit; providing definitions; proscribing multiple tax credits for the same qualified investment; making

stylistic changes pursuant to current drafting conventions; specifying effective dates,”

With the recommendation that the committee substitute do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for H. B. 2760) was referred to the Committee on Finance.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 11, Declaring work stoppage or strike by public employees to be unlawful.

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

Com. Sub. for S. B. 11 – “ A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45a, relating to declaring any work stoppage or strike by public employees to be unlawful; providing legislative findings; defining when a county board of education employee is considered to be participating in a concerted work stoppage or strike; prohibiting use of accrued and equivalent instructional time and delivery of instruction through alternative methods to cancel days lost due to a concerted work stoppage or strike; prohibiting a waiver by the state board for a county board of education’s noncompliance with the employment and instructional term requirements if the noncompliance is the result of a concerted work stoppage or strike; declaring participation in a concerted work stoppage or strike to be grounds for termination; requiring, if the employee remains employed, county boards of education to withhold the prorated salary or hourly pay of each employee participating in the concerted work stoppage or strike for each day the employee participates; and requiring the sums to be forfeited to the county board of education.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 79**), and there were—yeas 55, nays 44, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Bridges, Brown, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Holstein, Hornbuckle, J. Kelly, Lovejoy, Miller, Paynter, Pethtel, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Storch, Thompson, Toney, Walker, Wamsley, Westfall, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Cooper.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 11) 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 passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 102 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-15a, relating to disabled veterans and veterans who received the Purple Heart medal may park free at parking spaces controlled by this state or any political subdivision thereof”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 356 - “A Bill to amend and reenact §17B-2-7 of the Code of West Virginia, 1931, as amended, relating to allowing the written part of the operator’s license examination to be given in school driver’s education courses”; which was referred to the Committee on Education.

A message from the Senate, by

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

Com. Sub. for S. B. 387 - “A Bill to amend and reenact §9-3-6 of the Code of West Virginia, 1931, as amended, relating to the program for drug screening of applicants for cash assistance; and providing extension of time frame for program”; which was referred to the Committee on Health and Human Resources.

Resolutions Introduced

Delegates Storch, Anderson, Barach, Barnhart, Bates, Booth, Bridges, Brown, Bruce, Clark, Conley, Diserio, Doyle, Ellington, Evans, Fast, Ferrell, Fleischauer, Fluharty, Forsht, Garcia, Gearheart, Graves, Griffith, Hansen, Higginbotham, Holstein, Hornbuckle, Horst, Hott, D. Jeffries, J. Jeffries, Jennings, J. Kelly, Kimes, Longanacre, Lovejoy, Mallow, Mandt, Martin, Miller, Nestor, J. Pack, Phillips, Pinson, Pritt, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Smith, Statler, Sypolt, Thompson, Walker, Wamsley, B. Ward, G. Ward, Williams, Worrell, Young, Zatezalo and Zukoff offered the following resolution, which was reported by the Clerk:

H. C. R. 23 - “Declaring March 4, 2021 to be Sexual Assault Awareness Day in West Virginia.”

Whereas, All people have the right to be safe in their home, school, workplace, college campus, and community; and

Whereas, Sexual Assault Awareness Day draws attention to the fact that sexual violence is widespread and has implications for every community member; and

Whereas, One in six women and one in twenty-two men in West Virginia will be victims of an attempted or completed forcible rape; and

Whereas, Forcible rape is the top reason for incarceration in the state adult correctional facilities, costing the tax payers over \$42 million to incarcerate inmates for sex-related crimes in Division of Corrections and Rehabilitation's adult prison facilities alone for a single year; and

Whereas, Sexual violence can be reduced and prevented; and

Whereas, the West Virginia Foundation for Rape Information and Services and the state's rape crisis centers have been working for thirty-nine years individually and collaboratively to provide quality services and systemic change to give West Virginia residents of all ages the opportunity to live in communities and homes free from violence and fear; therefore, be it

Resolved by the Legislature of West Virginia:

That the House of Delegates declares March 4, 2021 to be Sexual Assault Awareness Day in West Virginia and commits itself to treating this problem with the seriousness that it deserves and working to achieve solutions that deter, prevent, and reduce sexual violence.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 23) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Hanna, Keaton, Haynes, Martin, Hamrick, Paynter, Mandt, Dean and Holstein:

H. J. R. 25 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article IV thereof, relating to the age of elected officials and providing that Senators may be eligible to run if age 21 at the beginning of their term of office”; to the Committee on the Judiciary.

Bills Introduced

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

By Delegates Foster, Steele, Kimes, Kimble, Haynes, Wamsley and J. Pack:

H. B. 2907 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §8B-1-1, §8B-1-2, §8B-1-3, §8B-1-4, §8B-1-5, and §8B-1-6, all relating to creating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; setting forth legislative findings and declarations; defining terms; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates information requested, required, or excluded on an application for employment; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay a wage higher than any applicable state or federal law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay wages or fringe benefits based on a rate prevailing in the locality or the state; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates work stoppages, strike activity, or means by which employees organize; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal

requirement which requires an employer to provide paid or unpaid leave time; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer or its employees to participate in an apprenticeship or apprenticeship training program not required by federal or state law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates an employee's hours and scheduling; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards or requirements regarding the sale or marketing of consumer merchandise that are different from or in addition to state law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards of care or conduct for certain professions; providing for civil relief; establishing a civil cause of action which, if proven in a court of competent jurisdiction, may permit a person to recover damages, including compensatory and punitive damages, costs and attorney's fees, injunctive relief, or any other appropriate equitable relief against any political subdivision violating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; providing exceptions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective date of chapter is void; providing that the prohibitions do not apply to employees of a political subdivision; and clarifying the effect on the West Virginia Alcohol and Drug-Free Workplace Act"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Foster:

H. B. 2908 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1, relating to requiring high-volume third-party sellers to provide information to online marketplaces; requiring ongoing verification of information; requiring high-volume third-party sellers to disclose certain information to consumers; providing for Attorney

General enforcement of act; authorizing rulemaking by Attorney General; establishing preemption of municipal requirements; defining terms; and providing effective date”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Foster, Steele, Kimble, Haynes, Wamsley, Kessinger, Espinosa, Kimes and J. Pack:

H. B. 2909 - “A Bill to amend and reenact §30-1A-1, §30-1A-2, §30-1A-3, §30-1A-4, §30-1A-5, and §30-1A-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-1A-1a, all relating to regulation of occupations and professions; providing for legislative policy; providing for definitions; providing for criteria to analyze a required application to regulate an occupation or profession; providing for the Performance Evaluation and Research Division to conduct an analysis of the application; providing for a rebuttable presumption against regulating an occupation or profession absent certain conditions; providing for criteria to assess harms to consumers and possible recommendations that may be instituted against an occupation or profession; providing for an economic study of the recommendations made; providing for a time frame for the Performance Evaluation and Research Division to conduct the analysis and return a report; providing for recommendations based on the assessed harm to consumers in the Performance Evaluation and Research Division’s report; providing for additional recommendations and findings by the Joint Standing Committee on Government Organization; providing that additional findings by the Joint Standing Committee on Government Organization are made public; providing for the committee’s findings and recommendations along with any report be submitted to any committee considering legislation prior to voting; providing for the Performance Evaluation and Research Division begin a review of existing licenses under certain criteria; providing for an effective date for licensure review; providing for a review of a certain percentage of licenses annually; providing for annual licensing review to be set by the chairs of the Joint Standing Committee on Government Organization; providing for an eight-year review schedule; providing for the Performance Evaluation and Research Division to report its findings and recommendations to the

committee relating to licensing review; providing an effective date for the Performance Evaluation and Research Division to begin reporting its findings and recommendations to the committee; and providing for mechanisms of statutory interpretation relating to government regulations of occupations or professions”; to the Committee on Government Organization.

By Delegates Foster, Kimble, Haynes, Wamsley, Kessinger, Espinosa, Kimes and J. Pack:

H. B. 2910 - “A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to the allocation of magistrates serving in each county and provided for adjustment of those numbers of magistrates every 10 years following the census”; to the Committee on the Judiciary.

By Delegates Foster, Kimble, Wamsley, Haynes, Storch, D. Kelly, Kimes and J. Pack:

H. B. 2911 - “A Bill to amend and reenact §9-8-4 of the Code of West Virginia, 1931, as amended, relating to eligibility verification for applicants for public assistance and authorizing rulemaking”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegate Steele:

H. B. 2912 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §60B-1-1, §60B-1-2, §60B-1-3, §60B-1-4, §60B-1-5, §60B-1-6, §60B-1-7, §60B-2-1, §60B-2-2, §60B-2-3, §60B-2-4, §60B-2-5, §60B-2-6, §60B-2-7, §60B-2-8, §60B-2-9, §60B-2-10, §60B-2-11, §60B-2-12, §60B-2-13, §60B-2-14, §60B-2-15, §60B-2-16, §60B-2-17, §60B-3-1, §60B-3-2, §60B-3-3, §60B-3-4, §60B-3-5, §60B-3-6, §60B-3-7, §60B-3-8, §60B-3-9, §60B-3-9a, §60B-3-10, §60B-3-11, §60B-3-12, §60B-3-13, §60B-3-14, §60B-3-15, §60B-3-16, §60B-3-17, §60B-3-18, §60B-3-19, §60B-3-20, §60B-3-21, §60B-3-22, §60B-3-22a, §60B-3-23, §60B-4-1, §60B-4-2, §60B-4-3, §60B-4-4, §60B-4-5, §60B-4-6, §60B-4-7, §60B-4-8, §60B-4-9, §60B-4-10, §60B-4-11, §60B-4-12, §60B-4-13, §60B-4-14, §60B-4-15, §60B-4-16, §60B-5-1, §60B-5-2, §60B-5-3, §60B-5-4, §60B-5-5, §60B-5-6, §60B-5-7, §60B-5-8, §60B-6-1, §60B-6-2, §60B-6-3, §60B-6-4, §60B-6-5, §60B-6-6, §60B-6-7, §60B-6-8,

§60B-6-9, §60B-6-10, §60B-6-11, §60B-6-12, §60B-6-13, §60B-6-14, §60B-6-15, §60B-6-16, §60B-6-17, §60B-6-18, §60B-6-19, §60B-6-20, §60B-7-1, §60B-7-2, §60B-7-3, §60B-7-4, and §60B-7-5, all relating to cannabis and cannabis product sales, growth, and consumption in this state; providing for definitions; providing for a short title; providing for restrictions on sales and manufacturing; providing for sales made through the Cannabis Commission; providing for limitations on synthetic marijuana or synthetic cannabis; establishing the West Virginia Cannabis Commission; providing for rulemaking authority; providing for the appointment of the commissioner; providing for a four-year term as commissioner, clarifying that the commissioner serves at the Governor's will and pleasure; providing for the commissioner taking the oath of office and requiring the commissioner to furnish a bond; establishing the powers and duties of the commission and commissioner; permitting the commissioner the authority to hire employees to serve at his or her will and pleasure; requiring employees furnish a bond before starting employment with the commission; providing for the commissioner's authority to grant and revoke licenses; providing for regulations relating to advertisements of cannabis or cannabis products; providing for rulemaking; providing for cooperation between the commission and law enforcement, including local law enforcement; providing for the process of hearings and proceedings before the commission; providing for civil responsibility of all employees of the commission; requiring the Legislative Auditor to audit the Cannabis Commission every five years and permitting the State Auditor to audit at any time; providing for the commissioner to enter into contracts for scanner technology to verify age of cannabis or cannabis product consumers; providing for the sale of cannabis or cannabis products; providing the commissioner the ability to establish dispensaries of cannabis or cannabis products in counties subject to population requirements; providing for the commissioner to establish cannabis or cannabis product warehouses in certain economically advantageous counties in this state; providing that the commissioner hire managers for the dispensaries and warehouses; providing for rulemaking authority relating to sales of cannabis or cannabis products; providing for dispensaries to obtain inventory from warehouses to sell at retail;

providing for the commission to determine the price of cannabis or cannabis products using certain price indices; providing the commissioner set retail tax rates on cannabis, cannabis products, or cannabis seeds; providing for statutory transfers of excess revenues and taxes greater than 110 percent the prior year's budget be swept into the General Revenue Fund; providing that the commission may fix uniform prices; providing for local municipal sales taxes enacted be remitted to the county where the sale took place; providing for recordkeeping requirements; providing for inventory control through the commission; providing for operating hours of dispensaries; providing for limitations on advertising or recommending brands or strains of cannabis or cannabis products; permitting the commissioner acquire equipment necessary for the sale and age verification technology relating to cannabis or cannabis products; providing for sales to other states subject to certain federal requirements; providing for the required sale in sealed packages with child-proof packaging and clear and conspicuous warning labels; providing for rulemaking as to handling cannabis and cannabis products relating to sales; establishing the West Virginia Cannabis Commission Operating Fund and permitting certain expenditures; providing for the commissioner to provide security for dispensaries and warehouses in this state; providing for methods of payment to a dispensary for cannabis or cannabis products; providing for a limitation on the amount of cannabis or cannabis products that may be sold; providing for unlawful acts by purchasers; providing for conduct of purchasers when inside a dispensary in this state; providing for licenses to grow cannabis in this state; providing for qualifications for persons to obtain a license to grow cannabis in this state; providing that any licensed grower of cannabis in this state may only sell products to the commissioner; providing for separate licenses of noncontiguous farms or facilities to grow cannabis; providing for an application form for a person to apply for a license to grow cannabis; providing for 15 days before the commission shall issue a decision on a license application; providing for certain instances when a license may be refused; providing for license fees; requiring licensed growers submit reports to the commission; providing for rulemaking authority; providing for limitation on municipalities or counties from imposing a tax or fee on a licensed

grower; providing for procedures for license revocation; providing for 10 days written notice to a licensee regarding a date and time for a hearing on the revocation of a license; providing that a licensee may be represented by counsel at a license revocation hearing; providing for appeal mechanisms; providing for the commission to enter into leasehold agreements to hold the land on which cannabis may be grown; providing for counties to hold an election to determine if cannabis or cannabis products should not be sold within the county; providing for the election if at least 25 percent of residents desire the election; providing for the form of the petition; providing for the notice of the election at the primary or general election within in the county; providing for discontinuance of dispensaries in a county that has elected not to permit the sale of cannabis or cannabis products; limiting such elections from occurring within four years of a prior election; establishing criminal penalties; establishing limitations on the transportation of cannabis or cannabis products in this state; permitting search warrants to be issued when meeting certain conditions; establishing court procedures relating to conveyances of contraband and setting a fair price for such contraband; permitting the treatment of minors with an addiction to cannabis; establishing employee authority to make arrests under certain conditions; permitting the commissioner to enter into contracts with third party processors under certain conditions; requiring the commissioner to supervise third party processors; and requiring processing of cannabis or cannabis products to occur at the commission's warehouses"; to the Committee on Health and Human Resources then the Judiciary then Finance.

By Delegates Ferrell, Linville, Foster, Hamrick, Burkhammer, Queen, Summers, Mandt, Keaton, Reynolds and Wamsley:

H. B. 2913 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, adding thereto a new section designated §3-8-12a, relating to the Social Media Integrity and Anti-Corruption in Elections Act; providing requirements for social media companies to prevent corruption and provide transparency of election-related content made available on social media websites; providing equal opportunities for all candidates

and political parties to speak without policy or partisan-based censorship; setting forth definitions; providing for the protection of the integrity of elections by ensuring election-related content hosted, posted, and made available on social media websites is not monetized or otherwise used or manipulated for nefarious purposes; and providing civil penalties”; to the Committee on the Judiciary.

By Delegates Rowan, Rowe, Steele, Foster, Espinosa, Linville, Hardy, Skaff, Hornbuckle and Fluharty:

H. B. 2914 - “A Bill to amend and reenact §29-1-5 of the Code of West Virginia, 1931, as amended, relating to the Archives and History Commission; removing ex officio voting members; and update formatting”; to the Committee on Government Organization.

By Delegates Rowan, Rowe, Steele, Burkhammer, Linville, Hardy, Skaff, Hornbuckle and Fluharty:

H. B. 2915 - “A Bill to amend and reenact §5A-8-15 of the Code of West Virginia, 1931, as amended, relating to public records management and preservation; to increase available funds in the Public Records and Preservation Revenue Account for grants to counties for records management, access, and preservation purposes”; to the Committee on Finance.

By Delegates Rowan, Rowe, Steele, Foster, Burkhammer, Espinosa, Linville, Hardy, Young, Skaff and Hornbuckle:

H. B. 2916 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-13A-1, §4-13A-2, §4-13A-3, §4-13A-4, §4-13A-5, §4-13A-6, and §4-13A-7, related to the creation of the West Virginia Semiquincentennial Commission and Fund to support the celebration of the 250th anniversary of our nation’s founding”; to the Committee on Government Organization.

By Delegates Burkhammer, J. Jeffries, Worrell, Pinson, Hanna and Clark:

H. B. 2917 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-

27, relating to creating the ‘Save Women’s Sports Act;’ requiring, for an official or unofficial school-sanctioned athletic or sporting event, that each athlete’s participation in the athletic or sporting event be based on the athlete’s biological sex as indicated on the athlete’s original birth certificate issued at the time of birth; providing a revised designation for sporting events; and providing a means by which civil actions can be commenced”; to the Committee on Education.

Special Calendar

Third Reading

Com. Sub. for H. B. 2013, Relating to the Hope Scholarship Program; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment, recommended by the Committee on Finance, was reported by the Clerk, on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-1. Compulsory school attendance; exemptions.

(a) Exemption from the requirements of compulsory public school attendance established in §18-8-1a of this code shall be made on behalf of any child for the causes or conditions set forth in this section. Each cause or condition set forth in this section is subject to confirmation by the attendance authority of the county. A child who is exempt from compulsory school attendance under this section is not subject to prosecution under §18-8-2 of this code, nor is such a child a status offender as defined by §49-1-202 of this code.

(b) A child is exempt from the compulsory school attendance requirement set forth in §18-8-1a of this code if the requirements of this subsection, relating to instruction in a private, parochial or other approved school, are met. The instruction shall be in a school approved by the county board and for a time equal to the

instructional term set forth in §18-5-45 of this code. In all private, parochial or other schools approved pursuant to this subsection, it is the duty of the principal or other person in control, upon the request of the county superintendent, to furnish to the county board such information and records as may be required with respect to attendance, instruction and progress of students enrolled.

(c) A child is exempt from the compulsory school attendance requirement set forth in §18-8-1a of this code if the requirements of either subdivision (1) or subdivision (2) of this subsection, both relating to home instruction, are met.

(1) The instruction shall be in the home of the child or children or at some other place approved by the county board and for a time equal to the instructional term set forth in §18-5-45 of this code. If the request for home instruction is denied by the county board, good and reasonable justification for the denial shall be furnished in writing to the applicant by the county board. The instruction shall be conducted by a person or persons who, in the judgment of the county superintendent and county board, are qualified to give instruction in subjects required to be taught in public elementary schools in the state. The person or persons providing the instruction, upon request of the county superintendent, shall furnish to the county board information and records as may be required periodically with respect to attendance, instruction and progress of students receiving the instruction. The state board shall develop guidelines for the home schooling of special education students including alternative assessment measures to assure that satisfactory academic progress is achieved.

(2) The child meets the requirements set forth in this subdivision: *Provided*, That the county superintendent may, after a showing of probable cause, seek from the circuit court of the county an order denying home instruction of the child. The order may be granted upon a showing of clear and convincing evidence that the child will suffer neglect in his or her education or that there are other compelling reasons to deny home instruction.

(A) Upon commencing home instruction under this section the parent of a child receiving home instruction shall present to the

county superintendent or county board a notice of intent to provide home instruction that includes the name, address, and age of any child of compulsory school age to be instructed and assurance that the child shall receive instruction in reading, language, mathematics, science and social studies and that the child shall be assessed annually in accordance with this subdivision. The person providing home instruction shall notify the county superintendent upon termination of home instruction for a child who is of compulsory attendance age. Upon establishing residence in a new county, the person providing home instruction shall notify the previous county superintendent and submit a new notice of intent to the superintendent of the new county of residence: *Provided*, That if a child is enrolled in a public school, notice of intent to provide home instruction shall be given on or before the date home instruction is to begin.

(B) The person or persons providing home instruction shall submit satisfactory evidence of a high school diploma or equivalent, or a post-secondary degree or certificate from a regionally accredited institution or from an institution of higher education that has been authorized to confer a post-secondary degree or certificate in West Virginia by the West Virginia Council for Community and Technical College Education or by the West Virginia Higher Education Policy Commission.

(C) Annually, the person or persons providing home instruction shall obtain an academic assessment of the child for the previous school year in one of the following ways:

(i) The child receiving home instruction takes a nationally normed standardized achievement test published or normed not more than 10 years from the date of administration and administered under the conditions as set forth by the published instructions of the selected test and by a person qualified in accordance with the test's published guidelines in the subjects of reading, language, mathematics, science and social studies. The child is considered to have made acceptable progress when the mean of the child's test results in the required subject areas for any single year is within or above the fourth stanine or, if below the

fourth stanine, shows improvement from the previous year's results;

(ii) The child participates in the testing program currently in use in the state's public schools. The test shall be administered to the child at a public school in the county of residence. Determination of acceptable progress shall be based on current guidelines of the state testing program;

(iii) A portfolio of samples of the child's work is reviewed by a certified teacher who determines whether the child's academic progress for the year is in accordance with the child's abilities. The teacher shall provide a written narrative about the child's progress in the areas of reading, language, mathematics, science and social studies and shall note any areas which, in the professional opinion of the reviewer, show need for improvement or remediation. If the narrative indicates that the child's academic progress for the year is in accordance with the child's abilities, the child is considered to have made acceptable progress; or

(iv) The child completes an alternative academic assessment of proficiency that is mutually agreed upon by the parent or legal guardian and the county superintendent.

(D) A parent or legal guardian shall maintain copies of each student's Academic Assessment for three years. When the annual assessment fails to show acceptable progress, the person or persons providing home instruction shall initiate a remedial program to foster acceptable progress. The county board upon request shall notify the parents or legal guardian of the child, in writing, of the services available to assist in the assessment of the child's eligibility for special education services. Identification of a disability does not preclude the continuation of home schooling. In the event that the child does not achieve acceptable progress for a second consecutive year, the person or persons providing instruction shall submit to the county superintendent additional evidence that appropriate instruction is being provided.

(E) The parent or legal guardian shall submit to the county superintendent the results of the academic assessment of the child

at grade levels three, five, eight and 11, as applicable, by June 30 of the year in which the assessment was administered.

(3) This subdivision applies to both home instruction exemptions set forth in subdivisions (1) and (2) of this subsection. The county superintendent or a designee shall offer such assistance, including textbooks, other teaching materials and available resources, all subject to availability, as may assist the person or persons providing home instruction. Any child receiving home instruction may upon approval of the county board exercise the option to attend any class offered by the county board as the person or persons providing home instruction may consider appropriate subject to normal registration and attendance requirements.

(d) A child is exempt from the compulsory school attendance requirement set forth in §18-8-1a of this code if the requirements of this subsection, relating to physical or mental incapacity, are met. Physical or mental incapacity consists of incapacity for school attendance and the performance of school work. In all cases of prolonged absence from school due to incapacity of the child to attend, the written statement of a licensed physician or authorized school nurse is required. Incapacity shall be narrowly defined and in any case the provisions of this article may not allow for the exclusion of the mentally, physically, emotionally or behaviorally handicapped child otherwise entitled to a free appropriate education.

(e) A child is exempt from the compulsory school attendance requirement set forth in §18-8-1a of this code if conditions rendering school attendance impossible or hazardous to the life, health or safety of the child exist.

(f) A child is exempt from the compulsory school attendance requirement set forth in §18-8-1a of this code upon regular graduation from a standard senior high school or alternate secondary program completion as determined by the state board.

(g) A child is exempt from the compulsory school attendance requirement set forth in §18-8-1a of this code if the child is granted a work permit pursuant to the subsection. After due investigation

the county superintendent may grant work permits to youths under the termination age designated in §18-8-1a of this code, subject to state and federal labor laws and regulations. A work permit may not be granted on behalf of any youth who has not completed the eighth grade of school.

(h) A child is exempt from the compulsory school attendance requirement set forth in §18-8-1a of this code if a serious illness or death in the immediate family of the child has occurred. It is expected that the county attendance director will ascertain the facts in all cases of such absences about which information is inadequate and report the facts to the county superintendent.

(i) A child is exempt from the compulsory school attendance requirement set forth in §18-8-1a of this code if the requirements of this subsection, relating to destitution in the home, are met. Exemption based on a condition of extreme destitution in the home may be granted only upon the written recommendation of the county attendance director to the county superintendent following careful investigation of the case. A copy of the report confirming the condition and school exemption shall be placed with the county director of public assistance. This enactment contemplates every reasonable effort that may properly be taken on the part of both school and public assistance authorities for the relief of home conditions officially recognized as being so destitute as to deprive children of the privilege of school attendance. Exemption for this cause is not allowed when the destitution is relieved through public or private means.

(j) A child is exempt from the compulsory school attendance requirement set forth in §18-8-1a of this code if the requirements of this subsection, relating to church ordinances and observances of regular church ordinances, are met. The county board may approve exemption for religious instruction upon written request of the person having legal or actual charge of a child or children. This exemption is subject to the rules prescribed by the county superintendent and approved by the county board.

(k) A child is exempt from the compulsory school attendance requirement set forth in §18-8-1a of this code if the requirements

of this subsection, relating to alternative private, parochial, church or religious school instruction, are met. Exemption shall be made for any child attending any private school, parochial school, church school, school operated by a religious order or other nonpublic school which elects to comply with the provisions of §18-28-1 *et seq.* of this code.

(l) Completion of the eighth grade does not exempt any child under the termination age designated in §18-8-1a of this code from the compulsory attendance provision of this article.

(m) A child is exempt from the compulsory school attendance requirements set forth in §18-8-1a of this code if the child is an eligible recipient participating in the Hope Scholarship Program, as provided for in §18-31-1 *et seq.* of this code and provides a notice of intent to participate in the Hope Scholarship Program to the county superintendent. The county superintendent shall enter the following into the West Virginia Education Information System (WVEIS):

(1) The filing of the notice of intent pursuant to this subsection;

(2) In the case of a Hope Scholarship recipient who chooses an individualized instructional program, annually, the child's test results or determination that a student is making academic progress commensurate with his or her age and ability, as applicable, pursuant to §18-31-8(a)(4) of this code; and

(3) In the case of an eligible recipient enrolling in a participating school, annually, the filing of a notice of enrollment pursuant to §18-31-11(a)(6) of this code.

§18-8-1a. Commencement and termination of compulsory school attendance; public school entrance requirements; exceptions.

(a) Notwithstanding the provisions of section one of this article, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to September 1 of such year or upon enrolling in a publicly supported kindergarten program and, subject to subdivision (3) of this subsection,

continues to the sixteenth birthday or for as long as the student continues to be enrolled in a school system after the sixteenth birthday.

(1) A child may be removed from such kindergarten program when the principal, teacher and parent or guardian concur that the best interest of the child would not be served by requiring further attendance: *Provided*, That the principal shall make the final determination with regard to compulsory school attendance in a publicly supported kindergarten program.

(2) The compulsory school attendance provision of this article shall be enforced against a person eighteen years of age or older for as long as the person continues to be enrolled in a school system and may not be enforced against the parent, guardian or custodian of the person.

(3) Notwithstanding the provisions of section one of this article, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to September 1 of such year or upon enrolling in a publicly supported kindergarten program and continues to the seventeenth birthday or for as long as the student continues to be enrolled in a school system after the seventeenth birthday: *Provided*, That beginning in the school year 2019-2020, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to July 1 of such year or upon enrolling in a publicly supported kindergarten program.

(b) A parent, as defined in §18-31-2 of this code, shall have the option, prior to enrolling in a publicly supported kindergarten program, to apply for a Hope Scholarship on behalf of his or her child as set forth in §18-31-1 et seq. of this code. Every year thereafter, a parent shall have the option to renew his or her child's enrollment in the Hope Scholarship Program pursuant to §18-31-8 of this code.

~~(b)~~ (c) Attendance at a state-approved or Montessori kindergarten, as provided in section eighteen, article five of this chapter, is deemed school attendance for purposes of this section.

Prior to entrance into the first grade in accordance with section five, article two of this chapter, each child must have either:

(1) Successfully completed such publicly or privately supported, state-approved kindergarten program or Montessori kindergarten program; or

(2) Successfully completed an entrance test of basic readiness skills approved by the county in which the school is located. The test may be administered in lieu of kindergarten attendance only under extraordinary circumstances to be determined by the county board.

~~(e)~~(d) Notwithstanding the provisions of this section, section five, article two of this chapter and section eighteen, article five of this chapter, a county board may provide for advanced entrance or placement under policies adopted by said board for any child who has demonstrated sufficient mental and physical competency for such entrance or placement.

~~(e)~~(e) This section does not prevent a student from another state from enrolling in the same grade in a public school in West Virginia as the student was enrolled at the school from which the student transferred.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-25. Funding for Hope Scholarship Program.

(a) Notwithstanding any other provision of this article to the contrary, for fiscal year 2023 and each fiscal year thereafter, in addition to all other amounts required by this article, the Department of Education shall include in its budget request, and the Governor shall include in each budget bill submitted to the Legislature, an appropriation to the Department of Education for the greater of an amount not less than two percent of net public school enrollment adjusted for state aid purposes or the total number of eligible Hope Scholarship applications received by the Hope Scholarship Board, if available, multiplied by the prior year's statewide average net state aid allotted per pupil. The amount appropriated shall be transferred by the Department of Education

to the Hope Scholarship Board to be used solely to meet the Hope Scholarship Program obligations set forth in §18-31-1 et seq. of this code except as otherwise provided in this section. The Governor shall also provide in each budget for the reappropriation for expenditure during the ensuing fiscal year the balance to the Department of Education that was not transferred to the Hope Scholarship Board due to an accumulated balance from prior years as provided under subsection (b) of this section.

(b) Each fiscal year, the amount required to be requested and included in the budget bill for appropriation under subsection (a) of this section shall be reduced by the sum of:

(1) Any unused accumulated amounts transferred to the Hope Scholarship Board for these purposes from previous years; and

(2) Any unused appropriations made to the Department of Education for these purposes that were not transferred to the Hope Scholarship Board due to an accumulated balance from prior years.

ARTICLE 31. HOPE SCHOLARSHIP PROGRAM.

§18-31-1. Short title.

This article shall be known as the ‘Hope Scholarship Act.’ The program created by this act shall be known as the ‘Hope Scholarship Program.’

§18-31-2. Definitions.

The following words have the meanings ascribed to them unless the context clearly indicates a different meaning:

(1) ‘Account’ or ‘scholarship’ means a Hope Scholarship account, awarded pursuant to this article, to which funds are allocated by the board to the parent or parents of an eligible Hope Scholarship student in order to pay qualifying education expenses to educate the student pursuant to the requirements and conditions of this article;

(2) ‘Board’ means the Hope Scholarship Board created pursuant to §18-31-3 of this code;

(3) ‘Curriculum’ means a complete course of study for a particular content area or grade level, including any supplemental materials required by the curriculum;

(4) ‘Education service provider’ means a person or organization that receives payments from Hope Scholarship accounts to provide educational goods and services to Hope Scholarship students;

(5) ‘Eligible recipient’ means a child who:

(A) Is a resident of this state; and

(B) Is enrolled full-time and attending a public elementary or secondary school program in this state for at least 45 days during an instructional term at the time of application and until an award letter is issued by the board under §18-31-5(c) of this code, or enrolled full-time in a public elementary or secondary school program in this state for the entire instructional term the previous year, or is eligible at the time of application to enroll in a kindergarten program in this state pursuant to §18-8-1a of this code, except that if on July 1, 2024, the participation rate of the combined number of students in the Hope Scholarship Program and students eligible who have applied to participate in the Hope Scholarship program during the previous school year is less than five percent of net public school enrollment adjusted for state aid purposes for the previous school year, then, effective July 1, 2026, a child is considered to meet the requirements of this paragraph if he or she is enrolled, eligible to be enrolled, or required to be enrolled in a kindergarten program or public elementary or secondary school program in this state at the time of application;

(6) ‘Hope scholarship funds’ means the moneys deposited in a Hope Scholarship student’s account in accordance with the requirements of this article.

(7) ‘Hope scholarship student’ means a student who receives a scholarship pursuant to this article;

(8) 'Parent' means a biological parent, legal guardian, custodian, or other person with legal authority to act on behalf of an eligible recipient or Hope Scholarship student;

(9) 'Participating school' means any private school that provides education to elementary and/or secondary students and has notified the board of its intention to participate in the program and comply with the program's requirements;

(10) 'Resident school district' means the county school district in which the student resides; and

(11) 'Treasurer' means the West Virginia State Treasurer.

§18-31-3. West Virginia Hope Scholarship board; members; terms; compensation; proceedings generally.

(a) The West Virginia Hope Scholarship Program shall be administered by the West Virginia Hope Scholarship Board.

(b) The board shall consist of nine members and include the following:

(1) The State Treasurer;

(2) The State Auditor, or his or her designee;

(3) The State Attorney General, or his or her designee;

(4) The State Superintendent of Schools, or his or her designee;

(5) The Chancellor of Higher Education, or his or her designee;

(6) The Director of the Herbert Henderson Office of Minority Affairs, or his or her designee; and

(7) Three members appointed by the Governor with the advice and consent of the Senate who are parents of Hope Scholarship students, or for the initial appointments of board members following the effective date of this article, parents who intend to apply for the Hope Scholarship on behalf of eligible recipients, to be appointed as follows:

(A) Only state residents are eligible for appointment to the board;

(B) The members shall reside in geographically diverse areas of the state;

(C) Members shall be initially appointed to staggered terms as follows:

(i) One member appointed by the Governor to a one-year term;

(ii) One member appointed by the Governor to a two-year term;
and

(iii) One member each appointed by the Governor to a three-year term.

After the initial staggering of terms, appointed board members shall serve for three-year terms and are eligible for reappointment at the expiration of their terms; and

(D) If there is a vacancy among appointed members, the vacancy shall be filled by appointment to the unexpired term of a person meeting the requirements of this section by the Governor with the advice and consent of the Senate. Members of the board shall serve until the later of the expiration of the term for which the member was appointed or the appointment of his or her successor.

(c) Members of the board shall serve without compensation. The board may reimburse members for all reasonable and necessary expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Any expense reimbursements shall be made from the West Virginia Hope Scholarship Program Expense Fund at the same rate paid to state employees.

(d) The Treasurer is the chairman and presiding officer of the board. The Treasurer may provide office space and staff to the board upon request of the board.

(e) The State Superintendent of Schools may provide staff to the board, upon request of the board.

(f) A majority of the members of the board constitutes a quorum for the transaction of the business of the board.

(g) Members of the board are subject to the ethical standards and financial disclosure requirements of the West Virginia Governmental Ethics Act in Chapter 6B of this code.

§18-31-4. Powers of the board.

The board is authorized to take any action necessary to effectuate the provisions of this article and to successfully administer the Hope Scholarship Program, subject to applicable state and federal law, including, but not limited to the following:

(1) Adopt and amend bylaws;

(2) Execute contracts and other instruments for necessary goods and services, employ necessary personnel and engage the services of private consultants, actuaries, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice: *Provided*, That election of these services is not subject to the provisions of §5A-3-1 *et seq.* of this code;

(3) Implement the program through the use of financial organizations as account depositories and managers;

(4) Develop and impose requirements, policies, procedures, and guidelines to implement and manage the program;

(5) Determine whether an expenditure of Hope Scholarship funds is or was a qualifying expense to educate a Hope Scholarship student pursuant to §18-31-7 of this code. The board may approve or deny expenditures by a majority vote;

(6) Review any appeals made pursuant to §18-31-10(b) and §18-31-10(d) of this code;

(7) Establish the method by which moneys in the Hope Scholarship Expense Fund shall be allocated to pay for administrative costs and assess, collect and expend administrative fees, charges, and penalties;

(8) Authorize the assessment, collection and retention of fees and charges against the amounts paid into and the earnings on the Hope Scholarship funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, West Virginia Board of Treasury Investments, or other professional managing or investing the Hope Scholarship funds and accounts;

(9) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, West Virginia Board of Treasury Investments, or other professionals investing the funds and accounts: *Provided*, That investments made under this article shall be made in accordance with the provisions of §44-6C-1 *et seq.* of this code; and

(10) Solicit and accept gifts, including bequests and other testamentary gifts made by will, trust, or other disposition; grants; loans; aid; and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this article: *Provided*, That the board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within 180 days of receipt.

§18-31-5. Award of Hope Scholarships.

(a) The Hope Scholarship Program is established to provide the option for a parent to better meet the individual education needs of his or her eligible child. The program shall be operational no later than July 1, 2022.

(b) The board shall create a standard application form that a parent can submit to establish his or her student's eligibility for the award of Hope Scholarship funds, to be placed in a personal

education savings account to be used for qualifying education expenses on behalf of the eligible recipient as provided for in §18-31-7 of this code. Information about scholarship funds and the application process shall be made available on the board's website.

(c) The board shall make such applications available no later than March 1, 2022 and shall begin accepting applications immediately thereafter. The board may update the application as needed. The board shall issue an award letter to eligible recipients within 45 days of receipt of a completed application and all required documentation.

(d) The board shall approve an application for a Hope Scholarship if all of the following circumstances are met:

(1) A parent submits an application for a Hope Scholarship in accordance with the legislative rules promulgated by the board;

(2) A student on whose behalf the parent is applying is an eligible recipient, as provided for in §18-31-2(5) of this code;

(3) The parent signs an agreement with the board, promising to do all of the following:

(A) To provide an education for the eligible recipient in at least the subjects of reading, language, mathematics, science, and social studies;

(B) To use the Hope Scholarship funds exclusively for qualifying expenses as provided for in §18-31-7 of this code;

(C) To comply with the rules and requirements of the Hope Scholarship program; and

(D) To afford the Hope Scholarship student opportunities for educational enrichment such as organized athletics, art, music, or literature; and

(4) The board confirms with the West Virginia Department of Education that the student satisfies §18-31-2(5)(B) of this code:

Provided, That if the department does not reply within 30 days, this criteria is considered satisfied.

(e) An application for a Hope Scholarship is confidential and not a public record subject to release pursuant to the West Virginia Freedom of Information Act, as codified in §29B-1-1 et seq. of this code.

§18-31-6. Funding of Hope Scholarships; program and expense funds.

(a) There is hereby created in the State Treasury a special revenue fund designated and known as the West Virginia Hope Scholarship Program Fund. The fund shall be administered by the Treasurer and shall consist of funds transferred by the Department of Education in accordance with §18-9A-25 of this code. All interest and other returns derived from the deposit and investment of moneys in the Hope Scholarship Fund shall be credited to the fund. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

(b) The amount of Hope Scholarship funds made available to an eligible recipient on a yearly basis shall be equal to 100 percent of the prior year's statewide average net state aid share allotted per pupil based on net enrollment adjusted for state aid purposes, subject to the provisions of subsection (c) of this section: *Provided*, That the amount of Hope Scholarship funds made available to an eligible student per school year may not exceed \$3,000: *Provided, however*, That the amount of the funding to an eligible recipient who is awarded a Hope Scholarship account for less than a full fiscal year shall be prorated based on the portion of the fiscal year the eligible recipient is awarded the Hope Scholarship account. On or prior to the submission of the Department of Education's budget request each year, the board shall notify the Department of Education of the total number of eligible Hope Scholarship applications received by the board, for purposes of facilitating the necessary transfer of moneys pursuant to §18-9A-25 of this code.

(c) Expenditures from the Hope Scholarship Fund shall be limited to the purposes set forth in this article: *Provided*, That an amount not to exceed five percent of the fund shall be transferred annually to the West Virginia Hope Scholarship Program Expense Fund established in subsection (h) of this section to cover the annual administrative costs of the Hope Scholarship Program. If the number of Hope Scholarship accounts increases significantly after any fiscal year, the Treasurer may request an appropriation by the Legislature to the West Virginia Hope Scholarship Program Expense Fund in an amount equal to the administrative costs associated with the increase in Hope Scholarship accounts.

(d) The first deposit of Hope Scholarship funds into an eligible recipient account shall be subject to the execution of the parental agreement required by §18-31-5 of this code. Upon execution of the required parental agreement, and subject to the provisions of §18-31-9(e) of this code, one half of the total annually required deposit shall be made no later than August 15 of every year into an eligible recipient's Hope Scholarship account, and one half of the total annually required deposit shall be made no later than January 15 of every year. Any funds remaining in a Hope Scholarship account at the end of the fiscal year may be carried over to the next fiscal year upon successful renewal of the account.

(e) Funds deposited in a student's Hope Scholarship account, other than those funds expended on transportation services pursuant to §18-31-7(11) of this code, do not constitute taxable income to the parent or the Hope Scholarship student.

(f) The board shall continue to make deposits into an eligible recipient's Hope Scholarship account in accordance with the provisions of this section unless any of the following conditions have occurred:

(1) A parent of an eligible recipient fails to renew a Hope Scholarship account or withdraws from the Hope Scholarship Program;

(2) The board determines that a student is no longer eligible for a Hope Scholarship;

(3) The board suspends or revokes participation in the Hope Scholarship Program for failure to comply with the requirements of this article;

(4) The Hope Scholarship student successfully completes a secondary education program; or

(5) The Hope Scholarship student reaches 21 years of age.

(g) If any of the conditions in subsection (f) of this section occur, the board shall notify the parent that the eligible recipient's account will be closed in 45 calendar days. If a parent fails to adequately address the condition or conditions upon which closure is based or does not respond within 30 calendar days of receipt of notice, the board shall close the account and any remaining moneys shall be returned to the state.

(h)(1) There is hereby created in the State Treasury a special revenue fund designated and known as the West Virginia Hope Scholarship Program Expense Fund. The account shall consist of moneys received pursuant to this section; moneys, if any, transferred from special revenue funds administered by the Treasurer; or any governmental or private grants and any state general fund appropriations, if any, for the Hope Scholarship Program. All interest and other returns derived from the deposit and investment of moneys in the Hope Scholarship Program Expense Fund shall be credited to the fund. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

(2) All expenses incurred by the Treasurer or the board in developing and administering the Hope Scholarship Program shall be payable from the West Virginia Hope Scholarship Expense Fund.

§18-31-7. Qualifying expenses for Hope Scholarship accounts.

(a) Parents of a Hope Scholarship student shall agree to use the funds deposited in their student's Hope Scholarship account only for the following qualifying expenses to educate the student:

(1) Ongoing services provided by a public school district pursuant to §18-31-8(f) of this code, including without limitation, individual classes and extracurricular activities and programs;

(2) Tuition and fees at a participating school;

(3) Tutoring services provided by an individual or a tutoring facility: *Provided*, That such tutoring services are not provided by a member of the Hope Scholarship student's immediate family;

(4) Fees for nationally standardized assessments, advanced placement examinations, any examinations related to college or university admission, and tuition and/or fees for preparatory courses for the aforementioned exams;

(5) Tuition and fees for programs of study or the curriculum of courses that lead to an industry-recognized credential that satisfies a workforce need;

(6) Tuition and fees for nonpublic online learning programs;

(7) Tuition and fees for alternative education programs;

(8) Fees for after-school or summer education programs;

(9) Educational services and therapies, including, but not limited to, occupational, behavioral, physical, speech-language, and audiology therapies;

(10) Curriculum as defined in §18-31-2 of this code;

(11) Fees for transportation paid to a fee-for-service transportation provider for the student to travel to and from an education service provider; and

(12) Any other qualified expenses as approved by the board established pursuant to §18-31-3 of this code.

(b) Hope Scholarship funds may only be used for educational purposes in accordance with subsection (a) of this section. Nothing

in this section requires that a Hope Scholarship student be enrolled, full- or part-time, in either a private school or nonpublic online school.

(c) Hope Scholarship funds may not be refunded, rebated, or shared with a parent or student in any manner. Any refund or rebate for goods or services purchased with Hope Scholarship funds shall be credited directly to a student's Hope Scholarship account.

(d) Nothing in this section prohibits the parents of a Hope Scholarship student from making payments for the costs of educational goods and services not covered by the funds in their student's Hope Scholarship account. However, personal deposits into a Hope Scholarship account are not permitted.

§18-31-8. Renewal of Hope Scholarship accounts; participation in public school system.

(a) A parent must renew an eligible recipient's Hope Scholarship on an annual basis. Notwithstanding any changes in eligibility, a Hope Scholarship student who has previously qualified for a Hope Scholarship account remains eligible to apply for renewal until one of the conditions set forth in §18-31-6(f) occurs: *Provided*, That the board shall verify with the Department of Education the following information by July 1 of every year:

(1) A list of all active Hope Scholarship Accounts;

(2) The resident school district of each Hope Scholarship student;

(3) For a Hope Scholarship student who chooses to attend a participating school, annual confirmation of his or her continued attendance at a nonpublic school that complies with all requirements that other nonpublic school students must comply with; and

(4) For a Hope Scholarship student who chooses an individualized instructional program:

(A) (i) He or she has annually taken a nationally normed standardized achievement test of academic achievement;

(ii) The mean of the child's test results in the subject areas of reading, language, mathematics, science and social studies for any single year is within or above the fourth stanine or, if below the fourth stanine, show improvement from the previous year's results; and

(iii) The child's test results are reported to the county superintendent; or

(B) (i) A certified teacher conducts a review of the student's academic work annually;

(ii) The certified teacher determines that the student is making academic progress commensurate with his or her age and ability; and

(iii) The certified teacher's determination is reported to the county superintendent.

(b) Each county superintendent shall submit the test results and determinations reported to him or her pursuant to subsection (a) of this section to the Department of Education each year on or before June 15.

(c) If a parent fails to renew an eligible recipient's Hope Scholarship, the board shall notify the parent that the eligible recipient's account will be closed in 45 calendar days. If a parent chooses not to renew or does not respond within 30 calendar days of receipt of notice, the board shall close the account and any remaining moneys shall be returned to the state.

(d) If an eligible recipient decides to return to the Hope Scholarship Program after failing to renew, they must reapply.

(e) The board, in consultation with the Department of Education, may adopt rules and policies to provide the least disruptive process for Hope Scholarship students who desire to

stop receiving Hope Scholarship payments and return full-time to a public school.

(f) The board, in consultation with the Department of Education, may adopt rules and policies for Hope Scholarship students who want to continue to receive services provided by a public school or district, including individual classes and extracurricular programs, in combination with an individualized instructional program. The board, in consultation with the Department of Education, shall ensure that any public school or school district providing such services receives the appropriate pro rata share of a student's Hope Scholarship funds based on the percentage of total instruction provided to the student by the public school or school district. County boards shall charge tuition to Hope Scholarship students who enroll for services in a public school within the county. Hope Scholarship students who enroll for services part-time in public school shall not be included in net enrollment for state aid funding purposes under §18-9A-2 of this code. Nothing in this subsection prohibits a Hope Scholarship student from using the funds deposited in his or her account on both services provided by a public school or district and other qualifying expenses as provided for in §18-31-7 of this code.

§18-31-9. Administration of Hope Scholarship accounts.

(a) In addition to the duties, obligations, and authority stated in this section and in other parts of this article, the board has the following duties, obligations, and authority with respect to the administration of Hope Scholarship accounts:

(1) To maintain an updated list of participating schools and shall ensure that the list is publicly available through various sources, including the internet;

(2) To provide parents with a written explanation of the allowable uses of Hope Scholarship funds, the responsibilities of parents, the duties of the board and the role of any private financial management firms or other private organizations that the board may contract with to administer the Hope Scholarship Program or any aspect of the program; and

(3) To ensure that parents of students with a disability receive notice that participation in the Hope Scholarship Program is a parental placement under 20 U.S.C. §1412 of the Individuals with Disabilities Education Act (IDEA) along with an explanation of the rights that parentally placed students possess under (IDEA) and any applicable state laws and regulations.

(b) The board may contract with private organizations to administer the Hope Scholarship Program. This includes, but is not limited to, private financial management firms to manage Hope Scholarship accounts.

(c) The board shall implement, or contract with a private organization to implement, a commercially viable, cost effective, and parent-friendly system for payment for services from Hope Scholarship accounts to participating schools or education service providers, including, but not limited to, the use of debit cards or other electronic or online fund transfers: *Provided*, That a Hope Scholarship account may not be reduced for debit card or electronic payment fees.

(d) The board shall also seek to implement a commercially viable, cost-effective, and parent-friendly system for publicly rating, reviewing, and sharing information about participating schools and education service providers, ideally as part of the same system that facilitates the electronic or online funds transfers so as to create a one-stop-shop for parents and Hope Scholarship students.

(e) If an education service provider requires partial payment of tuition or fees prior to the start of the academic year to reserve space for a Hope Scholarship student admitted to the education service provider, such partial payment may be paid prior to the start of the school year in which the Hope Scholarship is awarded, and deducted in an equitable manner from subsequent Hope Scholarship deposits to ensure adequate funds remain available throughout the school year; but if a Hope Scholarship student decides not to use the education service provider, the partial reservation payment must be returned to the board by such

education service provider and credited to the student's Hope Scholarship account.

(f) The board may accept gifts and grants from any source to cover administrative costs, to inform the public about the Hope Scholarship Program, or to provide additional funding for Hope Scholarship Accounts.

(g) The board may propose legislative rules for legislative approval pursuant to §29A-3-1 *et seq.* of this code, including emergency rules, if necessary, to meet timelines set forth in this article, that are not inconsistent with this article and that are necessary for the administration of this article, including:

(1) Establishing or contracting for the establishment of a fraud reporting system;

(2) Policies that require a surety bond for education service providers receiving more than \$100,000 in Hope Scholarship funds;

(3) Procedures for refunding payments from education service providers back to Hope Scholarship accounts; and

(4) Procedures for entering into reciprocal agreements with other state education savings account agencies or entities, whether public or private, to recognize and allow education service providers approved in other states to receive payments from Hope Scholarship accounts under this article.

(h) The rules or policies adopted by the board should avoid excessive bureaucracy and overly prescriptive mandates and instead shall focus on encouraging participation in the program and encouraging education service providers to provide parents and Hope Scholarship students with a broad array of educational options.

§18-31-10. Auditing of Hope Scholarship Program; suspension of accounts and providers.

(a) The board may propose legislative rules for legislative approval pursuant to §29A-3-1 *et seq.* of this code for the auditing

of individual Hope Scholarship accounts and shall conduct or contract for the random auditing of individual Hope Scholarship accounts as needed to ensure compliance with the requirements of this article and rules promulgated pursuant to this article.

(b) As part of the auditing process, the board may remove a parent or eligible recipient from the Hope Scholarship program and close a Hope Scholarship account for failure to comply with the terms of the parental agreement required by §18-31-5 of this code, failure to comply with the applicable laws, failure of the student to remain eligible, or intentional and fraudulent misuse of Hope Scholarship funds: *Provided*, That the board shall create procedures to ensure that a fair process exists to determine the removal of a parent or eligible recipient from the Hope Scholarship program and a parent or Hope Scholarship student may appeal the decision to make the student ineligible for funds to the board.

(c) The board may conduct or contract for the audit of education service providers accepting payments from Hope Scholarship accounts if it determines that the education service provider has:

(1) Intentionally and substantially misrepresented information or failed to refund any overpayments in a timely manner; or

(2) Routinely failed to provide students with promised educational goods or services.

(d) If the board determines that an education service provider has intentionally and substantially misused Hope Scholarship funds, the board may bar the education service provider from continuing to receive payments. The board shall create procedures to ensure that a fair process exists to determine whether an education service provider may be barred from receiving payment from Hope Scholarship accounts and an education service provider may appeal a decision to bar it from receiving payments to the board. If the board bars an education service provider from receiving payments from Hope Scholarship accounts, it shall notify parents and students of its decision as quickly as possible.

(e) If the board obtains evidence of potential fraudulent use of Hope Scholarship funds, it may refer suspected cases to the State Auditor for purposes of investigation, collection and potential criminal investigation.

§ 18-31-11. Requirements for and rights of education service providers.

(a) To be eligible to accept payments from a Hope Scholarship account, an education service provider shall:

(1) Submit notice to the board that they wish to participate in the Hope Scholarship Program;

(2) Provide participating parents with a receipt for all qualifying educational expenses for the Hope Scholarship student;

(3) Agree not to refund, rebate, or share Hope Scholarship funds with parents or students in any manner, except that funds may be remitted or refunded to a Hope Scholarship account in accordance with §18-31-7(c) of this code;

(4) Certify that it will not discriminate on any basis prohibited by 42 U.S.C. 1981;

(5) Agree to submit any employee who will have contact with Hope Scholarship students to a criminal background check; and

(6) In the case of a participating school, provide notice of enrollment annually to the county superintendent of any student for which a student's tuition is being paid through the Hope Scholarship Program.

(b) This article does not limit the independence or autonomy of an education service provider or make the actions of an education service provider the actions of the state government.

(c) Education service providers shall be given maximum freedom to provide for the educational needs of Hope Scholarship students without governmental control.

(d) A participating school or education service provider is not required to alter its creed, practices, admission policy, hiring policy or curriculum in order to accept eligible recipients whose parents pay tuition or fees from a Hope Scholarship account pursuant to this article.

(e) This article does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of education service providers beyond those necessary to enforce the requirements of the program.

§18-31-12. Responsibilities of resident school districts.

The resident school district or school district in which a Hope Scholarship student was last enrolled, as applicable, shall provide an education service provider that has enrolled the student with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. §1232 g).

§18-31-13. Legal proceedings; severability.

(a) No liability arises on the part of the board or the state or of any county school district based on the award or use of a Hope Scholarship awarded pursuant to this article.

(b) It is the intention of the Legislature in the enactment of this article that if any part of this article is challenged in court as violating either the state or federal constitution, the parents of eligible Hope Scholarship students should be deemed to have standing to be parties to such litigation, and should be permitted by the court to intervene if they are not already parties to such litigation.

(c) If any provision of this article or the application of any such provision of this article to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of this article or the application of its provisions to persons or circumstances other than those to which it is held invalid is not affected thereby.”

Delegate Ellington moved to amend the amendment on page ten, section two, line sixteen, following the words “for at least 45”, by inserting the word “calendar”.

And,

On page sixteen, section six, line twelve, following the words “section: *Provided, That*”, by striking out the words “the amount of Hope Scholarship funds made available to an eligible student per school year may not exceed \$3,000: *Provided, however, That*”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 80**), and there were—yeas 56, nays 43, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Cooper.

So, a majority of the members present having voted in the affirmative, the amendment to the amendment was adopted.

Delegates Zukoff and Boggs moved to amend the amendment to the amendment on page 9, section 25, line 14, by striking out the reference (b) and replacing it with “(c)”.

And,

On page 9, Section 25, line 14, following the period, by inserting a new subsection (b) to read as follows:

“(b) Notwithstanding any other provision of this article to the contrary, for each fiscal year, in addition to all other amounts

required by this article, the Department of Education shall include in its budget request, and the Governor shall include in each budget bill submitted to the Legislature, an appropriation to the Department of Education for an amount that reflects the prior year net loss to each county of school funding from county's share in excess of 2% as a result of funding being shifted from the county to the Hope Scholarship Fund, the greater of the amount of: (1) the net public school enrollment adjusted for state aid purposes, or (2) the total number of eligible Hope Scholarship applications received by the Hope Scholarship Board, if available, multiplied by the prior year's statewide average net state aid allotted per pupil. The amount appropriated shall be transferred by the Department of Education to each county to reimburse the county for any loss of revenue in excess of 2% as calculated herein."

And,

By re-lettering subsequent subsections accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 81**), and there were—yeas 29, nays 70, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Barach, Barrett, Bates, Boggs, Brown, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Paynter, Pethtel, Pushkin, Reynolds, Rowe, Skaff, Thompson, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Cooper.

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

Delegates Hornbuckle and Boggs moved to amend the amendment to the amendment on page 10, section 2, line 14, by striking out the word "and", and on line 27 of section 2, page 11, following the semi-colon, by inserting the following:

“and

(C) The household adjusted gross income for the household of the recipient does not exceed \$75,000 for persons filing a single return or \$150,000 for persons filing a joint return.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 82**), and there were—yeas 24, nays 75, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Cooper.

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

Delegates Boggs and Rowe moved to amend the amendment to the amendment on page 24, section 10, line 4, following the period, by inserting the following:

“The board shall annually audit no fewer than 5% of the Hope Scholarship accounts to assure that the funds are used appropriately as provided pursuant to this article and any rules promulgated thereunder. The board may require receipts for payments made with scholarship funds for categories of expenses as provided by rule.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 83**), and there were—yeas 24, nays 74, absent and not voting 2, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Cooper and Young.

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

Delegate Rowe moved to amend the amendment to the amendment on page 16, section 5, line 23, following the words “of this code”, by inserting “and shall at least annually, for each recipient, submit a list of qualified expenses not paid directly by the board on a form as provided by the board”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 84**), and there were—yeas 24, nays 75, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Cooper.

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

Delegates Doyle, Thompson, Rowe, Walker and Pushkin moved to amend the amendment to the amendment on page 26, section 11, line 10, following the number “1981”, by inserting a comma and the words “or on the basis of race, sex, sexual orientation, religion or disability”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 85**), and there were—yeas 22, nays 76, absent and not voting 2, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Cooper and Higginbotham.

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

The Committee on Finance amendment, as amended, was then adopted.

Having been engrossed a second time, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 86**), and there were—yeas 57, nays 42, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Brown, D. Kelly, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, J. Kelly, J. Pack, Lovejoy, McGeehan, Miller, Paynter, Pethtel, Pushkin, Reynolds, Rohrbach, Rowan, Rowe, Skaff, Storch, Thompson, Toney, Walker, Westfall, Williams, Young, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2013) 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 H. B. 2013 - “A Bill to amend and reenact §18-8-1 and §18-8-1a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9A-25; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10, §18-31-11, §18-31-12 and §18-31-13, all relating to establishing the Hope Scholarship Program; creating exemptions from compulsory school attendance requirements under certain conditions; providing a parent of a prospective kindergarten student the option of applying to the program on his or her child’s behalf; providing funding for the program and the parameters thereof; providing a title for the act and the program; providing definitions; creating the West Virginia Hope Scholarship Board and providing for membership qualifications therein; establishing powers of the board; establishing the application process for the award of Hope Scholarships; creating the West Virginia Hope Scholarship Program Fund and the West Virginia Hope Scholarship Program Expense Fund and the funding mechanisms and parameters therefore; establishing qualifying expenses for Hope Scholarship Accounts; creating a renewal process for accounts; providing for a Hope Scholarship student’s participation in the public school system; providing for administration of accounts; providing for the auditing of the program, suspension of accounts and providers under certain circumstances, and creating a right of appeal; establishing requirements for and rights of education service providers; establishing responsibilities of resident school districts; and providing for legal proceedings and severability.”

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

Second Reading

Com. Sub. for S. B. 270, Providing for collection of tax by hotel marketplace facilitators; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 358, Removing prohibition on ATMs located in area where racetrack video lottery machines are located; on second reading, coming up in regular order, was read a second time.

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

Com. Sub. for H. B. 2257, Relating to extended supervision for certain drug offenders; on second reading, coming up in regular order, was read a second time.

* * * * *

Speaker Pro Tempore Howell in the Chair

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On motion of Delegate Garcia, the bill was amended on page 2, section 30, line 14, following the word “later”, by striking out the period, inserting a colon and the following proviso:

“Provided, That no period of additional supervised release may begin until the person so convicted has an opportunity for a hearing requesting modification, termination, or revocation of the supervised release, which hearing may not be held sooner than 60 days prior to the expiration of any period of probation, incarceration, or parole supervision imposed or required, whichever expires later.”

On motion of Delegate Pushkin, the bill was amended on page 1, section 30, lines 4 and 5, by striking out the words “or a conviction under §60A-4-414(b)(c), or (d) of this code,”.

Delegate Pushkin moved to amend the bill on page 1, section 30, lines 3 and 4, by striking out the words “or for the possession with intent to deliver the controlled substances of heroin, methamphetamine, or fentanyl,”.

The question being the adoption of the amendment offered by Delegate Pushkin, the same was put and did not prevail.

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

Com. Sub. for H. B. 2507, Remove the limitations on advertising and promotional activities by limited video lottery retailers; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2621, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2675, Relating to costs and interest in eminent domain condemnation proceedings; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2741, Relating to expansion of the alcohol test and lock program to offenders with a drug related offense; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

Com. Sub. for S. B. 280, Relating to e-commerce modernization; on first reading, coming up in regular order, was read a first time and ordered to second reading.

S. B. 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 2221, Relating to the establishment of an insurance innovation process; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 2335, Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; on first reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill (H. B. 2382) was recommitted to the Committee on the Judiciary.

H. B. 2701, Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 2709, Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 2764, Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 2765, Relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 2905, Relating to repealing the prohibition against the use of certain words; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Cooper.

Miscellaneous Business

The House of Delegates met at 5:00 p.m. on Wednesday, March 3, 2021 for **Remarks by Members**, in accordance with House Rule 65. The Honorable Caleb Hanna, Assistant Majority Whip, called the House to order and presided while several members proceeded to make remarks. At 5:15 p.m., Remarks by Members was adjourned.

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

H. B. 2278: Delegate Rowe;

H. B. 2295: Delegate Bates;

H. B. 2592: Delegate Smith;

H. B. 2667: Delegate Reynolds;

H. B. 2708: Delegate Toney;

H. B. 2719: Delegate Espinosa;

H. B. 2721: Delegate Espinosa;

H. B. 2742: Delegate Espinosa;

H. B. 2795: Delegate Barach;

H. B. 2831: Delegates Barrett, Ellington, Espinosa, Hornbuckle, Householder, L. Pack, Rowe, Summers, Tully and Young;

H. B. 2830: Delegate Rowan;

H. B. 2852: Delegates Griffith and Thompson;

H. B. 2904: Delegates Doyle, Fleischauer, Walker and Williams;

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

H. B. 2376: Delegate Nestor;

H. B. 2592: Delegates Higginbotham and Thompson;

H. B. 2857: Delegate Hanna;

And,

H. B. 2859: Delegate Horst.

At 1:24 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 5, 2021.

Friday, March 5, 2021

TWENTY-FOURTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Thursday, March 4, 2021, 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. 270, H. B. 2741 and Com. Sub. for H. B. 2675, on Third reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 2792, Relating to the expansion of direct access to natural gas service for new customers,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2792 - "A Bill to amend and reenact §24-2-20 of the Code of West Virginia, 1931, as amended, relating

generally to natural gas public utilities; providing for the expansion of direct access to natural gas service for new customers and allowing existing natural gas utility customers to have direct access to natural gas service if an existing user expands its service in the amount of 25 million cubic feet of natural gas per year or more; allowing this direct access for users without the permission, consent, control, review, or input of the Public Service Commission; amending certification requirements by users to the Public Service Commission; requiring the Public Service Commission to promulgate rules to implement the provisions no later than July 1, 2021; amending legislative findings and establishing an effective date,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 2342, Establishing and implementing a program to require bonding sufficient to reclaim abandoned wind generation facilities and solar generation facilities,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2342) was referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2733) was referred to the Committee on Government Organization.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2303, Moving authority for the West Virginia veterans service decoration and West Virginia Service Cross to the Division of Veterans Affairs,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2303) was referred to the Committee on Government Organization.

On motions for leave, the following bills were introduced (Originating in the Committee on Government Organization and reported with the recommendation that they each do pass), which were read by their titles, as follows:

By Delegates Steele and Foster:

H. B. 2957 - "A Bill to repeal §5-20-1, §5-20-2, §5-20-3, §5-20-4, §5-20-5, §5-20-6, §5-20-7, §5-20-8, and §5-20-9, of the Code of West Virginia, 1931, to repeal §5A-2A-1, §5A-2A-2, §5A-2A-3, and §5A-2A-4, of said code, and to repeal §16-6-13, and §16-6-

22a of said code, all relating to the repeal of outdated code sections,”

And,

By Delegates Steele and Foster:

H. B. 2958 - “A Bill to repeal §10-1-10 of the Code of West Virginia, 1931, as amended; to repeal §19-2A-5 of said code; to repeal §31-3-1, §31-3-2, §31-3-3, §31-3-4, §31-3-5, §31-3-6, §31-3-7, §31-3-8, §31-3-9, §31-3-10, §31-3-11 of said code; to repeal §31-15-12a of said code; and to repeal §34-1-11 of said code, all relating to repealing outdated sections of state code.”

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

Your Committee on Government Organization has had under consideration:

S. B. 296, Relating generally to repealing certain rules,

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

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

S. B. 338, Creating Fire Service Equipment and Training Fund,

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

In the absence of objection, reference of the bill (S. B. 338) to the Committee on Finance was abrogated.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2763, Creating WV Cyber Incident Reporting,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2763) was referred to the Committee on Government Organization.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2632, Permitting Commissioner of Highways to make transfers of money within the State Road Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2632) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2668, Removing obsolete provisions regarding DOH standards for studded tires and chains,

H. B. 2719, Relating to the Division of Motor Vehicles use of electronic means and other alternate means to provide notice,

H. B. 2721, Providing electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice,

H. B. 2742, Providing explicit authority to process an online driver's license or identification renewal or reissuance when the applicant needs to update the address,

And,

H. B. 2786, Relating to Powers and Duties of the Chief Technology Officer,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2668, H. B. 2719, H. B. 2721, H. B. 2742 and H. B. 2786) were each referred to the Committee on Government Organization.

Delegate D. Jeffries, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 4th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 14, Providing for additional options for alternative certification for teachers.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 4th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 2262, Relating to the controlled substance monitoring database.

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

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

H. B. 2776, Creating the Air Ambulance Patient Protection Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2776) was referred to the Committee on the Judiciary.

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

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

H. B. 2674, Relating to the administration of anesthetics,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2674 - "A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics,"

With the recommendation that the committee substitute do pass.

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

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

H. B. 2598, Altering the definition of an above ground storage tank,

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

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

Your Committee on Education has had under consideration:

H. B. 2097, Relating to calculating net enrollment for home-school students enrolled in one virtual school course in the public school system,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2097) was referred to the Committee on Finance.

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 and the passage, as amended, of

Com. Sub. for S. B. 12, Relating to local health department accountability.

A message from the Senate, by

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

Com. Sub. for S. B. 263 - "A Bill to amend and reenact §47-20-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-21-2, all relating to authorizing charitable

and public service organizations to raise funds by conducting charitable raffles and bingo virtually over the Internet; and defining terms”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 332 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3, §3-11A-4, and §3-11A-5, all relating to providing procedures for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America; defining terms; directing Legislature to establish committee of correspondence for Article V convention; authorizing participation by delegates in Article V convention only when each state has equal vote; setting forth delegate duties and responsibilities; setting forth oath for candidate for delegate or alternate; designating delegates and alternates as public officials and subject to West Virginia Governmental Ethics Act; providing for immediate recall of delegate casting unauthorized vote and replacement with alternate; directing Legislature to certify certain information to Article V convention; making violation of delegate’s oath a felony; and providing criminal penalties for violation of a delegate’s oath”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 345 - “A Bill to amend and reenact §17C-5A-3a of the Code of West Virginia, 1931, as amended, relating to expansion of the alcohol test and lock program to offenders with a drug-related offense; renaming the alcohol test and lock program to the Motor Vehicle Alcohol and Drug Test and Lock Program; authorizing the commissioner to require drug testing; authorizing deferral of the revocation period for a participant with a drug

offense; and authorizing an offender of driving while license suspended or revoked, driving while license revoked for driving under the influence of alcohol, controlled substances, or drugs, or while having alcoholic concentration in the blood of eight hundredths of one percent or more, by weight, or for refusing to take secondary chemical test of blood alcohol contents, to participate in the Motor Vehicle Alcohol and Drug Test And Lock Program.”

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for S. B. 345) was taken up for immediate consideration, read a first time and ordered to second 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. 87**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Ellington and Higginbotham

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time and ordered to third reading.

The bill was then read a third time.

Delegate Fleischauer arose to ask leave of the House to amend the bill on third reading. The Speaker replied, noting that he had already called for the vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 88**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Rowe, Steele and Wamsley.

Absent and Not Voting: Ellington and Higginbotham.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 345) 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 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 Technology and Infrastructure then Rules:

S. C. R. 8 - “Requesting the Division of Highways name bridge number 20-077/00-081.90 (20A679), locally known as Dry Branch, carrying S 77 over Dry Branch and WV 79/1 in Kanawha County, the ‘Fire Chief Kenneth Junior Russell Memorial Bridge’.”

Whereas, Kenneth Junior Russell was born in Marting, West Virginia, on October 19, 1944, the son of Elijah Thomas Russell and Monnie Ethel Russell. He was a proud retired coal miner from Carbon Fuel Coal Company where he was a continuous miner at the No. 9 mine; and

Whereas, Kenneth Junior Russell was a charter member of the Cabin Creek Volunteer Fire Department in Eskdale, West Virginia, where he joined on July 30, 1970, and served for 38 years, 30 years of which were as chief, eight years as President of the Cabin Creek Volunteer Fire Department Board of Directors. His significant contributions have been profound to the fire-rescue profession, the organization, and most importantly, the communities of which he so proudly served over his longstanding public service career; and

Whereas, Kenneth Junior Russell’s stellar leadership, devotion to duty, and his dedication to fellow emergency workers have always been value-driven through a high sense of integrity, commitment, and compassion. Concerned about providing needed

water for the Cabin Creek area, Fire Chief Kenneth Junior Russell, along with members of the Cabin Creek Volunteer Fire Department, worked with West Virginia American Water to provide Cabin Creek residents much needed safe and potable water, and increased fire protection for the Cabin Creek area. Kenneth Junior Russell was presented the Distinguished Mountaineer Award in 2010 by Governor Joe Manchin III; and

Whereas, Kenneth Junior Russell married the love of his life, Linda Joyce Castle in 1962, and the two were married for 34 years. Kenneth Junior Russell passed away on August 27, 2020. He is survived by his daughter, Monnie Kay Russell; daughter in law Tracy Castle; grandson Travis L. Castle and wife Christine; granddaughter Crystal Castle, great-grandson Oscar “Tootie” Castle; brother Frank Russell; brother Glen Russell; sister Dorothy Cockernham and husband Steve; sister Wanda Wood and a plethora of nieces and nephews. He was preceded in death by his wife, Linda Joyce Russell, son Walter Lee Castle, daughter Cinda Russell, father Elijah Thomas Russell, mother Monnie Ethel Russel, and sister Carol Gay; and

Whereas, The Cabin Creek community mourn the loss of their founding chief who served to protect his fellow man and advance the common good, and sympathy on their behalf is extended to his family, loved ones, to his many friends, to members of the Cabin Creek Volunteer Fire Department family with whom he served faithfully and honorably, and to all those who knew and loved him; and

Whereas, It is fitting that an enduring memorial be established to commemorate Fire Chief Kenneth Junior Russell and his contributions to our state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-077/00-081.90 (20A679), locally known as Dry Branch, carrying S 77 over Dry Branch and WV 79/1 in Kanawha County, the “Fire Chief Kenneth Junior Russell 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 “Fire Chief Kenneth Junior Russell 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 Technology and Infrastructure then Rules:

S. C. R. 9 – “Requesting the Division of Highways name bridge number 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV 75 over Twelvepole Creek in Wayne County, the ‘Haynie Family Veterans Memorial Bridge’.”

Whereas, The Haynies have been in the Buffalo Creek area since the early 1800s and served their country in World Wars I and II; and

Whereas, Anthony Haynie, PVT, WW I, was born July 22, 1895, in Wayne County, West Virginia. He enlisted in the U.S. Army on October 5, 1917, and was discharged on June 10, 1919. He served under General Pershing, Battery C 315, Field Artillery, 80 Division. PVT Anthony Haynie’s unit had advanced to the town of Romagne and were engaged with the Germans. Three guns of his battery were knocked out by shell fire and gas attack. The battery commander asked for volunteers to man the guns in spite of the fierce gas attack and PVT Anthony Haynie answered the call. His record reveals that he was severely wounded in that engagement and that he received the Purple Heart. PVT Anthony Haynie died on January 17, 1976; and

Whereas, Arthur Haynie was born November 17, 1921. He attended the old wooden school in Buffalo, West Virginia. He

entered the U.S. Army on December 14, 1942. At discharge, he was a Tech 5 of the military police. He died on September 18, 1995; and

Whereas, James E. Haynie, PVT, WW II, was born on August 16, 1923, in Wayne County. He attended and graduated from Buffalo High School. He served in the U.S. Army from July 8, 1943, through December 7, 1945. PVT James E. Haynie was a demolition expert and served in Calcutta and Burma. His unit merged with Merrill's Marauders and came behind them, "cleaning up their mess". He received the Asiatic Pacific Theater Ribbon, WW II Victory Ribbon, and Distinguished Unit Badge with two Bronze Stars. PVT James E. Haynie died September 14, 2014; and

Whereas, Robert V. Haynie, PVT, WW II, was born on March 24, 1925, in Wayne County. He attended Buffalo High School. He served in the U.S. Army from August 28, 1943, through February 14, 1946. PVT Robert V. Haynie was a military policeman serving in the European Theater of Operation. He served in Normandy, Northern France, and the Rhineland. He was a recipient of the Purple Heart, the European African Middle Eastern Theater Ribbon, and the WW II Victory Ribbon. PVT Robert V. Haynie died December 25, 2018; and

Whereas, Charles E. Haynie, WW II, was born on April 14, 1927, in Wayne County. He attended Buffalo High School. He enlisted in the U.S. Navy and served on the USS Sandoval (APA-194) as a coxswain in Iwo Jima. Charles E. Haynie died November 20, 2016; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Haynie family 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 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV 75 over Twelvelpole Creek in

Wayne County, the “Haynie 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 “Haynie 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.

Resolutions Introduced

Delegates Howell, Hanshaw (Mr. Speaker), Foster and Westfall offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

H. C. R. 24 - “Urging Congress to extend federal tax incentives to participants in Jumpstart Savings programs that are similar to those that are currently provided to participants in College Savings plans, pursuant to 26 U.S.C. §529.”

Whereas, The economy of the United States is experiencing increased demands for highly trained, skilled tradespeople to fill jobs in the construction, welding, and other vocational sectors; and

Whereas, In the United States, there are nearly half a million more jobs available in the skilled trades than workers with the skills to fill them; and

Whereas, The number of available jobs in the skilled trades is anticipated to rise to two million over the next decade; and

Whereas, A traditional college education is one path to success, but not the only path, especially in light of the increasing costs of a traditional four-year college degree and the growing demand for skilled labor; and

Whereas, Encouraging students and their families to invest in alternative forms of post-secondary skills could help reshape our nation’s future workforce; and

Whereas, Providing the next generation the ability to save money for the future costs of tools, equipment, and business expenses will make it easier to enter a vocation, trade, or start a small business in the skilled trades industry; and

Whereas, The West Virginia Legislature has adopted legislation authorizing the West Virginia Jumpstart Savings Program, which creates several tax incentives to help program participants save money, by allowing an income tax deduction for contributions to a Jumpstart Savings account, by providing businesses with a non-refundable state tax credit for matching an employee's own contribution to his or her account each year; and

Whereas, The Jumpstart Savings Program will allow individuals to roll 529 College Savings plan funds over to a Jumpstart Savings account without facing state income tax penalties; and

Whereas, West Virginia's Jumpstart Savings Program could be a model for other states to invest in the future entrepreneurship and small business trade industries in our nation, and Congress should extend federal tax benefits to such programs; therefore, be it

Resolved by the Legislature of West Virginia:

That Congress is urged to provide tax benefits to participants in Jumpstart Savings programs that are similar to those currently provided to participants in College Savings plans pursuant to 26 U.S.C. §529; and, be it

Further Resolved, That the Clerk of the House of Delegates is hereby directed to forward a copy of this resolution, along with a copy of the Jumpstart Savings Act, to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, and to members of West Virginia's congressional delegation.

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

H. C. R. 25 - “Requesting the Division of Highways name bridge numbers (54-077/00-164.69 (NB&SB), (54A249, 54A250) (39.11568, -81.54558) locally known as City Beer Overpass N&S (CIBB), carrying IS77 over County Route 21 in Wood County, the ‘U.S. Army SSG William “Billy” E. Friese Memorial Bridge’.”

Whereas, William E. “Billy” Friese was born on September 28, 1988, unto William A. Friese and Cathy Teehan; and

Whereas, William E. “Billy” Friese grew up in Rockport on an old gravel road, hunting, catching crawdads, playing/fighting with his siblings and drinking his grandma’s sweet tea; and

Whereas, William E. “Billy” Friese graduated from Parkersburg South High School in 2007 and earned an occupational associate degree in specialized diesel technology and management from WyoTech in June, 2013; and

Whereas, William E. “Billy” Friese joined the West Virginia Army National Guard in 2008 assigned to the 111th Engineer Brigade and achieved the rank of staff sergeant; and

Whereas, SSG William E. “Billy” Friese was deployed to Camp Buehring, Kuwait, in support of Operation Inherent Resolve and was also previously deployed to Afghanistan in 2010 with the 1092nd Engineer Battalion; and

Whereas, SSG William E. “Billy” Friese military service awards include the Meritorious Service Medal, Army Achievement Medal with Bronze Oak Leaf Cluster, Army Good Conduct Medal, Army Reserve Components Achievement Medal with 2 Bronze Oak Leaf Cluster, National Defense Service Medal, Afghanistan Campaign Ribbon with Bronze Star Device, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with Mobilization Device, Army Service Ribbon, Army Overseas Ribbon, Army Reserve Components Overseas Training Ribbon, West Virginia National Guard Emergency Services Ribbon with Bronze Oak Leaf Cluster, West Virginia National Guard State Service Ribbon with Bronze Oak Leaf Cluster and West Virginia National Guard Service Ribbon; and

Whereas, SSG William E. “Billy” Friese died on July 18, 2019 while on active duty at Camp Buehring, Kuwait; and

Whereas, SSG William E. “Billy” Friese will be sadly missed by his wife, Nattakarn “Tookta” Srimoung Friese; children, Christian Alan and Narissara “Sarah” Srimoung; mother, Cathy Teehan and husband/stepfather, John; Cindy Jaworski and husband, Andre; father, Steve Ward; paternal grandparents, William and Barbara Friese; maternal grandmother, Sandra Vanoster; siblings, Nathaniel Duvuvuei and wife, Maria, Orrin Duvuvuei and wife, Erin, Josh Ward, Kyle Ward, Ashley “Nikki” Morris and husband Bobby, Kayla Lehan and husband, Ryan; and several nieces, nephews and special loved ones; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSG William E. “Billy” Friese 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\ (NB&SB), (54A249,54A250) (39.11568,-81.54558) locally known as City Beer Overpass N&S (CIBB), carrying IS77 over County Route 21 in Wood County, the “U.S. Army SSG William ‘Billy’ E. Friese 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 SSG William “Billy” E. Friese Memorial Bridge”; and, be it

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

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

H. C. R. 26 - “Requesting the Division of Highways name bridge number 18-33/00-011.48 (18A127), -81.72619), locally

known as WEST RIPLEY BRIDGE (CSWB), carrying US 33 over MILL CREEK in Jackson County, the ‘U. S. Navy SK3C Victor Yoak Memorial Bridge’.”

Whereas, U. S. Navy SK3C Victor Yoak was born in Shook, West Virginia on March 9, 1922; and

Whereas, U. S. Navy SK3C Victor Yoak enlisted in the Navy in 1942. He was sent to Norfolk, Virginia for his three-week induction. The Navy wanted him to be a gunner; but that was not for him. After a conversation with his commanding officer, he was given the opportunity to serve as a storekeeper at age 20 years on the U.S.S. Monrovia when it went into service. He sailed two thirds around the world. As a part of the 3rd Fleet, his ship was protected by other battleships with no deaths or casualties, but they were attacked by German airstrikes. Although both General Dwight D. Eisenhower and General George Patton were on the U.S.S. Monrovia at various times, U. S. Navy SK3C Victor Yoak was more impressed with the ship’s ceremony and initiation when the ship crossed the equator; and

Whereas, After being discharged on October 24, 1945, he returned to the states. He married the love of his life, Ruth Bennington and they raised three children. He moved to Jackson County in 1977, where he was active in Ripley’s city government as a member of the city council. During an interview, the then 98 year old Vic Yoak had no regrets for how he lived his life. Moving to Jackson County was one of his best decisions. He loved the people there, “there’s a closeness and friendliness”; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Navy SK3C Victor Yoak 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 18-33/00-011.48 (18A127), -81.72619), locally known as WEST RIPLEY BRIDGE (CSWB), carrying US 33 over

MILL CREEK in Jackson County, the “U. S. Navy SK3C Victor Yoak 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. Navy SK3C Victor Yoak Memorial Bridge”; and, be it

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

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegate Higginbotham:

H. J. R. 26 - “Proposing an amendment to the Constitution of the State of West Virginia declaring the right to hunt and fish; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Agriculture and Natural Resources then the Judiciary.

Bills Introduced

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

By Delegates Howell, Paynter, Hamrick and Linville:

H. B. 2919 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-14a, relating to persons from another state storing firearms in this state; providing that firearms may be stored in any storage location in this state not otherwise prohibited by law; providing that information relating to firearms stored in this state shall not be disseminated to law enforcement or other agency without meeting certain conditions; providing that a judge must first order a person to provide information relating to firearms stored in this state; providing that the judge must have clear and convincing evidence that the firearm was used in a crime committed in another state or this state before ordering information to be provided; providing that the owner or operator of a storage location must provide only

information ordered by a judge; providing that an owner or operator of a storage location must not provide information without being first ordered by a judge; providing for first time offense penalties; providing for subsequent offense penalties; providing for an absolute defense for failing to provide information before being ordered to provide information by a judge”; to the Committee on the Judiciary.

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

H. B. 2020 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2021, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

**By Delegates Young, Lovejoy, Fluharty, Pushkin, Zukoff
and Rowe:**

H. B. 2021 - “A Bill to amend and reenact §3-3-1 of the Code of West Virginia, 1931, as amended, relating to voting; allowing voters 65 and older to vote absentee”; to the Committee on the Judiciary.

**By Delegates Young, Zukoff, Lovejoy, Fluharty, Pushkin
and Rowe:**

H. B. 2022 - “A Bill to amend and reenact §3-8-1a and §3-8-9 of the Code of West Virginia, 1931, as amended, relating to adding security expenses to the definition of campaign finance expenses”; to the Committee on the Judiciary.

**By Delegates Young, Linville, Dean, Thompson and
Garcia:**

H. B. 2023 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-19-1, relating to prohibiting an institution of higher education from requiring a current or prospective student, or current or prospective employee, to disclose their username or password for social media

accounts or to require such person to change their social media privacy settings, or add an employee or volunteer of the institution of higher education; and prohibiting an institution of higher education from taking action against such current or prospective student, or current or prospective employee, such as threatening to discharge, discipline, prohibit from participating in curricular or extracurricular activities, or otherwise penalize a current student for asserting their right under this article”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Young, Walker, Zukoff and Thompson:

H. B. 2924 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated as §21A-6B-1, §21A-6B-2, §21A-6B-3, §21A-6B-4, §21A-6B-5, and §21A-6B-6, all relating to establishing the Short Time Compensation Program within Workforce West Virginia; defining terms; providing that the executive director of Workforce West Virginia establish and implement the program; establishing program requirements; development of an employer application form to request approval of a plan and an approval process to participate in the program; establishing requirements for a plan application; procedure for approval or disapproval of a plan; providing for the effective date, duration, and modification of a plan; employee eligibility requirements to receive short-time compensation; and prescribing employee benefits and limitations on benefits”; to the Committee on Workforce Development then Government Organization.

By Delegates Young, Linville, Paynter, Dean, Thompson and Garcia:

H. B. 2925 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to providing for the destruction of customer records that contain personal information no longer needed by the business”; to the Committee on the Judiciary.

By Delegates Young, Walker, Paynter, Garcia and Thompson:

H. B. 2926 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-9-1,

relating to prohibiting public utilities from terminating or disconnecting services during a state disaster emergency declared by executive order; creating duty to restore service; requiring public utility to enter into deferred payment agreement with residential customer during state of emergency; prohibiting public utility from disconnecting service for 180 days providing notice to residential customer; and establishing right of public utilities to recover funds owed in normal course following the state of emergency”; to the Committee on Government Organization then the Judiciary.

By Delegates Young, Walker, Statler, Worrell, Skaff and Lovejoy:

H. B. 2927 - “A Bill to amend §3-8-1a and §3-8-9 of the Code of West Virginia, 1931, as amended, relating to campaign finance expenses; and adding caregiving expenses to definitions and to lawful election campaign expenses”; to the Committee on the Judiciary.

By Delegates Young, Thompson, Zukoff and Rowe:

H. B. 2928 - “A Bill to amend and reenact §3-3-1 and §3-3-2 of the Code of West Virginia, 1931, as amended, all relating to absentee voting, by removing specifications for permission to vote by absentee ballot and allowing all voters to request and vote by absentee ballot”; to the Committee on the Judiciary.

By Delegates Young, Lovejoy, Fluharty, Pushkin and Zukoff:

H. B. 2929 - “A Bill to amend and reenact §3-6-9 of the Code of West Virginia, 1931, as amended, relating to requiring that the boards of canvassers transmit electronically to the Secretary of State, on a form prescribed by the Secretary of State, the total ballots cast, counted, and rejected”; to the Committee on the Judiciary.

By Delegate McGeehan:

H. B. 2930 - “A Bill to amend and reenact §18-5-2 of the Code of West Virginia, 1931, as amended, relating to changing the method of filling vacancies in county boards of education”; to the Committee on Education then the Judiciary.

By Delegates Foster, Kimes, Steele and Barrett:

H. B. 2931 - “A Bill to amend and reenact §48-8-103 of the Code of West Virginia, 1931, as amended, relating to standardization of the criteria for awarding spousal support in cases of separation and divorce”; to the Committee on the Judiciary.

By Delegates Kessinger, Graves and Mazzocchi:

H. B. 2932 - “A Bill to amend §1-7-2 and §1-7-3 of the Code of West Virginia, 1931, as amended, relating to the protection of an individual’s freedom of association”; to the Committee on Government Organization.

By Delegates Kessinger, Hardy, D. Jeffries, Pinson, J. Pack, Summers, L. Pack, Haynes, Brown, Hanshaw (Mr. Speaker) and Mazzocchi:

H. B. 2933 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating to creating the Anti-Discrimination Against Israel Act”; to the Committee on the Judiciary.

By Delegates Mallow, Forsht, Conley, Miller and Longanacre:

H. B. 2934 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, and to amend said code by adding thereto a new article, designated §8-20B-1, all relating to unsafe real property conditions in counties or municipalities; providing a process by which county commissions may compel the cleanup of hazardous real property conditions; providing a power to assert a lien if a real property owner fails to comply with a county commission’s hazardous condition resolution; providing a hearing an appeals process regarding unsafe condition determinations made by county commissions; providing a process by which local governing bodies may compel the cleanup of hazardous real property conditions; providing a power to assert a lien if a real property owner fails to comply with a local governing body’s hazardous condition resolution; and providing a hearing an appeals process on unsafe condition determinations made by local governing bodies”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Mallow, Forsht, Conley, Miller, Longanacre and Hanna:

H. B. 2935 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-5-16, relating to limiting the assessed value of antique or classic vehicles; and providing a justification requirement for any increase by the county tax assessor which must be presented to the vehicle owner before any increase may take effect”; to the Committee on Political Subdivisions then Finance.

By Delegate Criss:

H. B. 2936 - “A Bill to amend and reenact §12-6C-4 and §12-6C-9 of the Code of West Virginia, 1931, as amended, all relating generally to the Board of Treasury Investments; authorizing the board to provide compensation to appointed directors for each meeting attended and establishing the rate thereof; authorizing the board to invest in commercial paper with a certain nationally recognized rating and weighted maturity; authorizing the board to invest in state and local government securities with certain nationally recognized ratings; removing the limitation on the percentage of the Consolidated Fund that the board may invest in certain corporate securities; and eliminating the requirement that the board invest a certain percentage of the Consolidated Fund in obligations guaranteed by the United States”; to the Committee on Finance.

By Delegate Hanna:

H. B. 2937 - “A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating to requiring a vote on school closure or consolidation in certain circumstances”; to the Committee on Education then the Judiciary.

By Delegates Espinosa, Barrett, Hardy, Clark, Householder and Summers:

H. B. 2938 - “A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to changes in distribution of net terminal income”; to the Committee on the Judiciary then Finance.

By Delegates Espinosa, Barrett, Hardy, Horst, Reed, Miller, Clark, Forsht and Householder:

H. B. 2939 - “A Bill to amend and reenact §49-1-113 of the Code of West Virginia, 1931, as amended, relating to clarifying ‘out-of-school’ time programs”; to the Committee on Education.

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

H. B. 2940 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2021, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

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

H. B. 2941 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, by decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner, fund 8883, fiscal year 2021, organization 0704, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegate Holstein:

H. B. 2942 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-10a, relating to establishing a tax credit for employers who hire qualified employees in a program of recovery from substance abuse; authorizing tax credit; defining terms; specifying the application process for tax credit; determining the amount of the credit; restricting disclosure of diagnosis and treatment information; establishing maximum allowable credits; and providing that unused credits do not carry over to subsequent years”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate Holstein:

H. B. 2943 - “A Bill to amend and reenact §48-22-702 of the Code of West Virginia, 1931, as amended, relating to adoption records, providing a means for adoptees reaching 21 years of age to obtain an original birth certificate upon application and payment of fees”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 2944 - “A Bill to amend and reenact §6B-3-1, §6B-3-2, §6B-3-3a, §6B-3-3b, §6B-3-3c, §6B-3-4; §6B-3-6; and §6B-3-7 of the Code of West Virginia, 1931, as amended, all relating to the registration of lobbyists and lobbyist interns; defining and specifying criteria for lobbyist interns; providing for registration of lobbyist interns and exemption from registration fees; requiring lobbyists and lobbyist interns under contract to specifying end date of their engagements; including lobbyist interns in conflict of interest prohibitions and training requirements; requiring reporting of activity and expenditures; prohibiting the use of unregistered lobbyists and lobbyist interns; and including lobbyist interns within in the same ethical requirements as lobbyists”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 2945 - “A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to providing a requirement that any candidate be registered for six months with a political party before announcing a candidacy”; to the Committee on the Judiciary.

By Delegate Howell:

H. B. 2946 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §2-4-1, §2-4-2, §2-4-3, §2-4-4, and §2-4-5, all relating to the second amendment sanctuary law; legislative findings; prohibitions; penalties and severability”; to the Committee on the Judiciary.

By Delegates Higginbotham and Steele:

H. B. 2947 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1, §62-16-2, §62-16-3, §62-16-4, §62-16-5, §62-16-6, §62-16-7, and

§62-16-8, all relating to electronic recording of interrogations regarding criminal investigations; stating the purpose and application; providing definitions; when electronic recording required and admissibility of recordings; remedies for compliance and noncompliance; and providing that recordings not be destroyed”; to the Committee on the Judiciary.

By Delegates Lovejoy, Brown, Williams, Worrell and Hornbuckle:

H. B. 2948 - “A Bill to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended, relating to requiring the Superintendent of State Police to furnish at State Police expense medical and hospital services for treatment of illness or injury of a member incurred by the member while engaged in the performance of duty and from causes beyond control of the members”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Higginbotham and Ellington:

H. B. 2949 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5H-1, §18-5H-2, §18-5H-3, §18-5H-4, §18-5H-5 and §18-5H-6, all relating to the Supplemental Educational Opportunities Act to allow student instruction via learning pods; defining terms; providing for exemptions; clarifying burden of proof and limitation on action; and providing for severability”; to the Committee on Education.

By Delegates Howell, Martin, Paynter, Hamrick, J. Pack, Linville and Maynard:

H. B. 2950 - “A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as relating to authorizing the division of motor vehicles to issue an ‘Antique Fleet’ single registration plate for use on fleets of 5 or more antique vehicles; and relating to setting a fee for an ‘Antique Fleet’ plate”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Foster, Hamrick, Clark, Mazzocchi, Steele, Kessinger, J. Pack, Howell, Householder, Linville and Hardy:

H. B. 2951 - “A Bill to repeal §8-13-5 of the Code of West Virginia, 1931, as amended, relating to the business and occupation or privilege tax”; to the Committee on Finance.

By Delegate Foster:

H. B. 2952 - “A Bill to amend and reenact §48-9-302 of the Code of West Virginia, 1931, as amended, relating to ensure that persons appointed as guardians ad litem in divorce and child custody and parenting cases are properly trained in certified courses of instruction with curricula grounded in the social science bases for determining the best interests of the child with regard to custodial responsibility, decision-making responsibility and parenting time”; to the Committee on the Judiciary.

By Delegates Hardy, Westfall, Jennings, Clark, Linville, Hott, D. Jeffries, Graves, Tully, Storch and Forsht:

H. B. 2953 - “A Bill to amend and reenact §7-17-3 and §7-17-12 of the Code of West Virginia, 1931, as amended, all relating to clarifying that counties may hire firefighters as paid staff; and to modifying the existing procedures to include a procedure of public hearing to commission a vote without the 10 percent threshold, as it relates to amending fire fees”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegates Burkhammer, J. Jeffries, Mandt, Paynter, Martin, Hanna, Worrell, Graves, Pinson, Wamsley and J. Pack:

H. B. 2954 - “A Bill to amend and reenact §16-2M-2, §16-2M-4, and §16-2M-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding a new section thereto, designated §16-2M-4a, all relating to restricting the circumstances in which an abortion may be performed or attempted; modifying the definition of ‘pain capable gestational age’; establishing absolute limit on gestational age for abortion; limiting abortion to circumstances of rape, incest, or threat to life or safety of the mother; requiring abortions to be performed in hospitals by licensed physician; referencing requirements for notification and consent by parent or guardian; and providing for manslaughter charges if the woman is convicted, after the abortion, of making false statements regarding the sexual assault”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Linville:

H. B. 2955 - “A Bill to amend and reenact §17-2A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement for the Commissioner of the Division of Highways”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Bates and Young:

H. B. 2956 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2D-8, relating to allow licensed food trucks to operate on the Capitol Complex grounds for certain occasions”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

Special Calendar**Third Reading**

S. B. 358, Removing prohibition on ATMs located in area where racetrack video lottery machines are located; on third reading, coming up in regular order, with amendment pending and the right to amend, was reported by the Clerk.

Whereupon,

Delegate Capito obtained unanimous consent that his amendment be withdrawn.

There 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. 89**), and there were—yeas 73, nays 25, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barnhart, Boggs, Booth, Brown, Bruce, Burkhammer, Conley, Fast, Hanna, D. Jeffries, Jennings, Keaton, J. Kelly, Longanacre, Lovejoy, Mandt, Maynard, Mazzocchi, Paynter, Phillips, Pinson, Rohrbach, Skaff, Toney and Worrell.

Absent and Not Voting: Ellington and Higginbotham.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 358) passed.

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

Com. Sub. for H. B. 2257, Relating to extended supervision for certain drug offenders; 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. 90**), and there were—yeas 68, nays 29, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Graves, Griffith, Hansen, Hornbuckle, Horst, J. Jeffries, Kimble, Lovejoy, McGeehan, Nestor, Paynter, Pritt, Pushkin, Rowe, Skaff, Thompson, Walker, G. Ward, Williams, Young and Zukoff.

Absent and Not Voting: Ellington, Higginbotham and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2257) passed.

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

Com. Sub. for H. B. 2507, Remove the limitations on advertising and promotional activities by limited video lottery retailers; 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. 91**), and there were—yeas 55, nays 39, absent

and not voting 6, with the nays and absent and not voting being as follows:

Nays: Anderson, Barnhart, Boggs, Brown, Bruce, Burkhammer, Conley, Doyle, Fast, Ferrell, Fleischauer, Graves, Griffith, Hansen, Hornbuckle, D. Jeffries, Jennings, Keaton, Kimble, Kimes, D. Kelly, J. Kelly, Linville, Longanacre, Lovejoy, Mallow, Mandt, Martin, Maynard, J. Pack, L. Pack, Pethtel, Phillips, Pinson, Rohrbach, Sypolt, Toney, B. Ward and G. Ward.

Absent and Not Voting: Booth, Diserio, Ellington, Higginbotham, Storch and Worrell

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2507) passed.

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

Com. Sub. for H. B. 2621, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations; 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. 92**), and there were—yeas 94, nays none, absent and not voting 6, with absent and not voting being as follows:

Absent and Not Voting: Booth, Ellington, Higginbotham, Storch, Worrell and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2621) passed.

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

Second Reading

Com. Sub. for S. B. 280, Relating to e-commerce modernization; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the bill on page 2, line 25, by removing “substantially equivalent” and inserting “similar”.

On page 3, line 56, “substantially equivalent” and inserting “similar”.

And,

On page 6, after line 126 by inserting the following:

“§30-3-11. Endorsement of licenses to practice medicine and surgery and podiatry; fees; temporary license; summer camp doctors.

(a) (1) Any person seeking to be licensed to practice medicine and surgery in this state who holds a valid license to practice medicine and surgery attained under requirements ~~substantially~~ similar to the requirement of section ten of this article from another state, the District of Columbia, the Commonwealth of Puerto Rico or Canada; ~~and or~~

(2) Any person seeking to be licensed to practice podiatry in this state who holds a valid license to practice podiatry attained under requirements ~~substantially~~ similar to the requirements in section ten of this article from another state, territory or foreign

~~country or the District of Columbia jurisdiction~~ shall be issued a license to practice ~~medicine and surgery or~~ podiatry, as appropriate, in this state if he or she meets the following requirements:

(1) (A) He or she must submit an application to the board on forms provided by the board and remit a ~~reasonable~~ licensure fee, ~~the amount of such reasonable fee to be set by the board as provided in legislative rule.~~ The application must, as a minimum, require a statement that the applicant is a licensed physician or podiatrist in good standing and indicate whether any medical disciplinary action has been taken against him or her in the past; and

(2) (B) He or she must demonstrate to the satisfaction of the board that he or she has the requisite qualifications to provide the same standard of care as a physician or podiatrist initially licensed in this state.

(b) The board may investigate the applicant and may request a personal interview to review the applicant's qualifications and professional credentials.

(c) The board may ~~at its discretion,~~ grant a temporary license to an individual applying for licensure under this section if the individual meets the requirements of ~~subdivision (1), subsection (a) of this section~~ of this section. ~~Such~~ A temporary license issued by the board authorizes the holder to practice medicine and surgery or podiatry in West Virginia for the term of the temporary license, and includes full prescriptive authority. The temporary license ~~shall only be~~ is valid until its holder has either been granted or denied a license at the next regular meeting of the board, until the board is able to meet and consider the endorsement request The board may fix and collect a ~~reasonable~~ fee for a temporary license, ~~the amount of such reasonable fee to be set by the board as provided in legislative rule.~~

(d) The application fee shall be waived, and to the extent consistent with the integrity of the licensure process and the requirements for licensure as set forth in this section and in the relevant legislative rules, the board shall expedite its processing of

an individual's application to practice medicine and surgery, or practice podiatry: *Provided, That* the sole purpose for licensure is to provide services at a children's summer camp for not more than one specifically designated three week period annually. The license shall be issued for a period of the specifically designated three weeks only, on an annual basis."

The bill was then ordered to third reading.

Com. Sub. for H. B. 2221, Relating to the establishment of an insurance innovation process; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2335, Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2701, Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2709, Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2764, Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2765, Relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights; on second reading, coming up in

regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2905, Relating to repealing the prohibition against the use of certain words; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bill on first reading, was read a first time and ordered to second reading:

H. B. 2906, Relating to the School Building Authority's allocation of money.

Leaves of Absence

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

Miscellaneous Business

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

H. B. 2043: Delegate Hamrick;

H. B. 2051: Delegate Rowe;

H. B. 2057: Delegate Rowe;

H. B. 2095: Delegate Rowe;

H. B. 2156: Delegate Young;

H. B. 2106: Delegate Rowe;

H. B. 2122: Delegate Young;

H. B. 2208: Delegate Rowe;

- H. B. 2538:** Delegate Rowe;
- H. B. 2585:** Delegate Rowe;
- H. B. 2674:** Delegate Bates;
- H. B. 2700:** Delegate Riley;
- H. B. 2708:** Delegates Dean, Pushkin, Walker and Worrell;
- H. B. 2722:** Delegate Young;
- H. B. 2726:** Delegate Rowe;
- H. B. 2760:** Delegate Young;
- H. B. 2773:** Delegate J. Jeffries;
- H. B. 2792:** Delegate Mandt;
- H. B. 2795:** Delegates Doyle, Pushkin and Rohrbach;
- H. B. 2830:** Delegates Bridges, Clark, Hanshaw, Holstein, Sypolt, D. Jeffries, Riley, Smith and Steele;
- H. B. 2852:** Delegate Evans;
- H. B. 2882:** Delegate Young;
- H. B. 2891:** Delegates L. Pack and Young;
- H. B. 2910:** Delegate Hardy;
- H. B. 2911:** Delegate Smith;
- H. B. 2912:** Delegate Smith;
- H. B. 2918:** Delegate L. Pack;
- H. B. 2921:** Delegate Barach;
- H. B. 2927:** Delegates Barach and Fleischauer;
- H. B. 2956:** Delegate Graves;

H. J. R. 25: Delegate L. Pack;

And,

H. R. 12: Delegate Linville.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

H. B. 2865: Delegate Horst.

At 1:14 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 8, 2021.

Monday, March 8, 2021

TWENTY-SEVENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Friday, March 5, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 2363, on Third reading and Com. Sub. for S. B. 216, on First reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

H. B. 2722, Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2722 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3-5g, relating to prohibiting the use of class B fire-

fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals; providing definitions; and providing exceptions,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2671, Relating to financial exploitation of elderly persons, protected persons or incapacitated adults,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2671 - “A Bill to amend and reenact §55-7J-1, §55-7J-4, §55-7J-5, and §55-7J-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-2-29b of said code, all relating to financial exploitation of elderly persons, protected persons or incapacitated adults; updating terms; clarifying actions; including criminal penalties for violation or contempt of protective orders for victims of financial exploitation; and requiring notice of penalties in all injunctive or protective orders,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. B. 2852, Relating to distribution of the allowance for increased enrollment,

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

In the absence of objection, reference of the bill (H. B. 2852) to the Committee on Finance was abrogated.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 5th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 2012, Relating to public charter schools.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 126, Authorizing Department of Administration to promulgate legislative rules,

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

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 368 - "A Bill to amend and reenact §22-15A-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-15A-30; and to amend and reenact §22-16-12 of said code, all relating to authorizing the Department of Environmental Protection to develop the Reclamation of Abandoned and Dilapidated Properties Program to reclaim abandoned and dilapidated structures in order to improve West Virginia communities and to open new parcels for development; creating a special revenue fund; providing a

statement of legislative findings and purpose; and permitting the payment of excess money from the Solid Waste Facility Closure Cost Assistance Fund into the Reclamation of Abandoned and Dilapidated Properties Program Fund”; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

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

S. B. 381 - “A Bill to amend and reenact §20-2-42i of the Code of West Virginia, 1931, as amended, relating to the Class LL nonresident fishing license; and providing it be issued for three consecutive days”; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 434 - “A Bill to amend and reenact §30-29-3 of the Code of West Virginia, 1931, as amended, relating to law-enforcement training for investigating sexual assault cases involving adult victims; requiring the Law-Enforcement Professional Standards Subcommittee of the Governor’s Committee on Crime, Delinquency, and Correction to develop standards and procedures for law-enforcement officers responsible for investigating sexual assault cases involving adult victims; and setting forth required components of training”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 463 - “A Bill to amend and reenact §33-41-8 and §33-41-8a of the Code of West Virginia, 1931, as amended, all relating to

the consolidation of the positions of the Inspector General of the former Workers' Compensation Commission's Fraud and Abuse Unit and the position of Director of the Insurance Fraud Unit"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 501 - "A Bill to amend and reenact §20-2-42 of the Code of West Virginia, 1931, as amended, relating to indexing of license and stamp fees; and continuing the authority to index license and stamp fees"; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

A message from the Senate, by

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

S. B. 537 - "A Bill to amend and reenact §61-2-14a of the Code of West Virginia, 1931, as amended, relating to the offense of kidnapping generally; and clarifying elements of the offense"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Veterans' Affairs and Homeland Security then Rules:

S. C. R. 13, "Urging Adjutant General to establish Honor Guard in each unit to perform military funeral honors."

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

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

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

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

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

Resolved by the Legislature of West Virginia:

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

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

Resolutions Introduced

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

H. C. R. 27 - "Requesting the Division of Highways name bridge number 52-017/00-001.07 (52A153), (39.59450, - 80.66128) locally known as LeMasters Bridge, carrying CR 17

over Barker Run in Wetzel county. the ‘U.S. Army Tec 5 Harvey LeMasters Memorial Bridge’.”

Whereas, U.S. Army Tec 5 Harvey LeMasters was born at Pine Grove, Wetzel County, West Virginia on October 8, 1922; and

Whereas, U.S. Army Tec 5 Harvey LeMasters enlisted in the U.S. Army, serving during World War II. He had the rank of Technician Fifth Class, attached to the 735th Tank Battalion; and

Whereas, During his service in World War II, Army Technician Fifth Class LeMasters was killed in action on August 20, 1944, at age 21. He was buried in Brill American Cemetery and Memorial Basse-Normandie, France. He was awarded several posthumous medals, including the Purple Heart and WW II Victory Medal; and

Whereas, Among the remembrances to U.S. Army Tec 5 Harvey LeMasters was one that President Franklin D. Roosevelt sent to the fallen warriors, declaring: He stands in the unbroken line of patriots who have dared to die that freedom might live, and grow, and increase its blessings. Freedom lives, and through it, he lives - in a way that humbles the undertakings of most men”; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army Tec 5 Harvey LeMasters 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: 52-017/00-001.07 (52A153), (39.59450, -80.66128) locally known as LeMasters Bridge, carrying CR 17 over Barker Run in Wetzel county, the “U.S. Army Tec 5 Harvey LeMasters 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 Tec 5 Harvey LeMasters Memorial Bridge”; and, be it

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

Bills Introduced

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

By Delegates Anderson, J. Kelly, G. Ward, Westfall, Zatezalo, Hott, Statler, Pethel and Boggs:

H. B. 2959 - “A Bill to amend and reenact §24-2-11 of the Code of West Virginia, 1931, as amended, relating to coal fired power plants, regarding environmental pollution controls for coal-fired power plant findings; allowing utilities to file with the commission an application for the expedited recovery of costs for the installation and operation and maintenance of environmental pollution control equipment”; to the Committee on Energy and Manufacturing.

By Delegates Foster, Gearheart, D. Jeffries, Pritt and McGeehan:

H. B. 2960 - “A Bill to amend and reenact §36-8-9 of the Code of West Virginia, 1931, as amended, relating generally to public notice of unclaimed property held by the State Treasurer; eliminating the requirement that the Treasurer publish unclaimed property registry in newspapers; requiring the Treasurer to publish a searchable database of persons appearing to be the owners of unclaimed property, to be updated every six months; requiring the Treasurer to publish an annual advertisement regarding unclaimed property in a newspaper of general circulation in certain counties; and setting forth required content for said advertisement”; to the Committee on Government Organization.

By Delegates Barach, Lovejoy, Brown, Rowe, Dean, Griffith, Garcia, Young, Pushkin, Paynter and Fleischauer:

H. B. 2961 - “A Bill to amend and reenact §55-7E-2 and §55-7E-3 of the Code of West Virginia, 1931, as amended, all relating to rights of persons in an employment related dispute; requiring a jury trial when requested by either party; prohibiting an employer,

as a condition of employment that an employee consent to binding arbitration as a condition of being hired or for continued employment and providing exceptions thereto; and providing an effective date”; to the Committee on the Judiciary.

By Delegates Steele and J. Pack:

H. B. 2962 - “A Bill to amend and reenact §30-4-1, §30-4-3, §30-4-8, §30-4-8a, §30-4-9, §30-4-10, §30-4-11, §30-4-12, §30-4-13, §30-4-14, §30-4-15, §30-4-16, §30-4-17, §30-4-19, §30-4-20, §30-4-22, §30-4-23, and §30-4-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-4-25, all relating to defining the practice of dentistry; adding necessary definitions; revising certain definitions, and removing unnecessary definitions; revising and making consistent the requirements for a dental license, dental hygiene license, dental intern permit, dental resident permit, and teaching permit; revising the scope of practice of dentistry and dental hygiene; accounting for the existence of dental professional limited liability companies; revising the grounds for disciplinary action and the availability of certain disciplinary sanctions; revising the criminal offenses related to dentistry; clarifying who is exempt from this article; adding the statutorily required provisions regarding telehealth services; and correcting typographical and grammatical errors where necessary and use plain language where appropriate”; to the Committee on Health and Human Resources then Government Organization.

By Delegates Rowe, Linville and Boggs:

H. B. 2963 - “A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to require the Commissioner of Highways to create a website with an index of all named bridges and roads linked to the text of the resolutions by the Legislature dedicating the structure to the named person”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Gearheart:

H. B. 2964 - “A Bill to amend and reenact §6B-2B-2 of the Code of West Virginia, 1931, as amended, relating to use of public funds to display a public official’s name or likeness and prohibiting

such display on public road signs”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Graves and J. Pack:

H. B. 2965 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §9-5-28; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to requiring coverage for certain conditions; requiring coverage treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections; requiring coverage for treatment of pediatric acute onset neuropsychiatric syndrome; requiring a prior authorization to be obtained; and requiring that a physician to demonstrate that all other treatments have been exhausted”; to the Committee on Health and Human Resources then Finance.

By Delegates Hamrick and Dean:

H. B. 2966 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-23a, relating to making it unlawful to trap and kill feral cats; setting forth definitions; providing criminal penalties; and providing exceptions”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Pushkin:

H. B. 2967 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating to permitting certain felons to work in licensed behavioral health facilities; setting conditions and limitations; and requiring rule-making”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hamrick, Howell, Hansen, Williams, Griffith, Storch, Phillips, B. Ward, Barrett, Reed and Martin:

H. B. 2968 - “A Bill to amend and reenact § 30-10-3 and §30-10-9 of the Code of West Virginia, 1931, as amended, relating to veterinarian medicine; defining terms; providing for telehealth veterinarian medicine in West Virginia”; to the Committee on Agriculture and Natural Resources then Health and Human Resources.

By Delegates Conley, Barnhart, Steele and Holstein:

H. B. 2969 - “A Bill to amend and reenact §17-16A-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-16D-6 and § 17-16D-10 of said code; to amend and reenact §17-17-10, §17-17-11, §17-17-12, §17-17-21, §17-17-22 and §17-17-37; to amend said code by adding thereto a new section, designated §17-17-38; to amend and reenact §17A-2A-9; and to amend and reenact §24-2-1 of said code, all relating to privately owned toll bridges; providing for the sale of a municipally owned toll bridge to a private toll transportation facility under certain circumstances; defining the term ‘private toll transportation facility’; authorizing the retention and collection of tolls on a privately owned toll bridge; clarifying procedures for the electronic collection of tolls by a private toll transportation facility; clarifying the tax treatment of toll bridges sold by a municipality to a private toll transportation facility; providing for the imposition of liability and nonrenewal of vehicle registration for failure to pay tolls on a privately owned toll bridge; clarifying the application of provisions of code to state owned and privately owned toll bridges; authorizing the West Virginia Parkways Authority and Division of Motor Vehicles to enter into agreements with a private toll transportation facility for purposes of toll collection enforcement; and clarifying the jurisdiction of the Public Service Commission over toll bridges”; to the Committee on Government Organization.

By Delegates Brown, Bridges, Dean and Lovejoy:

H. B. 2970 - “A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to deputy sheriff retirement benefits”; to the Committee on Pensions and Retirement then Finance.

By Delegate Higginbotham:

H. B. 2971 - “A Bill to amend and reenact §5B-1B-1, §5B-1B-2, and §5B-1B-3 of the Code of West Virginia, 1931, as amended, relating to expanding the West Virginia Lake Development Study Commission beyond the southern region of the state; providing legislative findings; and expanding the number of members on the commission”; to the Committee on Government Organization.

By Delegates Smith, Westfall, Steele, Zatezalo, Martin, Cooper, Householder, Ellington, Espinosa, Howell and Pushkin:

H. B. 2972 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-2a, relating to allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption”; to the Committee on the Judiciary.

By Delegates Toney, Paynter, Cooper, Dean, Higginbotham, Ellington, Ferrell, Reynolds, J. Kelly, Hanshaw (Mr. Speaker) and Rowan:

H. B. 2973 - “A Bill to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended, relating to the use of accrued annual and sick leave for retirement service credit in the Teachers Retirement System”; to the Committee on Pensions and Retirement then Finance.

By Delegates Smith, Bruce, Mallow, Conley, J. Jeffries, Hamrick, Longanacre and Higginbotham:

H. B. 2974 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6M-1, §11-6M-2, §11-6M-3, §11-6M-4, §11-6M-5, §11-6M-6, §11-6M-7, §11-6M-8, and §11-6M-9, all relating to establishing an exemption from school excess levy tax for taxpayers with a household income at or below U.S. Department of Health & Human Services Poverty Guidelines”; to the Committee on Finance.

By Delegates Hansen and Young:

H. B. 2975 - “A Bill to amend and reenact §22-6A-12 of the Code of West Virginia, 1931, as amended, relating to well location

restrictions for natural gas wells; and providing that the limit of disturbance of a well site may not be closer to an occupied building than 2,500 feet”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Martin, Howell, Miller, Doyle, Fleischauer, Ellington, Capito, Graves, Kessinger, Steele and Hanna:

H. B. 2976 - “A Bill To amend and reenact §17-5-1 of the Code of West Virginia, 1931, as amended, relating to making all inmates, regardless of gender, eligible to work on a state convict road force”; to the Committee on the Judiciary.

By Delegates Martin, Howell, Paynter, Horst, Bridges, J. Jeffries, Sypolt, Pritt, Hott, Wamsley and Mandt:

H. B. 2977 - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to permitting persons who have been issued state licenses to carry concealed deadly weapons on the grounds of the State Capitol Complex, except for the third and fourth floors of the east wing of Building One”; to the Committee on the Judiciary.

By Delegates Martin, Horst, Holstein, Bridges, J. Jeffries, Sypolt, Paynter, Pritt, Hott, Wamsley and Mandt:

H. B. 2978 - “A Bill to amend and reenact §18B-4-5a of the Code of West Virginia, 1931, as amended, relating to permitting the carrying of concealed weapons on the campus of a state institution of higher education”; to the Committee on Education then the Judiciary.

By Delegates G. Ward, Haynes, Burkhammer, Paynter, Reynolds, Hardy, Horst, J. Kelly, Maynard, McGeehan and Mandt:

H. B. 2979 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, §11-13KK-4, §11-13KK-5, §11-13KK-6, §11-13KK-7, §11-13KK-8, and §11-13KK-9, all relating generally to creating a tax credit for a manufacturer or power generating facility in West Virginia that purchases and uses coal, oil or gas from an entity that has paid the severance tax on the

coal, oil or gas”; to the Committee on Energy and Manufacturing then Finance.

By Delegates Doyle, Hansen, Thompson, Fleischauer and Walker:

H. B. 2980 - “A Bill to amend and reenact §22-12-2, §22-12-3, and §22-12-8 of the Code of West Virginia, 1931, as amended, all relating to providing for groundwater protection in karst terrain; defining karst terrain; providing specific requirements for agency action affecting karst terrain; and establishing rulemaking authority”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Reynolds, Steele, Cooper, Rohrbach, J. Jeffries, Ferrell, Storch, Conley, Zatezalo, D. Kelly and Barnhart:

H. B. 2981 - “A Bill to amend and reenact §9A-1-9 and §9A-1-10 of the Code of West Virginia, 1931, as amended, relating to providing suicide prevention assistance to veterans in this state”; to the Committee on Veterans’ Affairs and Homeland Security then Health and Human Resources.

By Delegates Kessinger, Sypolt, Holstein, Bridges, Barnhart, Longanacre, J. Pack, Kimble, Burkhammer, Mazzocchi and Pinson:

H. B. 2982 - “A Bill to amend and reenact §16-2I-1, §16-2I-2, and §16-2I-3 of the Code of West Virginia, 1931, as amended, all relating to the Second Chance at Life Act; requiring that information about the process of chemical abortion be provided to a woman prior to prescribing pharmaceuticals for, or administering, a chemical abortion except in certain emergency circumstances; updating definitions; specifying that the woman be informed of the possibility of reversal of a chemical abortion if undertaken within a critical time period; dictating minimum standards for printed materials; and requiring documentation of the procedures required hereby”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Kessinger, Haynes and Fast:

H. B. 2983 - “A Bill to amend and reenact §30-28-4 of the Code of West Virginia, 1931, as amended, relating to permitting a

licensed occupational therapy assistant to work as a staff member of the Intellectual Developmental Disabilities Waiver (IDDW) Program when working under the supervision of licensed occupational therapist”; to the Committee on Health and Human Resources.

By Delegates Statler, Hansen, Phillips, Rohrbach, Riley, Westfall, Williams, Lovejoy, J. Pack, Hamrick and Zatezalo:

H. B. 2984 - “A Bill to amend and reenact §7-11B-3, §7-11B-7, §7-11B-8, §7-11B-9, §7-11B-10, §7-11B-16, §7-11B-17, §7-11B-18 and §7-11B-22 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-22-15 and §7-22-16 of said code; and to amend and reenact §11-6-13, §11-6-19, §11-6-21 and §11-6-22 of said code, all relating to property tax increment financing districts and real property of public service businesses situated within such districts; modifying definitions of base assessed value, current assessed value, and payment in lieu of taxes; defining public service business; authorizing payment in lieu of tax agreements for property located within property tax increment financing districts; authorizing a county commission or municipality to extend the length of existence of certain districts; extending the length of existence of certain districts from 30 to 40 years; removing the requirement that a copy of the proposed project plan for tax increment financing be provided to other levying bodies with the power to levy taxes prior to any public hearing to consider the project; clarifying base assessed value and termination date when two or more tax increment financing districts have been combined; modifying language related to the discharge of any tax increment financing obligations outstanding on the termination date of a property tax district; eliminating certain limitations on the terms of property tax increment financing obligations issued to refund existing obligations; requiring Auditor to apportion and certify the value of real property owned by a public service business within a development or redevelopment district; and requiring sheriff to properly allocate taxes and levies apportioned by the Auditor”; to the Committee on Finance.

By Delegate Skaff:

H. B. 2985 - “A Bill to amend and reenact §11A-4-4 of the Code of West Virginia, 1931, as amended, relating to instituting suit to set aside a sheriff sale deed to tender to the circuit clerk of the court funds for redemption; requiring payment of a deposit prior to the tax sale to show ability to redeem; revising procedure for redemption; providing opportunity for purchaser being required to answer or otherwise respond to the suit and providing the return of deposit if unsuccessful in redemption litigation”; to the Committee on the Judiciary.

By Delegate Skaff:

H. B. 2986 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11A-3-19a, relating to establishing an alternative method for qualified persons to properties sold by tax sales; providing that the State Auditor promulgate necessary forms; providing the State Auditor to authorize purchasers experienced in tax sales and tax sales legal requirements to provide notice to delinquent taxpayers; establishing criteria for purchasers eligibility; providing for the State Auditor to maintain a roster of eligible purchasers; providing guidelines for these purchasers to provide notice to delinquent tax payers; providing information to be provided to the State Auditor relating to the property subject to the tax sale; providing contents to a document to be executed regarding the actions taken by the purchaser as affirmed by the purchaser; providing notice to owners to be the same as done in civil actions; providing how notice is perfected; providing for a fee to be paid to the State Auditor; and providing that failure of a purchaser to meet statutory requirements results in loss of the benefits of the purchase”; to the Committee on the Judiciary.

By Delegate Skaff:

H. B. 2987 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11A-3-22a, relating to allowing the purchaser to perform service on one or more persons entitled to notice of redemption from a sheriff sale; providing how notice may be made; allowing the purchaser to provide notice in certain circumstances; and establishing

conditions and requirements for purchasers to accomplish notice pursuant to this section”; to the Committee on the Judiciary.

Special Calendar

Third Reading

Com. Sub. for S. B. 280, Relating to e-commerce modernization; 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. 93**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Boggs and Hamrick.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 280) passed.

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

S. B. 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training; 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. 94**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Boggs and Hamrick.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 372) passed.

On motion of Delegate J. Pack, the title of the bill was amended to read as follows:

S. B. 372 – “A Bill to amend and reenact §30-3-10 and §30-3-11 of the Code of West Virginia, 1931, as amended, all relating to the practice of medicine; establishing criteria for graduate clinical training; updating terminology; updating rulemaking authority; and clarifying authority conferred by a temporary permit.”

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

Com. Sub. for H. B. 2221, Relating to the establishment of an insurance innovation process; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 95**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Boggs and Hamrick.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2221) passed.

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

Com. Sub. for H. B. 2335, Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor; 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. 96**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Doyle, Fleischauer, Horst, McGeehan, Nestor, Pushkin, Rowe, Walker and Young.

Absent and Not Voting: Boggs and Hamrick.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2335) passed.

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

Com. Sub. for H. B. 2363, Relating to “Best Interests of the Child Protection Act of 2021”; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Foster asked and obtained unanimous consent to amend the bill on third reading and the rule was suspended to permit the offering and consideration of an amendment on third reading.

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

“ARTICLE 1. GENERAL PROVISIONS, DEFINITIONS.

§48-1-210. Caretaker and caretaking functions defined.

(a) ‘Caretaker’ means a person who on a regular or routine basis performs one or more caretaking functions for a child regardless of the quantity of time, or number of particular functions such person performs relative to any other person. The term ‘caretaking functions’ means activities that involve interaction with a child and the care of a child. Caretaking functions also include the supervision and direction of interaction and care provided by other persons.

(b) Caretaking functions include the following:

(1) Performing functions that meet the daily physical needs of the child. These functions include, but are not limited to, the following:

- (A) Feeding;
- (B) Dressing;
- (C) Bedtime and wake-up routines;
- (D) Caring for the child when sick or hurt;
- (E) Bathing and grooming;
- (F) Recreation and play;
- (G) Physical safety; and
- (H) Transportation.

(2) Direction of the child's various developmental needs, including the acquisition of motor and language skills, toilet training, self-confidence and maturation;

(3) Discipline, instruction in manners, assignment and supervision of chores and other tasks that attend to the child's needs for behavioral control and self-restraint;

(4) Arrangements for the child's education, including remedial or special services appropriate to the child's needs and interests, communication with teachers and counselors and supervision of homework;

(5) The development and maintenance of appropriate interpersonal relationships with peers, siblings and adults;

(6) Arrangements for health care, which includes making medical appointments, communicating with health care providers and providing medical follow-up and home health care;

- (7) Moral guidance; and

(8) Arrangement of alternative care by a family member, babysitter or other child care provider or facility, including investigation of alternatives, communication with providers and supervision.

§48-1-217a. Full adversarial judicial hearing defined.

‘Full adversarial judicial hearing’ means a full evidentiary hearing which shall be on the record, before the judge, and at which both parties may be represented by counsel and shall have the right to present witnesses, cross-examine witnesses, and to present, examine and challenge evidence. No introduction of evidence or information of any kind may be presented to a judge ex parte, nor without the ability and opportunity of both parties to examine, use and challenge all evidence. The findings of the court following a full adversarial judicial hearing shall expressly cite all the evidence of record upon which the court relies for its determination.

§48-1-218. Custodial parent defined.

‘Custodial parent’ or ‘custodial parent of a child’ means a parent who has been granted custody of a child by a court of competent jurisdiction. ‘Noncustodial parent’ means a parent of a child with respect to whom custody has been adjudicated with the result that such parent has not been granted custody of the child: *Provided, That it shall be the public policy of West Virginia to order shared legal and physical custody in divorce cases unless after a full adversarial judicial hearing particular adjudicatory facts are found by a preponderance of the evidence of incompetence, neglect or abuse as set forth in §48-9-204(a) of this code.*

§48-1-219. Custodial responsibility defined.

‘Custodial responsibility’ refers to physical custodianship and supervision of a child. It usually includes, but does not necessarily require, the exercise of residential or overnight responsibility: *Provided, That it shall be the public policy of West Virginia to grant shared legal and physical custody in divorce cases unless after a full adversarial judicial hearing particular adjudicatory facts are found by a preponderance of the evidence of incompetence, neglect or abuse as set forth in §48-9-204(a) of this code.*

§48-1-220. Decision-making responsibility defined.

‘Decision-making responsibility’ refers to authority for making significant life decisions on behalf of a child, including, but not limited to, the child’s education, spiritual guidance and health care: *Provided, That ~~with regard to spiritual guidance, both parents in any shared parenting plan, regardless of the relative ratio of parenting time allocated between the parents, neither parent shall discourage or prohibit the minor child’s participation in the other parent’s faith life, nor discourage or prohibit the minor child’s faith formation and/or reception of sacraments participating in the other parent’s faith. Provided, however, That~~* with regard to health care, both parents in any shared parenting plan, regardless of the relative ratio of parenting time allocated between the parents, shall have the authority to make emergency or other non-elective health care decisions concerning their child necessary for the child’s health or welfare during such parent’s parenting time.

§48-1-239. Shared parenting defined; Rebuttable presumption that shared custody and equally shared parenting time is in child’s best interests.

~~(a)~~ ‘Shared parenting’ means ~~either basic shared parenting or extended shared parenting.~~

~~(b)~~(a) ‘Basic shared parenting’ means an arrangement under which one parent keeps a child or children overnight for less than thirty-five percent of the year and under which both parents contribute to the expenses of the child or children in addition to the payment of child support.

~~(c)~~(b) ‘Extended shared parenting’ means an arrangement under which each parent keeps a child or children overnight for more than thirty-five percent of the year and under which both parents contribute to the expenses of the child or children in addition to the payment of child support

(c) ‘Shared parenting’ means shared custody and shared physical custody as defined in §48-1-239a and §48-1-241 of this code to assure a child has frequent and continued contact with both

parents. Shared parenting shall consist of a child having periods of residing overnight with, and being under the supervision of, each parent.

(d) In accordance with the best interests of the child, equal consideration shall be given to each parent. There shall be a presumption, rebuttable by a preponderance of evidence, that shared custody and co-equally shared parenting time is in the best interest of the child. If a deviation from co-equal parenting time is warranted, the court shall construct a parenting time schedule which maximizes the time each parent or de facto custodian has with the child and is consistent with ensuring the child's welfare: *Provided*, That the court shall weigh all factors and evidence in favor of a ratio of overnight parenting time no more disparate than 65 percent to 35 percent between each parent, with a primary goal of awarding overnight parenting time co-equally as being in the best interests of the child, unless the conditions of §48-9-209 of this code are found after a full adversarial judicial hearing to exist by the court.

(e) The court shall consider all relevant factors including:

(1) The wishes of the child's parent or parents, and any de facto custodian, as to his or her custody;

(2) The wishes of the child as to his or her custodian, with due consideration given to the influence a parent or custodian may have over the child's wishes, especially if parenting time has previously been ordered in ratios more disparate than 65 percent to 35 percent;

(3) The interaction and interrelationship of the child with his or her parent or parents, his or her siblings, and any other person who may significantly affect the child's best interests;

(4) The motivation of the adults participating in the custody proceeding, including, but limited to, any past or current resistance or antagonism to shared parenting by either parent;

(5) The child's adjustment and continuing proximity to his or her home, school, and community;

(6) The mental and physical health of all individuals involved;

(7) A final order by a court, following full adversarial judicial hearing which contains particular adjudicatory facts finding by a preponderance of the evidence that domestic violence and/or child abuse, as defined in §48-27-202 and §49-1-201 of this code, has been committed by one of the parties against a child of the parties or against another party. The court shall determine the extent to which the domestic violence and abuse has affected the child and the child's relationship to each party, with due consideration given to efforts made by a party toward the completion of any domestic violence treatment, counseling, or program;

(8) The extent to which the child has been cared for, nurtured, and supported by any non-parental custodian;

(9) The intent of the parent or parents in placing the child with a non-parental custodian;

(10) The circumstances under which the child was placed or allowed to remain in the custody of a non-parental custodian, including whether the parent now seeking custody was previously prevented from doing so as a result of parental alienation by the other parent, or the result of domestic violence as defined in §48-27-202 of this code and whether the child was placed with a non-parental custodian to allow the parent now seeking custody to seek employment, work, or attend school; and

(11) The likelihood a party will allow the child frequent, meaningful, and continuing contact with the other parent or non-parental custodian, except that the court shall not consider this likelihood if there is a specific finding in a final order after a full judicial adversarial hearing that the other parent or non-parental custodian engaged in domestic violence and/or child abuse, as defined in §48-27-202 and §49-1-201 of this code, against the party or a child and that a continuing relationship with the other parent will endanger the health or safety of either that party or the child.

(f) The abandonment of the family residence by a custodial party shall not be considered where said party was physically

harmed or was seriously threatened with physical harm by his or her spouse, when such harm or threat of harm was causally related to the abandonment.

(g) If the court grants custody to a non-parental custodian, the non-parental custodian shall have legal custody under the laws of West Virginia.

§48-1-239a. Shared legal custody defined.

‘Shared legal custody’ means a continued mutual responsibility and involvement by both parents in major decisions regarding the child’s welfare including matters of education, medical care, and emotional, moral and religious development.

§48-1-241. Split physical custody and shared physical custody defined.

‘Split physical custody’ means a situation where there is more than one child and where each parent has physical custody of at least one child.

‘Shared physical custody’ means a child has periods of residing with, and being under the supervision of, each parent: *Provided*, That physical custody shall be shared by the parents in such a way as to assure a child frequent and continued contact with both parents. Such frequent and continued contact with both parents shall be presumptively shared equally unless after a full adversarial judicial hearing particular adjudicatory facts are found by a preponderance of the evidence which rebut the presumptions set forth in §48-1-239, §48-9-102(a)(2) and §48-9-102(a)(9) of this code: *Provided, however, That* the court shall weigh all factors and evidence in favor of a ratio of overnight parenting time no more disparate than 65 percent to 35 percent between each parent, with a primary goal of awarding overnight parenting time co-equally as being in the best interests of the child, unless the conditions of §48-1-217a of this code are found after a full adversarial judicial hearing to exist by the court.

§48-1-241a. Sole physical custody defined.

‘Sole physical custody’ means a child resides with and is under the supervision of one parent, subject to reasonable visitation by the other parent, unless the court determines that such visitation would not be in the best interest of the child.

§48-1-241b. Split physical custody defined.

‘Split physical custody’ means a situation where there is more than one child and where each parent has physical custody of at least one child: *Provided, That* split physical custody of siblings, including half-siblings, of less than an amount equal to a ratio of time equivalent to the maximum amount of parenting time any sibling or half-sibling has with a common biological parent, but not to exceed 50 percent of annual parenting time, shall not be ordered by a court unless after a full adversarial judicial hearing particular adjudicatory facts are found by a preponderance of the evidence which rebut the presumptions set forth in §48-1-239, §48-9-102(a)(2) and §48-9-102(a)(9) of this code.

PART 3. MISCELLANEOUS PROVISIONS RELATING TO
DOMESTIC RELATIONS.

§48-1-303. Confidentiality of domestic relations court files.

(a) All orders in domestic relations actions entered in the civil order books by circuit clerks are public records.

(b) Upon the filing of a domestic relations action, all pleadings, exhibits or other documents, other than orders, that are contained in the court file are confidential and not open for public inspection either during the pendency of the case or after the case is closed.

(c) When sensitive information has been disclosed during a hearing or in pleadings, evidence or documents filed in the record, the court may, sua sponte or upon motion of a party, order such information sealed in the court file: *Provided, That* no ex parte information or filings whatsoever, nor any investigation papers, documents or testimony obtained pursuant to §48-9-301 of this code, are authorized to be sealed under this provision court unless

after a full adversarial judicial hearing particular adjudicatory facts are found by a preponderance of the evidence which rebut the presumptions set forth in §48-1-239, §48-9-102(a)(2) and §48-9-102(a)(9) of this code. The court must disclose both the existence of, and the general nature and content of, any and all documents proposed for seal prior to sealing if they have not previously been made available for discovery and reasonable inspection and copying to all parties. Any and all documents reviewed by a court must be made available for discovery and reasonable inspection and copying. Documents may be redacted of names to protect minor children or victims of domestic violence. Sealed documents or court files can only be opened by order of a circuit or family court judge.

(d) The parties, their designees, their attorneys, a duly appointed guardian ad litem or any other person who has standing to seek modification or enforcement of a support order has the right to examine and copy any document in a confidential court file that has not been sealed by court order. Upon motion and for good cause shown, the court may permit a person who is not a party to the action to examine and copy any documents that are necessary to further the interests of justice: *Provided*, That the court shall identify the non-party person(s) granted access and the documents reviewed by such person(s) to all parties and their counsel, and such persons shall be subject to deposition and subpoena as a witness at the request of any party.

(e) The clerk of the circuit court shall keep a written log of all persons who examine confidential documents as provided for in this section. Every person who examines confidential documents shall first sign the clerk's written log, except for a circuit judge or family court judge before whom the case is pending, or court personnel acting within the scope of their duties. The clerk shall record the time and date of every examination of confidential documents. The log must be retained by the clerk and must be available upon request for inspection by the circuit judge or the family court judge or by any party to any action whose confidential documents are inspected.

PART 1. SCOPE; OBJECTIVES; PARTIES AND PARENT
EDUCATION CLASSES.

**§48-9-101. Scope of article; legislative findings and
declarations.**

(a) This article sets forth principles governing the allocation of custodial and decision-making responsibility for a minor child when the parents do not live together.

(b) The Legislature finds and declares that:

(i) The Supreme Court of the United States has recognized the rights of all parents to raise their own children as fundamental constitutional rights, stating expressly ‘[t]he liberty ... of parents in the care, custody and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court....This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition....It is plain that the interest of a parent in the companionship, care, custody, and management of his or her children ‘come(s) ... with a momentum for respect.... The rights to conceive and to raise one’s children have been deemed’,’... [and] It is cardinal ... that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.’

(ii) The constitutional right as a parent is also unquestionably established in West Virginia Supreme Court of Appeals decisions, ‘[N]o rule is more firmly established than that the right of a natural parent to the custody of his or her infant child is paramount to that of any other person; it is a fundamental personal liberty protected and guaranteed by the Due Process Clauses of the West Virginia and United States Constitutions....A parent has the natural right to the custody of his or her infant child and... the right of the parent to the custody of his or her infant child will be recognized and enforced by the courts.’

(iii) The significant importance of maintaining sibling connections and has been expressly recognized as being in the siblings' (including half-siblings) best interests by the West Virginia Supreme Court of Appeals, 'the laws of this State recognize, in a variety of areas, the importance of sibling bonds and encouraging sibling contact.'.... [and] ,, 'The best interests of a child are served by preserving important relationships in that child's life.'

(iv) It is the public policy of ~~this state~~ the State of West Virginia, as supported by the findings of leading published and peer-reviewed social science studies, that a rebuttable presumption exists and shall be applied that co-equal shared physical custody of children, including children under the age of one year, with both parents, and meaningful contact with a child's siblings, including half-siblings, at a ratio of time equivalent to the maximum amount of parenting time any sibling or half-sibling has with a common biological parent that is greater than that of another sibling or half-sibling is in the best interest of the child or children.

(v) The amendments and additions to the Code of West Virginia during the 2021 Regular Session related to the presumption of co-equal shared physical custody of children and the recognition and protection of fundamental constitutional rights of parents to raise their children shall be known as 'The Best Interests of the Child Protection Act of 2021.'

(c) To assure that the best interest of children ~~is the court's primary concern~~ in allocating custodial and decision-making responsibilities between parents who do not live together, will be protected and achieved, the Legislature finds ~~In furtherance of this policy, the Legislature declares~~ that a child's best interest will be served by assuring that minor children have frequent and continuing contact with both parents on a co-equal basis. ~~who have shown the ability to act in the~~ The Legislature further finds that the best interests of their children ~~to~~ will be served by educate educating parents on their rights and responsibilities and the effect their separation may have on children, ~~to encourage~~ encouraging mediation of disputes, and ~~to encourage~~ encouraging parents to agree consensually to co-equally share in the rights and responsibilities of rearing their children after the parents have

separated or divorced; and that the courts of this state have a duty to promote such education and encouragement with parties before them, except as otherwise exempted by extenuating circumstances as stated in §48-9-1 et seq. of this code.

§48-9-102. Objectives; best interests of the child.

(a) The primary objective of this article is to serve the child's best interests, by facilitating:

(1) Stability of the child;

(2) Rebuttable presumption that co-equal shared legal custody and co-equal shared physical custody with both of the child's parents is in the best interest of the child;

~~(2)~~ (3) Parental planning and agreement about the child's custodial arrangements and upbringing;

~~(3)~~ (4) Continuity of existing parent-child attachments;

(4) (5) Meaningful contact between a child and each parent;

~~(5)~~ (6) Caretaking relationships by adults who love the child, know how to provide for the child's needs, and who place a high priority on doing so;

~~(6)~~ (7) Security from exposure to physical or emotional harm; and

~~(7)~~ (8) Expedient, predictable decision-making and avoidance of prolonged uncertainty respecting arrangements for the child's care and control.

(9) Meaningful contact with a child's siblings, including half-siblings, at a ratio of time equivalent to the maximum amount of parenting time any sibling or half-sibling has with a common biological parent that is greater than that of another sibling or half-sibling: *Provided*, That expansion of any shared parenting time to accommodate sibling/half-sibling time will not exceed an equal split of the parenting time between both parents unless agreed by the parties or the court expressly finds that the presumption of an equal split of parenting time has been rebutted by hearings meeting the requirements set forth in §48-9-204(a) of this code.

(b) ~~A secondary~~ The objective of this article is to achieve fairness between the parents shall be achieved by the ordering of co-equal shared parenting as defined in §48-1-239 of this code.

(c) As used in §48-9-102(a) of this code, ‘meaningful contact between a child and each parent’ shall mean a rebuttable presumption that co-equal shared parenting as defined in §48-1-239 of this code is in a child’s best interest.

PART 2. PARENTING PLANS.

§48-9-201. Parenting agreements.

(a) If the parents agree to one or more provisions of a parenting plan, the court shall so order, unless it makes specific findings that:

- (1) The agreement is not knowing or voluntary; or
- (2) The plan would be harmful to the child.

(b) The court, at its discretion and on any basis it deems sufficient, may conduct ~~an~~ a full adversarial judicial evidentiary hearing to determine whether there is a factual basis for a finding under subdivision (1) or (2), subsection (a) of this section. When there is credible information that child abuse as defined by §49-1-3 of this code or domestic violence as defined by §48-27-202 of this code has occurred, a full adversarial judicial hearing is mandatory and if the court determines that abuse has occurred, appropriate protective measures shall be ordered.

(c) If an agreement, in whole or in part, is not accepted by the court under the standards set forth in subsection (a) of this section, the court shall allow the parents the opportunity to negotiate another agreement.

§48-9-203. Proposed temporary parenting plan; temporary order; amendment; vacation of order.

(a) A parent seeking a temporary order relating to parenting shall file and serve a proposed temporary parenting plan by motion. The other parent, if contesting the proposed temporary parenting

plan, shall file and serve a responsive proposed parenting plan. Either parent may move to have a proposed temporary parenting plan entered as part of a temporary order. The parents may enter an agreed temporary parenting plan at any time as part of a temporary order. The proposed temporary parenting plan may be supported by relevant evidence and shall be verified and shall state at a minimum the following:

(1) The name, address and length of residence with the person or persons with whom the child has lived for the preceding 12 months;

(2) The performance by each parent during the last 12 months of the parenting functions relating to the daily needs of the child;

(3) The parents' work and child-care schedules for the preceding 12 months;

(4) The parents' current work and child-care schedules; and

(5) Any of the ~~circumstances~~ considerations set forth in section §48-9-206(a)(9) and/or circumstances set forth in §48-9-209 of this code that indicate an intent or effort by either parent to alienate the child or children from the other parent and/or are likely to pose a serious risk to the child and that warrant limitation on the award to a parent of temporary residence or time with the child pending entry of a permanent parenting plan.

(6) In assessing the considerations for the temporary parenting plan listed in §48-9-203(a)(1) through (5), the court will give due consideration to whether any existing unequal allocation of parenting time or limitations of the opportunity to perform parenting functions has resulted due to the rebuttable presumption of co-equal shared parenting, subject only to applicable limitations as set forth in this code, having not been applied to both parents.

(b) At the hearing, the court shall enter a temporary parenting order incorporating a temporary parenting plan which includes:

(1) A schedule for the child's time with each parent when appropriate: *Provided*, That it shall be recognized as the public

policy of the State of West Virginia that a rebuttable presumption exists and shall be applied that co-equal shared physical custody with both parents is in the best interest of the child absent particular adjudicatory facts found.

(2) Designation of a temporary residence for the child which, consistent with §48-9-102(a)(2), §48-9-102(a)(9), and §48-9-102(b) of this code shall be presumed to be equally shared with both parents;

(3) Allocation of decision-making authority, if any. Absent allocation of decision-making authority consistent with section 207 of this article, neither party shall make any decision for the child other than those relating to day-to-day or emergency care of the child, which shall be made by the party who is present with the child;

(4) Provisions for temporary support for the child; and

(5) Restraining orders, if applicable.

(c) A parent may make a motion for an order to show cause and the court may enter a temporary order, including a temporary parenting plan, upon a showing of necessity.

(d) A parent may move for amendment of a temporary parenting plan, and the court may order amendment to the temporary parenting plan, if the amendment conforms to the limitations of section §48-9-209 of this code and is in the best interest of the child.

§48-9-204. Criteria for temporary parenting plan.

(a) After considering the proposed temporary parenting plan filed pursuant to section 203 of this article, and other relevant evidence presented, the court shall make a temporary parenting plan that is in the best interest of the child. Shared physical and shared legal custody shall be the presumptive parenting arrangement in cases where the parents do not agree to shared custody absent a finding by preponderance of the evidence of the existence of the limiting factors set forth in §48-9-209(a) of this

code, or of incompetence, neglect or abuse following a hearing. The court shall expressly cite all the evidence of record upon which the court relies for its determination that shared custody is unreasonable and not in the best interest of the child to the extent that the co-equal legal and/or physical custodial relationship between the child and a parent should be severed or reduced. For the purposes of all hearings held under this section, and/or of any other sections requiring a full adversarial judicial hearing consistent with this section, a court may consider whether a parent or guardian's or anyone else residing in the household of the parent or guardian: (i) is actively using, or has within the last six months, used illegal drugs or illegally obtained prescription drugs; (ii) frequently leaves the child in the care of third parties while pursuing his or her own pleasure; (iii) has been convicted within the past five years of either: child neglect, distributing illegal substances or possession of illegal substances; or (iv) of abandonment defined in §48-22-306 of this code to be grounds for a finding of incompetence, neglect or abuse sufficient to depart from the presumption of shared parenting. In making this determination, the court shall give particular consideration to:

~~(1) Which parent has taken greater responsibility during the last twelve months for performing caretaking functions relating to the daily needs of the child; and~~

~~(2) Which parenting arrangements will cause the least disruption to the child's emotional stability while the action is pending.~~

~~(b) The court shall also consider the factors used to determine residential provisions in the permanent parenting plan. In determining the temporary parenting plan the court shall give particular consideration to:~~

(1) If the parents present a temporary custody agreement and mutually agreed plan for parenting time, and the court confirms that the agreement adequately provides for the welfare of the child, the agreement shall become the temporary custody order of the court.

(2) In making an order for temporary custody absent a mutually agreed plan by the parents, there shall be a presumption, rebuttable as set forth in §48-9-204(a) of this code, that the parents shall have temporary shared custody and shall share equally in parenting time.

(3) If a deviation from equal parenting time is warranted, the court shall construct a parenting time schedule which maximizes the time each parent has with the child, including overnight parenting time with each parent, and is consistent with ensuring the child's welfare as set forth in this article.

(4) Each temporary custody order shall include specific findings of fact and conclusions of law, except when the court confirms the consensual agreement of the parties.

(5) Subject to §48-9-401(a) and §48-9-203 of this code, modification of a temporary custody order may be sought when there is a material and substantial change in the circumstances of the parents or child.

(c) Upon credible evidence of one or more of the circumstances set forth in ~~subsection~~ §48-9-209(a) of this code, following a hearing and express findings as set forth in §48-9-204(a) of this code, the court shall issue a temporary order limiting or denying access to the child as required by that section, in order to protect the child or the other party, pending adjudication of the underlying facts.

(d) Expedited procedures shall be instituted to facilitate the prompt issuance of a parenting plan: *Provided*, That such expedited procedures must meet the requirements for the hearing and express findings as set forth in §48-9-204(a) of this code before either parent's presumptive co-equal shared physical custody may be modified or denied.

§48-9-204a. Model parenting schedules.

The Supreme Court of Appeals shall adopt advisory model parenting schedules for use in determining schedules which most effectively promote the best interests of the child or children and shall reflect the differing needs of the child based upon age:

Provided, That such model parenting schedules shall be based upon the current state of published research in child development psychology in peer reviewed publications establishing that shared parenting, including overnight time with each parent is in the best interest of the child or children, even in children under the age of one year old. Such model parenting schedules shall recognize the rebuttable presumption that co-equal shared legal and shared physical custody with both parents, and that keeping siblings, including half-siblings, together on at least an equal basis with the periods of physical custody and shared parenting that the child or children share with the parent of any siblings or half-siblings is in the best interest of the child. In the event that the presumption of co-equal shared parenting is rebutted as set forth in §48-1-217a of this code or §48-9-204(a) of this code, schedules shall be adjusted for each child as he or she grows older and his or her needs and ability to adjust to circumstances change including expanded parenting time for the parent who initially spends less time with the child, unless the limiting factors set forth in §48-9-209 of this code, the findings of §48-1-217a of this code, or of incompetence, neglect or abuse in accordance with §48-9-204(a) of this code are expressly found to be or remain present after a hearing.

§48-9-206. Allocation of custodial responsibility.

(a) Unless otherwise resolved by agreement of the parents under §48-9-201 of this code or unless harmful to the child, the court shall allocate custodial responsibility ~~so that, except to the extent required under §48-9-209 of this code, the custodial time the child spends with each parent may be expected to achieve any of the following objectives~~ based upon the rebuttable presumption of shared parenting set forth in §48-1-239 of this code. If the court denies the request for shared physical custody, the determination shall be accompanied by specific findings of fact and conclusions of law that the awarding of shared physical custody is not in the best interests of the child. The court must document all the evidence of record upon which the court relies for its determination by a preponderance of the evidence that shared physical custody would endanger the child's physical, mental or emotional health. The court shall order custodial time the child spends with each parent to achieve any of the following objectives:

(1) To permit the child to have a meaningful relationship with each parent who has performed a reasonable share of parenting functions;

(2) To accommodate, if the court determines it is in the best interests of the child, the firm and reasonable preferences of a child who is 14 years of age or older, and with regard to a child under 14 years of age, but sufficiently matured that he or she can intelligently express a voluntary preference for one parent, to give that preference the weight warranted by the circumstances;

(3) To keep siblings together when the court finds that doing so is necessary to their welfare: *Provided*, That there shall be a rebuttable presumption that keeping siblings, including half-siblings, together on at least an equal basis with the periods of physical custody and shared parenting that the child or children share with the parent of any siblings or half-siblings is in the best interest of the child, unless the limiting factors set forth in §48-9-209 of this code, the findings of §48-1-217a of this code, or of incompetence, or of abandonment defined in §48-22-306 of this code, or neglect or abuse in accordance with §48-9-204(a) of this code are expressly found after a full adversarial judicial hearing and express findings to be or remain present;

(4) To protect the child's welfare when, under an otherwise appropriate allocation, the child would be harmed because of a gross disparity in the quality of the emotional attachments between each parent and the child, or in each parent's demonstrated ability or availability to meet a child's needs: *Provided*, That any unequal allocation of parenting time previously awarded which did not take into consideration the current state of research in child development psychology recognizing that shared parenting and shared legal and physical custody, including overnight time with each parent is in the best interest of the child or children, even in children under the age of one year old, shall not serve as the basis for any finding by the court of a gross disparity in the quality of the emotional attachments between each parent and the child or in each parent's demonstrated ability or availability to meet a child's needs;

(5) To take into account any prior agreement of the parents that, under the circumstances as a whole, including the reasonable expectations of the parents in the interest of the child, would be appropriate to consider;

(6) To avoid an allocation of custodial responsibility that would be extremely impractical or that would interfere substantially with the child's need for stability in light of economic, physical, or other circumstances, including the distance between the parents' residences, the cost and difficulty of transporting the child, the parents' and child's daily schedules, and the ability of the parents to cooperate in the arrangement;

(7) To apply the principles set forth in §48-9-403(d) of this code if one parent relocates or proposes to relocate at a distance that will impair the ability of a parent to exercise the amount of custodial responsibility that would otherwise be ordered under this section: *Provided*, That in cases of proposed relocation the court's analysis shall reflect the current state of social science research in child development psychology recognizing that shared parenting, including overnight time with each parent is in the best interest of the child or children, even in children under the age of one year old; and that keeping siblings, including half-siblings, together on at least an equal basis with the periods of physical custody and shared parenting that the child or children share with the parent of any siblings or half-siblings is in the best interest of the child, unless the limiting factors set forth in §48-9-209 of this code, the findings of §48-1-217a of this code, or of incompetence, neglect or abuse in accordance with §48-9-204(a) of this code are expressly found after a full adversarial judicial hearing and express findings to be or remain present;

(8) To consider the stage of a child's development: *Provided*, That such consideration shall recognize the current state of social science research in child development psychology establishing that shared parenting and shared legal and physical custody, including overnight time with each parent is in the best interest of the child or children, even in children under the age of one year old; and

(9) To consider which parent will encourage and accept a positive relationship between the child and the other parent, including which parent is more likely to keep the other parent involved in the child's life and activities.

(b) The court may consider the allocation of custodial responsibility arising from temporary agreements made by the parties after separation if the court finds, by a preponderance of the evidence, that such agreements were consensual. The court shall afford those temporary consensual agreements the weight the court believes the agreements are entitled to receive, based upon the evidence. The court may not consider the temporary allocation of custodial responsibility imposed by a court order on the parties.

~~(c) If the court is unable to allocate custodial responsibility under §48-9-206(a) of this code because the allocation under §48-9-206(a) of this code would be harmful to the child, or because there is no history of past performance of caretaking functions, as in the case of a newborn, or because the history does not establish a pattern of caretaking sufficiently dispositive of the issues of the case, the court shall allocate custodial responsibility based on the child's best interest, taking into account the factors in considerations that are set forth in this section and in §48-9-209 and §48-9-403(d) of this code and preserving to the extent possible this section's priority on the share of past caretaking functions each parent~~

(c) In determining how to schedule the custodial time allocated to each parent, the court shall take account of the economic, physical, and other practical circumstances such as those listed in §48-9-206(a)(6) of this code. The court shall also consider the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child as required under §48-9-206(a)(9) of this code. If the court determines after a full adversarial judicial hearing and express findings by a preponderance of the evidence that a parent is not encouraging a close and continuing relationship between the other parent and the child, such a finding shall create a rebuttable presumption that the offending parent is alienating the other parent

from the child and persistently interfering with the other parent's access to the child in violation of §48-9-209(a)(4) of this code.

§48-9-207. Allocation of significant decision-making responsibility.

(a) Unless otherwise resolved by agreement of the parents under section 201 of this article, the court shall allocate responsibility for making significant life decisions on behalf of the child, including the child's education and health care, to one parent or to two parents jointly, in accordance with the child's best interest, in light of:

(1) The court's presumption that the maximum involvement and cooperation of both parents regarding the physical, mental, moral, and emotional well-being of their child is in the best interest of the child. This shall be accomplished, to the maximum extent feasible, through the ordering of co-equal shared physical and legal custody and parenting time;

~~(1)~~ (2) The allocation of custodial responsibility under section 206 of this article: *Provided*, That any previously ordered unequal allocation of parenting time which did not take into consideration the current state of social science research in child development psychology recognizing that shared parenting, including overnight time with each parent is in the best interest of the child or children, even in children under the age of one year old, shall not serve as the basis for any finding by the court that the parent historically receiving less parenting time is not entitled to co-equal custodial responsibility;

~~(2)~~ (3) The level of each parent's participation in past decision-making on behalf of the child: *Provided*, That any previously ordered unequal allocation of parenting time which did not take into consideration the current state of social science research in child development psychology recognizing that shared parenting, including overnight time with each parent is in the best interest of the child or children, even in children under the age of one year old, shall not serve as the basis for any finding by the court that the

parent historically receiving less parenting time is not entitled to co-equal decision-making responsibility;

~~(3)~~ (4) The wishes of the parents;

(4) ~~(5)~~ The level of ability and cooperation the parents have demonstrated in decision-making on behalf of the child;

~~(5)~~ (6) Prior agreements of the parties; and

~~(6)~~ (7) The existence of any limiting factors, as set forth in section 209 of this article ~~or unless only if the findings of §48-1-217a of this code, or of incompetence, neglect or abuse in accordance with §48-9-204(a) of this code are expressly found after a full adversarial judicial hearing and express findings to be or remain present.~~

(b) If each of the child's legal parents has been exercising a reasonable share of parenting functions for the child, the court shall presume that an allocation of decision-making responsibility to both parents jointly is in the child's best interests. The presumption is overcome if there is a history of domestic abuse, or by a showing that joint allocation of decision-making responsibility is not in the child's best interest: *Provided*, That the court must expressly document after a full adversarial judicial hearing and express findings all the evidence of record upon which the court relies for its determination by a preponderance of the evidence that co-equal and joint allocation of decision-making responsibility is not in the child's best interest.

(c) Unless otherwise provided or agreed by the parents, each parent who is exercising custodial responsibility shall be given sole responsibility for day-to-day decisions for the child, while the child is in that parent's care and control, including emergency decisions affecting the health and safety of the child.

§48-9-208. Criteria for parenting plan; dispute resolution.

(a) If provisions for resolving parental disputes are not ordered by the court pursuant to parenting agreement under section 201 of

this article, the court shall order a method of resolving disputes that serves the child's best interest in light of:

(1) The parents' wishes and the stability of the child: *Provided*, That the findings of leading published and peer-reviewed social science studies, which establish that a rebuttable presumption exists and shall be applied that co-equal shared physical custody of children, including children under the age of one year, with both parents, and meaningful contact with a child's siblings, including half-siblings, at a ratio of time equivalent to the maximum amount of parenting time any sibling or half-sibling has with a common biological parent that is greater than that of another sibling or half-sibling is in the best interest of the child or children;

(2) Circumstances, including, but not limited to, financial circumstances, that may affect the parents ability to participate in a prescribed dispute resolution process; and

(3) The existence of any limiting factor, as set forth in section 209 of this article.

(b) The court may order a nonjudicial process of dispute resolution by designating with particularity the person or agency to conduct the process or the method for selecting such a person or agency. The disposition of a dispute through a nonjudicial method of dispute resolution that has been ordered by the court without prior parental agreement is subject to de novo judicial review. If the parents have agreed in a parenting plan or by agreement thereafter to a binding resolution of their dispute by nonjudicial means, a decision by such means is binding upon the parents and must be enforced by the court, unless it is shown to be contrary to the best interests of the child, beyond the scope of the parents' agreement, or the result of fraud, misconduct, corruption or other serious irregularity. The best interests of the child shall be considered in light of the amendments to this code in the Best Interests of the Child Protection Act of 2021.

(c) This section is subject to the limitations imposed by ~~section two hundred two~~ §48-9-209 of this ~~article~~ code.

§48-9-209. Parenting plan; limiting factors.

(a) If either of the parents so requests, or upon receipt of credible information thereof, the court shall determine whether a parent who would otherwise be allocated responsibility under a parenting plan:

(1) Has abused, neglected or abandoned a child, as defined by state law;

(2) Has sexually assaulted or sexually abused a child as those terms are defined in §61-8B-1 *et seq.* and §61-8D-1 *et seq.* ~~articles eight b and eight d, chapter sixty one~~ of this code;

(3) Has been expressly found, pursuant to a full adversarial judicial hearing, to have committed domestic violence, as defined in ~~section~~ §48-27-202 of this code;

(4) Has ~~interfered persistently with the other parent's access to the child~~ been found after a full adversarial judicial hearing and express findings to have, overtly or covertly, persistently violated, interfered with, impaired or impeded the rights of a parent or a child with respect to the exercise of shared or sole custodial authority, residence, visitation, or other contact with the child, except in the case of actions taken for the purpose of protecting the safety of the child or the interfering parent or another family member, pending the prompt and expeditious adjudication of the facts underlying that belief pursuant to a full adversarial judicial hearing; or

(5) Has made one or more fraudulent reports of domestic violence or child abuse: *Provided*, That a person's withdrawal of or failure to pursue a report of domestic violence or child support shall not alone be sufficient to consider that report fraudulent; or

(6) Has abandoned the child as defined in §48-22-306 of this code.

(b) If a parent is found pursuant to a full adversarial judicial hearing to have engaged in any activity specified by subsection (a) of this section, the court shall impose limits that are reasonably calculated to protect the child or child's parent from harm. The

limitations that the court shall consider include, but are not limited to:

(1) An adjustment of the custodial responsibility of the parents, including but not limited to:

(A) Increased parenting time with the child to make up for any parenting time the other parent lost as a result of the proscribed activity;

(B) An additional allocation of parenting time in order to repair any adverse effect upon the relationship between the child and the other parent resulting from the proscribed activity; or

(C) The allocation of exclusive custodial responsibility to one of them;

(2) Supervision of the custodial time between a parent and the child;

(3) Exchange of the child between parents through an intermediary, or in a protected setting;

(4) Restraints on the parent from communication with or proximity to the other parent or the child;

(5) A requirement that the parent abstain from possession or consumption of alcohol or nonprescribed drugs while exercising custodial responsibility and in the 24 hour period immediately preceding such exercise;

(6) Denial of overnight custodial responsibility;

(7) Restrictions on the presence of specific persons while the parent is with the child;

(8) A requirement that the parent post a bond to secure return of the child following a period in which the parent is exercising custodial responsibility or to secure other performance required by the court;

(9) A requirement that the parent complete a program of intervention for perpetrators of domestic violence, for drug or alcohol abuse, or a program designed to correct another factor; or

(10) Any other constraints or conditions that the court deems necessary to provide for the safety of the child, a child's parent or any person whose safety immediately affects the child's welfare.

(c) If a parent is found pursuant to a full adversarial judicial hearing to have engaged in any activity specified in subsection (a) of this section, the court may not allocate custodial responsibility or decision-making responsibility to that parent without making special written findings that the child and other parent can be adequately protected from harm by such limits as it may impose under subsection (b) of this section. The parent found to have engaged in the behavior specified in subsection (a) of this section has the burden of proving that an allocation of custodial responsibility or decision-making responsibility to that parent will not endanger the child or the other parent.

(d) If the court determines, based on the investigation described in ~~part~~ section three of this article or other evidence presented to it, that an accusation of child abuse or neglect, or domestic violence made during a child custody proceeding is false and the parent making the accusation knew it to be false at the time the accusation was made, the court may order reimbursement to be paid by the person making the accusations of costs resulting from defending against the accusations. Such reimbursement may not exceed the actual reasonable costs incurred by the accused party as a result of defending against the accusation and reasonable attorney's fees incurred.

(e) (1) A parent who believes he or she is the subject of activities by the other parent described in subdivision (5) of subsection (a), may move the court pursuant to subdivision (4), subsection (b), §49-5-101 ~~section one hundred and one, article five, chapter forty nine~~ of this code for the Department of Health and Human Resources to disclose whether the other parent was the source of the allegation and, if so, whether the department found the report to be:

- (A) Substantiated;
- (B) Unsubstantiated;
- (C) Inconclusive; or
- (D) Still under investigation.

(2) If the court grants a motion pursuant to this subsection, disclosure by the Department of Health and Human Resources shall be in camera. The court may disclose to the parties information received from the department only if it has reason to believe a parent knowingly made a false report.

PART 3. FACT FINDING.

§48-9-301. Court-ordered investigation.

(a) In its discretion, the court may order a written investigation and report to assist it in determining any issue relevant to proceedings under this article: *Provided, That in any instance where the court orders such a written investigation and report, it must serve notice to all parties of the court's order and such notice must describe with reasonable particularity the nature and objective of the investigation, and an explanation of the court's need and purpose in ordering such investigation.* The investigation and report may be made by the guardian ad litem, the staff of the court or other professional social service organization experienced in counseling children and families: *Provided, That the court shall identify to all parties who the assigned investigator is, why the court selected the particular investigator, and shall make any such investigator subject to deposition by and a compulsory witness for any party desiring to call the investigator for hearing testimony.* The court shall specify the scope of the investigation or evaluation and the authority of the investigator. All investigations pursuant to this section may only be ordered by the court for docketed matters pending before the court, and may only be considered by the court after any investigation report has been provided to the parties and after through a full adversarial judicial hearing, and all investigators, witnesses and documents involved in such investigations shall be subject to full discovery by all parties and

no ex parte information or filings nor any ex parte investigation papers, documents or testimony whatsoever may be considered by any court at any time.

(b) In preparing the report concerning a child, the investigator may consult any person who may have information about the child and the potential parenting or custodian arrangements: *Provided*, That all such persons shall be identified to all parties by the court and they and any records or documents reviewed or relied upon by them shall be subject to full discovery by all parties. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis, but only if consented to by both of the child's parents, unless a court has ordered the removal the child from parental or other legal custody for the child's protection. The investigator may consult with and obtain information from medical, psychiatric or other expert persons who have served the child in the past, without upon obtaining the consent of the parent or the child's custodian, unless a court has ordered the removal the child from parental or other legal custody for the child's protection; but the child's consent must be obtained if the child has reached the age of 12, unless the court finds that the child lacks mental capacity to consent. If the requirements of subsection (c) of this section are fulfilled, the investigator's report may be received in evidence at the hearing.

(c) The investigator shall deliver the investigator's report to counsel and to any party not represented by counsel at least ten days prior to the hearing unless a shorter time is ordered by the court for good cause shown: *Provided*, That any such report may only be considered by the court after any investigation report has been provided to the parties and any hearing must be a full adversarial judicial hearing and any party may move to continue the hearing if they feel discovery or preparation if necessary that cannot be adequately accomplished within 10 days. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (b) of this section, and the names and addresses of all persons whom the

investigator has consulted. Any party to the proceeding may depose and/or call as a hearing witness the investigator and any person whom the investigator has consulted for cross-examination and all parties and any records or documents reviewed or relied upon by them shall be subject to full discovery by all parties. A party may not waive the right of cross-examination, nor the right to continuance and/or discovery prior to the hearing.

(d) Services and tests ordered under this section shall be ordered only if at no cost to the individuals involved, or at a cost that is reasonable in light of the available financial resources.

PART 4. MODIFICATION OF PARENTING PLAN.

§48-9-401. Modification upon showing of changed circumstances or harm.

(a) Except as provided in sections 402 or 403 of this article, a court shall modify a parenting plan order if it finds, on the basis of facts that were not known or have arisen since the entry of the prior order and were not anticipated therein, that a substantial change has occurred in the circumstances of the child or of one or both parents and a modification is necessary to serve the best interests of the child.

(b) In exceptional circumstances, a court may modify a parenting plan if it finds that the plan is not working as contemplated and in some specific way is manifestly harmful to the child, even if a substantial change of circumstances has not occurred.

(c) Unless the parents have agreed otherwise, the following circumstances do not justify a significant modification of a parenting plan except where harm to the child is shown:

(1) Circumstances resulting in an involuntary loss of income, by loss of employment or otherwise, affecting the parent's economic status;

(2) A parent's remarriage or cohabitation; and

(3) Choice of reasonable caretaking arrangements for the child by a legal parent, including the child's placement in day care.

(d) For purposes of subsection (a) of this section, the occurrence or worsening of a limiting factor, as defined in subsection (a), section 209 of this article, after a parenting plan has been ordered by the court, constitutes a substantial change of circumstances and measures shall be ordered pursuant to section 209 of this article to protect the child or the child's parent.

(e)(1) For purposes of subsection (a) of this section, any parent subject to unequal allocation of parenting time previously awarded, which did not take into consideration the rebuttable presumption of shared parenting and that keeping siblings, including half-siblings, together being in the best interest of the child or children, or did not specifically set forth the court's reasoning for departure from shared parenting and maintenance of sibling/half-sibling time (unless the limiting factors set forth in §48-9-209 of this code or incompetence, abuse or neglect set forth in §48-9-204(a) of this code are, or remain present), then pursuant to the amendments to this code made by the Best Interests of Children Protection Act of 2021 shall constitute a qualifying substantial change in circumstances, and may petition the court for a modification of his or her parenting plan for shared parenting: *Provided*, That any parent or guardian or anyone residing in the home of the parent or guardian who: (i) is actively using, or has within the past six months, used illegal drugs or illegally obtained prescription drugs (ii) is currently incarcerated; (iii) has abandoned the child in accordance with §48-22-306 of this code or (iv) has been convicted of a crime of murder, rape, malicious assault, abduction, kidnapping, aggravated battery, domestic violence, child neglect, child abuse, child sexual abuse, child exploitation, child trafficking, or the sale of a child under any state or federal criminal law, including as grounds for a finding of incompetence, neglect or abuse under §48-9-204(a) of this code, shall not be allowed to petition for modification of a parenting plan pursuant to this subsection. Upon such motion the court shall promptly conduct an evidentiary hearing, review and determine the proper scope of modification, if any, to such unequal parenting plan or insufficient

sibling/half-sibling time. In reviewing any petition for modification based on this section, the court shall apply the rebuttable presumption of shared parenting set forth in §48-1-239 of this code, and that keeping siblings, including half-siblings, together, as being in the best interest of the child or children, even in children under the age of one year old. In reaching its decision, the court shall expressly cite all the evidence of record upon which the court relies for its determination that the unequal parenting or sibling/half-sibling time shall or shall not be modified in accordance with the Best Interests of Children Protection Act of 2021.

§48-9-402. Modification without showing of changed circumstances.

(a) The court shall modify a parenting plan in accordance with a parenting agreement, unless it finds that the agreement is not knowing and voluntary or that it would be harmful to the child.

(b) The court may modify any provisions of the parenting plan without the showing of change circumstances required by section 401 subsection (a) of this article if the modification is in the child's best interests, and the modification:

(1) Reflects the de facto arrangements under which the child has been receiving care from the petitioner, without objection, in substantial deviation from the parenting plan, for the preceding six months before the petition for modification is filed, provided the arrangement is not the result of a parent's acquiescence resulting from the other parent's domestic abuse;

(2) Constitutes a minor modification in the plan; or

(3) Is necessary to accommodate the reasonable and firm preferences of a child who has attained the age of 14.

(c) Evidence of repeated filings of fraudulent reports of domestic violence or child abuse is admissible in a domestic relations action between the involved parties when the allocation of custodial responsibilities is in issue, and the fraudulent

accusations may be a factor considered by the court in making the allocation of custodial responsibilities.

§48-9-403. Relocation of a parent.

(a) The relocation of a parent constitutes a substantial change in the circumstances under section 401 subsection (a) of this article, of the child only when it significantly impairs either parent's ability to exercise responsibilities that the parent has been exercising.

(b) Unless otherwise ordered by the court, a parent who has responsibility under a parenting plan who changes, or intends to change, residences for more than 90 days must give a minimum of 60 days' advance notice, or the most notice practicable under the circumstances, to any other parent with responsibility under the same parenting plan. Notice shall include:

- (1) The relocation date;
- (2) The address of the intended new residence;
- (3) The specific reasons for the proposed relocation;

(4) A proposal for how custodial responsibility shall be modified, in light of the intended move; and

(5) Information for the other parent as to how he or she may respond to the proposed relocation or modification of custodial responsibility.

Failure to comply with the notice requirements of this section without good cause may be a factor in the determination of whether the relocation is in good faith under subsection (d) of this section and is a basis for an award of reasonable expenses and reasonable attorney's fees to another parent that are attributable to such failure.

The Supreme Court of Appeals shall make available through the offices of the circuit clerks and the secretary-clerks of the family courts a form notice that complies with the provisions of this subsection. The Supreme Court of Appeals shall promulgate

procedural rules that provide for an expedited hearing process to resolve issues arising from a relocation or proposed relocation.

(c) When changed circumstances are shown under subsection (a) of this section, the court shall, if practical, revise the parenting plan so as to both accommodate the relocation and maintain the same proportion of custodial responsibility being exercised by each of the parents. In making such revision, the court may consider the additional costs that a relocation imposes upon the respective parties for transportation and communication, and may equitably allocate such costs between the parties.

(d) When the relocation constituting changed circumstances under subsection (a) of this section renders it impractical to maintain the same proportion of custodial responsibility as that being exercised by each parent, the court shall modify the parenting plan in accordance with the child's best interests and in accordance with the following principles:

(1) A parent who has been exercising a significant majority of the custodial responsibility for the child should be allowed to relocate with the child so long as:

(A) ~~that~~ The relocating parent shows that the relocation is in good faith for a legitimate purpose and to a location that is reasonable in light of the purpose: *Provided*, That any unequal prior parenting plan which did not take into consideration the rebuttable presumption of co-equal shared parenting and that keeping siblings, including half-siblings, together being in the best interest of the child or children, shall not serve as the basis for any finding by the court that the parent historically receiving less parenting time is not generally entitled to co-equal parenting and/or sibling/half-sibling time and/or legal and physical custodial responsibility after relocation: *Provided further*, That if relocation makes co-equal shared parenting and/or sibling/half sibling time impractical, the court shall to the maximum extent possible require that the non-relocating parent be granted the maximum amount of parenting time possible, including, but not limited to, the child or children residing with the non-relocating parent and siblings/half-

siblings during school summer vacation months and on other extended holidays and scheduled vacations.

(B) The percentage of custodial responsibility that constitutes a significant majority of custodial responsibility is seventy percent or more: *Provided*, That any such previously ordered allocation of custodial responsibility has be ordered after a full, adversarial judicial hearing on the record in which the court applied the rebuttable presumption of co-equal shared parenting and for keeping siblings/half-siblings together. If such allocation was not ordered after proper consideration of such rebuttable presumption of co-equal shared parenting and for keeping siblings/half-siblings together, then the court must reevaluate such allocation consistent with §48-1-239 of this code.

(C) A relocation is for a legitimate purpose if it is to be close to significant family or other support networks, for significant health reasons, to protect the safety of the child or another member of the child's household from significant risk of harm, to pursue a significant employment or educational opportunity or to be with one's spouse who is established, or who is pursuing a significant employment or educational opportunity, in another location. The relocating parent has the burden of proving of the legitimacy of any other purpose. A move with a legitimate purpose is reasonable unless its purpose is shown to be substantially achievable without moving or by moving to a location that is substantially less disruptive of the other parent's relationship to the child: *Provided*, That the court shall to the maximum extent possible require that the nonrelocating parent be granted the maximum amount of parenting time possible, including, but not limited to, the child or children residing with the non-relocating parent and siblings/half-siblings during school summer vacation months and on other extended holidays and scheduled vacations.

(2) If a relocation of the parent is in good faith for legitimate purpose and to a location that is reasonable in light of the purpose and if neither has been exercising a significant majority of custodial responsibility for the child, the court shall reallocate custodial responsibility based on the best interest of the child, taking into account all relevant factors including the effects of the relocation

on the child, subject to the provisos set forth in §48-9-403(d)(1) of this code.

(3) If a parent does not establish that the purpose for that parent's relocation is in good faith for a legitimate purpose into a location that is reasonable in light of the purpose, the court may modify the parenting plan in accordance with the child's best interests and the effects of the relocation on the child. Among the modifications the court may consider is a reallocation of primary custodial responsibility, effective if and when the relocation occurs, but such a reallocation shall not be ordered if the relocating parent demonstrates that the child's best interests would be served by the relocation, subject to the provisos set forth in §48-9-403(d)(1) of this code.

(4) The court shall attempt to minimize impairment to a parent-child relationship caused by a parent's relocation through alternative arrangements for the exercise of custodial responsibility appropriate to the parents' resources and circumstances and the developmental level of the child, subject to the provisos set forth in §48-9-403(d)(1) of this code.

(5) If the parents are exercising a basic shared parenting schedule and all of their children are under 10 years of age, the court shall consider this a factor against the approval of the relocation of the custodial parent unless the relocation has been agreed to by both parties; or unless in the opinion of the judge the relocation is in the best interest of the child or children: *Provided*, That the best interest of the child or children must consider the rebuttable presumption of shared parenting and sibling/half-sibling time, and the court shall to the maximum extent possible require that the non-relocating parent be granted the maximum amount of parenting time possible, including, but not limited to, the child or children residing with the non-relocating parent and siblings/half-siblings during school summer vacation months and on other extended holidays and scheduled vacations.

(e) In determining the proportion of ~~caretaking~~ parenting functions each parent previously performed for the child under the parenting plan before relocation, the court may not consider a

division of functions arising from any arrangements made after a relocation but before a modification hearing on the issues related to relocation.

(f) In determining the effect of the relocation or proposed relocation on a child, any interviewing or questioning of the child shall be conducted in accordance with the provisions of rule 17 of the rules of practice and procedure for family law as promulgated by the Supreme Court of Appeals, subject to the provisos set forth in §48-9-403(d)(1) of this code.

(g) Relocations found by the court to be reasonable prior to the passage of the Best Interests of the Child Protection Act of 2021 may depart from the presumption of co-equal shared parenting and sibling/half-sibling time if the court determines that the circumstances due to the relocation make such co-equal shared parenting significantly impracticable: *Provided*, That in such circumstances, upon a motion of the nonrelocating parent to modify an unequal parenting plan, the court shall to the maximum amount of parenting time possible, including, but not limited to, the child or children residing with the nonrelocating parent and siblings/half-siblings during school summer vacation months and on other extended holidays and scheduled vacations.

PART 6. MISCELLANEOUS PROVISIONS.

§48-9-601. ~~Access to a child's records~~ Parental Rights.

(a)(1) Each parent has the right to full and equal access to a child's educational records absent a court order to the contrary. Neither parent may veto the access requested by the other parent. Educational records are academic, attendance and disciplinary records of public and private schools in all grades kindergarten through 12 and any form of alternative school. Educational records are any and all school records concerning the child that would otherwise be properly released to the primary custodial parent, including, but not limited to, report cards and progress reports, attendance records, disciplinary reports, results of the child's performance on standardized tests and statewide tests and information on the performance of the school that the child attends

on standardized statewide tests; curriculum materials of the class or classes in which the child is enrolled; names of the appropriate school personnel to contact if problems arise with the child; information concerning the academic performance standards, proficiencies, or skills the child is expected to accomplish; school rules, attendance policies, dress codes and procedures for visiting the school; and information about any psychological testing the school does involving the child.

(2) In addition to the right to receive school records, the nonresidential parent has the right to participate as a member of a parent advisory committee or any other organization comprised of parents of children at the school that the child attends.

(3) The nonresidential parent or noncustodial parent has the right to question anything in the child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.

(4) Each parent has a right to arrange appointments for parent-teacher conferences absent a court order to the contrary. Neither parent can be compelled against their will to exercise this right by attending conferences jointly with the other parent.

(b)(1) Each parent has the right to full and equal access to a child's medical records absent a court order to the contrary. Neither parent may veto the access requested by the other parent. If necessary, either parent is required to authorize medical providers to release to the other parent copies of any and all information concerning medical care provided to the child which would otherwise be properly released to either parent. For the purposes of this section §48-9-601 of this code any and all copies (including prior drafts or versions subsequently removed or deleted from any hospital or birthing facility files, and all information contained therein) of birth registry forms completed for the hospital or birthing facility by the mother, or any other person, for the purposes of registering the birth of a child with the West Virginia Vital Registration Office, are deemed part of the child's medical records and are fully accessible, without limitation or reservation, to each legal and/or biological parent: *Provided*, That either parent

may request that the hospital redact their own personally identifiable information that would otherwise be subject to the protections of the federal Health Insurance Portability and Accountability Act ('HIPAA'), but under no circumstances may either parent or the hospital or birthing facility rely on HIPAA to preclude the other parent from accessing and/or obtaining copies of any and all birth registry forms (including prior drafts or versions subsequently removed or deleted from any hospital or birthing facility files, and all information contained therein) completed for the parent's child and submitted to the hospital or birthing facility.

(2) If the child is in the actual physical custody of one parent, that parent is required to promptly inform the other parent of any illness of the child which requires medical attention.

(3) Each parent is required to consult with the other parent prior to any elective surgery being performed on the child, and in the event emergency medical procedures are undertaken for the child which require the parental consent of either parent, if time permits, the other parent shall be consulted, or if time does not permit such consultation, the other parent shall be promptly informed of the emergency medical procedures: *Provided*, That nothing contained herein alters or amends the law of this state as it otherwise pertains to physicians or health care facilities obtaining parental consent prior to providing medical care or performing medical procedures.

(c)(1) Each parent has full and equal access to a child's juvenile court records, process and pleadings, absent a court order to the contrary. Neither parent may veto any access requested by the other parent. Juvenile court records are limited to those records which are normally available to a parent of a child who is a subject of the juvenile justice system.

(2) Each parent has the right to be notified by the other party if the minor child is the victim of an alleged crime, including the name of the investigating law-enforcement officer or agency. There is no duty to notify if the party to be notified is the alleged perpetrator.

(d) Each parent has the right to reasonable access and telephone or other electronic contact with the minor children, which shall be defined in the parenting plan.

§48-9-602. Designation of custody for the purpose of other state and federal statutes.

Solely for the purposes of all other state and federal statutes which require a designation or determination of custody, a parenting plan shall designate the parent with whom the child is scheduled to reside the majority of the time as the custodian of the child: *Provided*, That ~~However~~, this designation shall not affect either parent's rights and responsibilities under a parenting plan. In the absence of such a designation, the parent with whom the child is scheduled to reside the majority of the time is deemed to be the custodian of the child for the purposes of such federal and state statutes.

§48-9-603. Effect of enactment; operative dates.

(a) The enactment of this article, formerly enacted as article eleven of this chapter during the second extraordinary session of the 1999 Legislature, is prospective in operation unless otherwise expressly indicated.

(b) The provisions of section 202 of this article, insofar as they provide for parent education and mediation, became operative on January 1, 2000. Until that date, parent education and mediation with regard to custody issues were discretionary unless made mandatory under a particular program or pilot project by rule or direction of the Supreme Court of Appeals or a circuit court.

(c) The provisions of this article that authorize the court, in the absence of an agreement of the parents, to order an allocation of custodial responsibility and an allocation of significant decision-making responsibility, as amended during the regular session of 2021, the 'Best Interests of the Child Protection Act of 2021', became operative ~~on January 1, 2000~~ 90 days after passage of those amendments, at which time the ~~primary caretaker doctrine was replaced with a~~ system that allocates custodial and decision-

making responsibility to the parents ~~in accordance with this article was replaced by the rebuttable presumption of co-equal shared parenting and sibling/half-sibling time.~~ Any order entered prior to January 1, 2000 the effective date of the Best Interests of the Child Protection Act of 2021, ~~based on the primary caretaker doctrine~~ remains in full force and effect until modified by a court of competent jurisdiction, which modifications, upon petitions authorized by the Best Interests of the Child Protection Act of 2021, shall be liberally construed to further the interests of justice and the best interests of any children involved.”

Having been engrossed a second time, the bill was then read a third time.

Delegates Pritt and Capito requested to be excused from voting on under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 97**), and there were—yeas 68, nays 31, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Diserio, Doyle, Espinosa, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Howell, D. Kelly, Lovejoy, Mazzocchi, Pethtel, Pritt, Pushkin, Queen, Reynolds, Riley, Rowe, Skaff, Statler, Thompson, Tully, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Boggs.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2363) passed.

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

Com. Sub. for H. B. 2363 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto five new sections, designated §48-1-217a, §48-1-239a, §48-1-241a, §48-1-241b, and §48-9-204a; to amend and reenact §48-1-210, §48-1-218, §48-1-219, §48-1-220, §48-1-239, §48-1-241, §48-1-303, §48-9-101, §48-9-102, §48-9-201, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-208, §48-9-209, §48-9-301, §48-9-401, §48-9-402, §48-9-403, §48-9-601, §48-9-602 and §48-9-603 of said code, all relating generally to the public policy recognition and preservation of the fundamental constitutional rights of all parents to raise their own children and that it is presumptively in the best interest of children to be raised by both of their parents equally; creating the ‘Best Interests of the Child Protection Act of 2021’; defining ‘Full adversarial judicial hearing’, ‘shared legal custody’, ‘shared physical custody’; and ‘sole physical custody’; establishing the presumption that co-equal shared legal and physical custody of children, and the maintaining of sibling, including half-sibling, relationships through co-equal shared legal and physical custody of children in cases of divorce to be in the best interests of the children and families; requiring that temporary parenting plans, parenting plans, modifications to parenting plans and parental relocations consider that the presumption of co-equal shared legal and physical custody is in the best interests of a child; requiring courts to consider such presumption of co-equal shared legal and physical custody being in the best interests of a child when determining significant parental decision making responsibility, legal and physical custody and parenting time allocation; establishing certain procedural safeguards in the judicial review and allocation of parenting plans; establishing both parents’ rights to school and medical records of their children; providing parents in a shared parenting plan each have the authority to make a child’s health care decisions, delineating relevant factors to be considered by Courts in determining the structure of a shared parenting plan; providing certain exceptions to the confidentiality of domestic relations court files; providing certain findings; creating rebuttable presumption that equal custody generally is in the best interest of a child; providing additional criteria to be consulted in temporary parenting plans; requiring the adoption of model parenting schedules; delineating factors for allocation of custodial responsibility and

significant decision-making responsibility; providing for sibling contact in criteria for parenting plans; providing added limiting factors in parenting plans; providing additional criteria for court-ordered investigations; providing additional criteria for modifications in changed circumstances; providing additional criteria for consideration when a parent relocates; providing additional criteria for parental rights to access children's records; and providing effective dates.”

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

H. B. 2701, Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license; 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. 98**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2701) passed.

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

H. B. 2709, Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond; 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. 99**), and there were—yeas 98, nays 1, absent

and not voting 1, with the nays and absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Boggs.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2709) passed.

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

H. B. 2764, Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox 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. 100**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Paynter and Steele.

Absent and Not Voting: Boggs.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2764) passed.

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

Com. Sub. for H. B. 2765, Relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights; 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. 101**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2765) passed.

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

H. B. 2905, Relating to repealing the prohibition against the use of certain words; 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. 102**), and there were—yeas 76, nays 23, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Brown, Diserio, Doyle, Evans, Fluharty, Garcia, Graves, Hansen, Hardy, Haynes, Nestor, Pushkin, Rowe, Skaff, Smith, Steele, Thompson, Walker, Young and Zukoff.

Absent and Not Voting: Boggs.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2905) passed.

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

Second Reading

The following bill on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading:

H. B. 2906, Relating to the School Building Authority's allocation of money.

First Reading

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

Com. Sub. for S. B. 216, Authorizing Department of Commerce to promulgate legislative rules,

S. B. 296, Relating generally to repealing certain rules,

S. B. 338, Creating Fire Service Equipment and Training Fund,

H. B. 2598, Altering the definition of an above ground storage tank,

Com. Sub. for H. B. 2674, Relating to the administration of anesthetics,

Com. Sub. for H. B. 2792, Relating to the expansion of direct access to natural gas service for new customers,

H. B. 2957, Relating to the repeal of outdated code sections,

And,

H. B. 2958, Relating to repealing outdated sections of state code.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Boggs.

Miscellaneous Business

On motion of Delegate Fluharty, the letter from Kenneth Matthews regarding H. B. 2257 was ordered printed in the Appendix to the Journal.

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

- H. B. 2043:** Delegate Rowe;
- H. B. 2046:** Delegate Rowe;
- H. B. 2053:** Delegate Rowe;
- H. B. 2160:** Delegate Rowe;
- H. B. 2172:** Delegate L. Pack;
- H. B. 2241:** Delegate Rowe;
- H. B. 2346:** Delegate Rowe;
- H. B. 2354:** Delegate Rowe;
- H. B. 2356:** Delegate Rowe;
- H. B. 2698:** Delegate Pushkin;
- H. B. 2706:** Delegate L. Pack;
- H. B. 2726:** Delegate L. Pack;
- H. B. 2795:** Delegate Evans;
- H. B. 2967:** Delegate Walker;

And,

- H. R. 13:** Delegate L. Pack.

At 12:43 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, March 9, 2021.

Tuesday, March 9, 2021

TWENTY-EIGHTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Monday, March 8, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Evans, a moment of silence was held in memory of Montcalm High School Principal Craig Havens.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 2792, on Second reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for S. B. 270, on Third reading, House Calendar, had been transferred to the Special Calendar; Com. Sub. for S. B. 272 and Com. Sub. for S. B. 277, on Second reading House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund,

And,

H. B. 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021,

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 295, Relating generally to economic development loans and loan insurance issued by state,

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

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

Your Committee on Finance has had under consideration:

H. B. 2789, Supplementing and amending the appropriations to Public Defender Services,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2789 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2021, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021,"

H. B. 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund,

General Revenue, to the Department of Homeland Security, Division of Emergency Management,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2802 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2021, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021,”

And,

H. B. 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2803 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2021, organization 0305, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2770, Including home confinement officers in definition of law-enforcement officers,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2770 - “A Bill to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-11a of said code, all relating to including home confinement officers in definition of law-enforcement officers; and authorizing home confinement officers to carry a concealed firearm in certain facilities limited to other law-enforcement officers,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2891, Creating minimum statutory standards for law-enforcement officers,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2891 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-14, relating to creating minimum standards for law-enforcement officers; providing for the disqualification for entry into the basic law-enforcement academy or from certification in certain instances; providing for the direct supervision of officers who are not certified; providing for the maintenance and the transfer of certain records; and setting a limitation on the disclosure of certain records,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2682, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements.,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2682 - “A Bill to amend and reenact §33-12-8 and §33-12-9 of the Code of West Virginia, 1931, as amended, and to amend and reenact §33-12B-13 and §33-12B-14 of said code, all relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements; changing the requirement that the Insurance Commissioner send license suspensions to insurance producers by certified mail with a requirement that the suspensions be sent by electronic mail or regular mail, if requested; providing that each agent, insurance agency, solicitor, or service representative must report his or her respective electronic mail address to the Insurance Commissioner and providing time periods to report changes of information provided to Insurance Commissioner; changing the requirement that the Insurance Commissioner send license suspensions to insurance adjusters by certified mail with a requirement that the suspensions be sent by electronic mail or regular mail, if requested; and providing that each insurance adjuster must report his or her respective electronic mail address to the Insurance Commissioner and providing time periods to report changes of information provided to Insurance Commissioner.”

And,

H. B. 2758, Requiring the Insurance Commissioner to regulate professional bondsmen,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2758 - “A Bill to amend and reenact §51-10-1 and §51-10-8 of the Code of West Virginia, 1931, as amended, all relating to requiring the Insurance Commissioner to regulate professional bondsmen; providing definitions; requiring the Insurance Commissioner to promulgate and propose rules and regulations to carry out the intent, administration and enforcement of the article; requiring the insurance commissioner to promulgate and propose rules and regulations regarding qualifications of bondsman; setting forth requirements for bondsman applicants; setting forth filing requirements for bondsmen with the Insurance Commissioner; setting forth renewal requirements for bondsman authorization; providing criminal penalty for false affidavit; requiring Insurance Commissioner to keep a list of authorized bondsmen and furnish to a place of detention upon request; and, after July 1, 2022, requiring all bondsmen to be authorized by the Insurance Commissioner.”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

S. B. 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2916, Creating the Semiquincentennial Commission for the celebration of the 250th anniversary of the founding of the United States of America,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2916 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-13A-1, §4-13A-2, §4-13A-3, §4-13A-4, §4-13A-5, §4-13A-6, and §4-13A-7, relating to the creation of the West Virginia Semiquincentennial Commission and Fund to support the celebration of the 250th anniversary of our nation’s founding; providing for the method and manner by which the commission shall be appointed; providing for expense reimbursement for the commission’s members; establishing the powers and duties of the commission; and providing a sunset provision for the commission,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2763, Creating WV Cyber Incident Reporting,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2763 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-6C-1, §5A-6C-2, §5A-6C-3, and §5A-6C-4, all relating to “West Virginia Cyber Incident Reporting;” providing for definitions; applying the scope to all state agencies within the executive branch, Constitutional officers, all local government entities, county boards of education, the judicial branch, and the legislative branch; providing criteria for reporting incidents; and providing for an annual report,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2932, Protections for Charitable Organizations,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2031, West Virginia Development Achievements Transparency Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2031) was referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 275, Relating generally to WV Appellate Reorganization Act of 2021,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 275) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2382 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from municipal solid waste landfills; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to acid rain provisions and permits; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of greenhouse gas emissions from existing coal-fired electric utility generating units; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system; and authorizing the Department of Environmental Protection to

promulgate a legislative rule relating to voluntary remediation and redevelopment rule,”

With the recommendation that the committee substitute do pass.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 8, 2021, he approved **H. B. 2019**.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 294 - “A Bill to amend and reenact §18-30-3, §18-30-4, and §18-30-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-30-6a, all relating to savings and investment programs offered by the state; defining terms; reconciling definition of ‘qualified education expenses’ with federal law for college savings program tax benefit purposes; increasing number of persons on the Board of Trustees of the College Prepaid Tuition and Savings Program; requiring that certain members appointed to the board have experience, knowledge, or skill in a financial field; providing that reasonable efforts shall be made to appoint one member to board with a CFA; authorizing early closure of Prepaid Tuition Trust Plan and fund upon depletion of fund and election of board; authorizing board to expend moneys in the Prepaid Tuition Trust Plan Escrow Fund to satisfy outstanding obligations of the Prepaid Tuition Trust Plan; specifying when Prepaid Tuition Plan account owner assets are presumed abandoned; providing for allocation of moneys remaining in escrow fund upon closure of the Prepaid Tuition Plan; permitting board to maintain a certain amount in the escrow fund for 10 years following closure of the Prepaid Tuition Trust Fund to

satisfy potential claims; providing conditions for final closure of escrow fund; creating a nonappropriated special revenue account; transferring moneys from escrow fund to the special revenue account; authorizing receipts to, and expenditures from, the special revenue account for certain purposes related to new savings and investment programs; providing for investment of moneys in special revenue account; removing obsolete language; and making technical corrections”; which was referred to the Committee on Education then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect Sept 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

S. B. 305 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9t, relating to providing an exemption from the consumers sales and service tax for purchases of certain services and tangible personal property sold for the repair, remodeling, and maintenance of aircraft with an empty weight of 6,000 pounds or greater; defining terms; specifying a method for claiming exemption; authorizing emergency rules and promulgation of legislative rules; and establishing the effective date of the section”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 343 - “A Bill to amend and reenact §17B-2-13 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to renew or reissue driver’s licenses and identification cards online upon request due to a change of address”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 375 - “A Bill to amend and reenact §18-5-16 of the Code of West Virginia, 1931, as amended, relating to county board of education open enrollment; amending provisions pertaining to the contents of county board of education policies for open enrollment; setting forth reasons for which an open enrollment application may be denied and the process for application denial; and amending provisions pertaining to funding in certain instances of a student transfer”; which was referred to the Committee on Education.

A message from the Senate, by

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

S. B. 376 - “A Bill to amend and reenact §17C-15-37 of the Code of West Virginia, 1931, as amended, relating to removing inoperative provisions requiring Commissioner of the Division of Highways set standards for studded snow tires”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 390 - “A Bill to amend and reenact §33-4A-1, §33-4A-2, §33-4A-3, §33-4A-4, §33-4A-5, §33-4A-6, §33-4A-7, and §33-4A-8 of the Code of West Virginia, 1931, as amended, all relating to the all-payer claims database; reflecting that Health Care Authority is part of the organizational structure of the Department of Health and Human Resources and is no longer a separate governmental agency; and clarifying and accurately delineating the roles of the entities responsible for the all-payer claims database”;

which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

S. B. 397 - “A Bill to amend and reenact §11-27-39 of the Code of West Virginia, 1931, as amended, relating to the health care provider tax; defining terms; modifying effective date; and removing expiration date for the tax”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 404 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6A-7a, relating to modifications of well work permits issued by the Department of Environmental Protection’s Office of Oil and Gas”; which was referred to the Committee on Energy and Manufacturing.

A message from the Senate, by

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

Com. Sub. for S. B. 421 - “A Bill to amend and reenact §21A-2-6 of the Code of West Virginia, 1931, as amended, relating to the general powers and duties of the Commissioner of Workforce West Virginia; and authorizing the agency to hire additional employees to serve at the will and pleasure of the commissioner”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 429 - “A Bill to amend and reenact §5A-3-3a of the Code of West Virginia, 1931, as amended, relating to Division of Emergency Management purchase and sale of commodities and services; exempting division from Purchasing Division requirements concerning contracts for purchase of commodities or services; providing exception; and authorizing Agency for Surplus Property to transfer funds generated from the sale of vehicles, other equipment, and commodities belonging to the Division of Emergency Management to the WV Interoperable Radio Project special revenue account”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 435 - “A Bill to amend and reenact §21-6-3, §21-6-4, §21-6-5, and §21-6-10 of the Code of West Virginia, 1931, as amended, all relating to issuance of a work permit for a child 14 or 15 years of age; authorizing certain additional persons to issue a work permit; requiring review rather than receipt of certain documents required as a condition of the issuance of a work permit; providing exception to the requirement for a certificate showing that the child is attending school; resolving conflict as to whether child must appear before the person issuing the work permit; and requiring the printed forms for work permits be made available to all authorized to issue work permits”; which was referred to the Committee on Education.

A message from the Senate, by

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

Com. Sub. for S. B. 469 - “A Bill to amend and reenact §39-4-6 of the Code of West Virginia, 1931, as amended; and by adding thereto three new sections, designated §39-4-6a, §39-4-37, and §39-4-38, all relating to personal appearance required for notarial acts; requiring the Secretary of State to propose legislative rules establishing requirements for the performance of a notarial act on behalf of an individual appearing before a notary public by means of communication technology; recognizing the validity of notarization performed by means of communication technology pursuant to section 6 of the Governor’s Executive Order 11-20 effective March 25, 2020; defining terms; authorizing a notary public to perform notarial acts for remotely located individuals using communication and identity-proofing technology provided certain requirements are fulfilled; and specifying the means by which a notary public must identify a remotely located individual”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. C. R. 15 – “Requesting the United States Army Corps of Engineers to extend that certain leases between the United States Army Corps of Engineers and the County Commission of Nicholas County, West Virginia, on behalf of the Nicholas County Airport Authority.”

Whereas, The core mission of the United States Army Corps of Engineers is dedicated to strengthening our nation’s security by building and maintaining infrastructure, researching, and developing technology, promoting stability, and improving quality of life; and

Whereas, West Virginia has recently made efforts to revitalize and develop new and existing tourism and commerce industries of the state, including educational, recreational, and economic, and military opportunities and development; and

Whereas, Extending certain leases between the United States Army Corps of Engineers and the Nicholas County Airport Authority, will permit the Nicholas County Airport Authority to manage and maintain facilities located at the Summersville Airport, would facilitate the development of educational, recreational, economic, and military-related opportunities in West Virginia, including, but not limited to, tourism of Summersville Lake, New River Gorge National Park and Preserve, and the surrounding area; development of new flight instruction programs; relocation of existing flight instruction programs; development and relocation of new or existing medical air transport companies; development of charter and air taxi services; sales, service, repair, and storage of aircraft; facilitation of activities related to the Summit Bechtel Reserve National Scout Camp and Young Life summer programs; therefore, be it

Resolved by the Legislature of West Virginia:

That the United States Army Corps of Engineers to extend that certain leases between the United States Army Corps of Engineers and the County Commission of Nicholas County, West Virginia, on behalf of the Nicholas County Airport Authority; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the United States Army Corps of Engineers.

Resolutions Introduced

Delegates Reed, Worrell, Barrett, Hardy, Forsht and Horst offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 28 - "Requesting the Division of Highways name bridge number 02-009/00-002.54 (02A176), locally known as Johnstontown Bridge, carrying WV Route 9 over Tilhance Creek in Berkeley County, the 'Paul J. Hofe Memorial Bridge'."

Whereas, Paul J. Hofe was born on April 16, 1936, at Little Orleans in Allegany County Maryland; and

Whereas, Paul J. Hofe served dutifully in the United States Army at the rank of Private; and

Whereas, Following his military service, Paul J. Hofe became a resident of Berkeley County, West Virginia, and began a career with the Internal Revenue Service that lasted 35 years; and

Whereas, In 1969, Paul J. Hofe started his own company, Hofe's Well Drilling, and thus embarked upon a second career through which he would become known to many people throughout the area for the next 50 years; and

Whereas, Access to clean drinking water became a passion for him, and Paul J. Hofe participated in many professional associations and water-related programs including the National Groundwater Association and the South Atlantic Well Driller Jubilee, in which he also served as director and president. He also participated actively in the development of well regulations which were eventually promulgated by the state health department; and

Whereas, Paul J. Hofe often donated his time and resources to drill wells for charitable organizations, including the Poor House Farm Park, Berkeley County Youth Fair, and several churches in the Eastern Panhandle. He was also known to drill wells at his own expense for families without the financial means to pay for the service and, through his company, he sponsored the Hedgesville Little League and the baseball and basketball teams for Hedgesville High School; and

Whereas, Paul J. Hofe's service to his community ended on March 5, 2019, when he passed away after a battle with Alzheimer's Disease; and

Whereas, It is fitting that an enduring memorial be established to commemorate Paul J. Hofe 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 02-009/00-002.54 (02A176), locally known as

Johnsontown Bridge, carrying WV Route 9 over Tilhance Creek in Berkeley County, the “Paul J. Hofe 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 “Paul J. Hofe Memorial Bridge”; and, be it

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

Delegates Keaton, Barnhart, Booth, Bruce, Clark, Dean, Fast, Ferrell, Forsht, Graves, Hamrick, Hanna, Haynes, Higginbotham, Horst, Householder, Howell, D. Jeffries, J. Jeffries, Kessinger, Kimble, Linville, Longanacre, Mandt, Mazzocchi, L. Pack, Pethtel, Phillips, Pinson, Pritt, Queen, Reed, Riley, Smith, Steele, Summers, Sypolt, Wamsley, B. Ward, G. Ward and Worrell offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 29 - “Applying to the Congress of the United States to call a convention for proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress: and adopting certain reservations, understandings and declarations limiting the application.”

Whereas, Executive orders by the President of the United States have become a vehicle through which the President may overstep the limits of his or her constitutional authority; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations and special interests in Washington, D. C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the Constitution of the United States through a limited convention of the states under Article V; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution, legislative call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Delegates from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; and, be it

Further Resolved, The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings and declarations:

(1) An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

(2) Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two thirds of the legislatures of the several states;

(3) Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

(4) By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

(5) A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void *ab initio* if ever used at any stage to consider any change to any provision of the Bill of Rights;

(6) Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

(7) The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided.

Delegates Kessinger, Steele, Clark, Mazzocchi, Kimble, Higginbotham, Hott, Reynolds, Burkhammer, Westfall and Wamsley offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 30 - “Requesting the Joint Committee on Government and Finance to study the importance of legislation prohibiting the State or its instrumentalities from contracting with, investing in, or otherwise doing business with entities involved in the Boycott, Divestment, and Sanctions Movement against Israel.”

Whereas, The state of Israel is one of the United States’ closest allies and international trading partners; and

Whereas, In recent years, the State of Israel and Israeli-owned businesses have been the target of economic, cultural, and academic boycotts; and

Whereas, These attempts to isolate Israel within the international arena have served as a vehicle for spreading anti-Semitism and advocating for the elimination of the Jewish state; and

Whereas, The Boycott, Divestment, and Sanctions Movement is deeply damaging to the causes of peace, justice, equality, democracy, and human rights for all people in the Middle East; and

Whereas, The State of West Virginia has an economic and a humanitarian obligation to denounce and reject the Boycott, Divestment, and Sanctions Movement, and to prevent the state or

any of its instrumentalities from entering into contracts with, investing in, or otherwise doing business with entities that engage in the movement; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the impacts of the Boycott, Divestment, and Sanctions Movement and the importance of adopting legislation divesting the state of any agreements, investments, or contracts with entities participating in the movement; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Regular Session of the Legislature, 2022, 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.

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

H. C. R. 31 - “Commending Former President Donald John Trump for his service, admiration, and dedication to the state of West Virginia as the 45th President of the United States.”

Whereas, Former President Donald John Trump worked tirelessly for the people of West Virginia by protecting and promoting pro-energy policies, protecting constitutional rights, promoting state’s rights, fair trade, tax cuts, lowering prescription drug costs, rolling back Obama-era EPA rules, eliminating unnecessary regulations, recognizing the severity of the opioid epidemic, protecting the nation from enemies foreign and domestic, and by putting America First; and

Whereas, In a re-election bid in West Virginia, former President Donald John Trump won 545,382 votes, the highest

number of raw votes and percentage in the history of the great state of West Virginia on November 3, 2020; and

Whereas, Former President Donald John Trump won more votes from West Virginians than some of the most notable presidents in history including but not limited to Franklin D. Roosevelt, John F. Kennedy, Richard Nixon, Ronald Reagan, and Barack Obama; and

Whereas, The super majority of citizens of the State of West Virginia wish to recognize the historic accomplishments of the Trump Administration; and

Whereas, It is appropriate that the West Virginia Legislature recognize the legacy of West Virginia's most popular president, former President Donald John Trump, by commending him for his service, admiration, and dedication to West Virginia as the 45th President of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That the State of West Virginia commends former President Donald John Trump for his service, admiration, and dedication to the State of West Virginia as the 45th President of the United States; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the former President.

Delegates Haynes, Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Bridges, Brown, Bruce, Capito, Clark, Conley, Cooper, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Evans, Ferrell, Fleischauer, Fluharty, Forsht, Garcia, Graves, Griffith, Hamrick, Hanna, Hansen, Hardy, Higginbotham, Holstein, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimes, Linville, Longanacre, Lovejoy, Mallow, Mandt, Martin, Maynard, Nestor, J. Pack, L. Pack, Paynter, Pethtel, Phillips, Pinson, Pritt, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Smith, Statler, Storch, Summers, Sypolt, Thompson, Toney, Tully, Walker, Wamsley, B. Ward, G. Ward, Westfall, Williams, Worrell,

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

H. C. R. 32 - “Requesting the Division of Highways name the entire length of road designated as County Route 9 and County Route 14 in Fayetteville, situated in Fayette County, West Virginia, locally known as ‘Gatewood Road’, as the ‘Senator Shirley Love Memorial Road’.”

Whereas, Shirley Dean Love was born on May 15, 1933, as the son of the late Earl Clinton and Winona May Hall Love; and

Whereas, His unusual Christian name was the suggestion of a family nurse, the wife of newspaper columnist Shirley Donnelly, since she felt the newborn child resembled one of her own; and

Whereas, Love was gifted with an outstanding singing voice, and it was a little-known hymn he sang one Sunday in the Oak Hill United Methodist Church that caught the attention of the owner of WOAY Radio Station, who invited him to audition for a job as an announcer and ultimately helped launch his career; and

Whereas, From the time he was eight years old, Love was a steadfast member of the church’s choir; and

Whereas, Shirley Love graduated from Collins High School in 1952; and

Whereas, His fame began to mushroom while anchoring “Saturday Night Wrestling”, which Shirley Love described as a “Southern West Virginia Saturday night opera”, who also noted that the wrestling show had a longer television run than “Gunsmoke”; and

Whereas, Before long, Shirley Love had a following that propelled him into a career in state politics; and

Whereas, For 11 years, he served in the West Virginia House of Delegates and invested 18 years in the state Senate; and

Whereas, Early on, Love's engaging, ever-present smile won him many lifelong friends and he quickly built a reputation in the state Legislature as a tireless worker, always willing to listen to the concerns of his constituents; and

Whereas, A decade ago, he was the subject of a biography, "A Man Called Shirley", a chronicle of his colorful and productive life that made him a household name across his native West Virginia; and

Whereas, Sadly, Shirley Dean Love passed away on July 17, 2020, at the age of 87; and

Whereas, Preceding him in death were a son, Dr. Brian Stephen Love; sisters Earline Treadway, Loraine Minnix, and Ruth Veigh, and a brother, James Love, III; and

Whereas, Cherishing his memory are his loving wife of 68 years, Audrey Love; a son, James "Jimmy" Love, IV; a daughter, Christie Love; grandchildren, James Love, V and companion Mary Nell, and also Sarah Love, the mother of James' children, Matthew Love (Allison), Robert Love (Amanda), Benjamin Love (Tiffany), Mary Beth Knight (Pete), and Michael Love and companion Lauren Satyshur; 11 grandchildren; a sister, Margaret Ann Painter; and

Whereas, For these reasons it is fitting and proper that the entirety of Gatewood Road be named in honor of Shirley Love; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the entire length of road designated as County Route 9 and County Route 14 in Fayetteville, situated in Fayette County, West Virginia, locally known as "Gatewood Road", as the "Senator Shirley Love Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to erect signs at both ends of Gatewood

Road containing bold and prominent letters proclaiming the road as the “Senator Shirley Love Memorial Road”; and, be it

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

Delegates Householder, Linville and Maynard offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 33 - “Requesting the Division of Highways name bridge number 02-7-5.94 (02A015), locally known as Elk Branch Bridge, carrying County Route 7 over Elk Branch in Berkeley County, the ‘Norman A. and Carrie G. Silver Memorial Bridge’.”

Whereas, Norman A. Silver was born in 1913, married his childhood sweetheart, Carrie G. Shriver, and together they had 13 children. Norman and Carrie Silver farmed over 1,800 acres of land and, with their children, operated a local sawmill; and

Whereas, Mr. and Mrs. Silver were long-time residents of Berkeley County, dedicating their lives to the ministry, and donating land for churches and rescue missions. They also donated land to the State of West Virginia on Back Creek Valley Road in Hedgesville, West Virginia, to make the road and bridge safer, turning it from a one lane to a two-lane bridge; and

Whereas, It is fitting that an enduring memorial be established to commemorate Norman A. and Carrie G. Silver for their service to their ministry, their community and the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 02-7-5.94 (02A015), locally known as Elk Branch Bridge, carrying County Route 7 over Elk Branch in Berkeley County, the “Norman A. and Carrie G. Silver Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Norman A. and Carrie G. Silver Memorial Bridge”; and, be it

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

Delegates Young, Barach, Bates, Booth, Brown, Bruce, Clark, Conley, Diserio, Fleischauer, Fluharty, Forsht, Garcia, Griffith, Hansen, Holstein, Hornbuckle, Horst, Hott, J. Jeffries, Jennings, Kimble, Longanacre, Lovejoy, Mallow, Martin, McGeehan, Nestor, J. Pack, Phillips, Pinson, Pritt, Pushkin, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Storch, Thompson, G. Ward, Williams, Worrell and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. C. R. 34 - “Declaring the ‘pepperoni roll’ to be the official State Food of West Virginia.”

Whereas, Often referred to as the “unofficial state food of West Virginia”, the simple-to-make pepperoni roll is more than the sum of its parts, every single bite is filled with soft, warm bread infused with flavor from the freshly cut, delicately seasoned pepperoni; and

Whereas, Philadelphia may have its cheese steak and New York its bagels, the pepperoni roll was first created in Fairmont, around 1927 by Italian immigrant baker, Giuseppe “Joseph” Argiro, and it should be no surprise that it quickly became a daily staple for coal miners and struggling families; and

Whereas, In 1987 when the United States Department of Agriculture proposed restrictions that threatened to put the family-owned bakeries of pepperoni rolls out of business, West Virginia Pepperoni Roll producers contacted Senator Jay Rockefeller who intervened and successfully saved the entire industry; and

Whereas, Today, the humble pepperoni roll is ubiquitous around the mountain state and may be found in restaurants,

bakeries, convenience stores and family kitchens, eaten cold or hot, this simple food continues to sustain West Virginians from every walk of life, coal miners, artists, business people and students; and

Whereas, Country Club, Tomarro's, Chico's Dairy, Colasessano's and Nu Era Bakery are only a few names that may not be in business today if the proposed change had been implemented. The pepperoni roll is as popular as ever and is enjoyed everyday throughout West Virginia and the states that our bakeries supply; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby recognizes the significance of the "pepperoni roll" in the state and by so doing declares that the "pepperoni roll" is the official State Food of West Virginia; and, be it

Further Resolved, That all citizens of West Virginia to join in recognizing the value and importance of pepperoni rolls in West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward copies of this resolution to the pepperoni roll bakeries of West Virginia.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Doyle, Evans, Fleischauer, Zukoff, Young, Garcia, Williams, Griffith, Thompson, Hornbuckle and Bates:

H. J. R. 27 - "Proposing an amendment to the Constitution of the State of West Virginia, amending article IV thereof by adding thereto a new section, designated section thirteen, relating to the arrangement of congressional, senatorial and delegate districts after census by creating a State Redistricting Commission; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Political Subdivisions then Government Organization then the Judiciary.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2027 - “A Bill to amend and reenact §11-13A-3 and §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said article by adding thereto a new section, designated §11-13A-3f; to amend and reenact §11-15-2, §11-15-3, §11-15-8, §11-15-9, and §11-15-9h; to amend and reenact §11-15A-2; to amend and reenact §11-16-13; to amend and reenact §11-17-3 and §11-17-4b; to amend said code by adding thereto a new article, designated §11-18-1, §11-18-2, §11-18-3, §11-18-4, §11-18-5, §11-18-6, §11-18-7, and §11-18-8; to amend and reenact §11-19-2; to amend and reenact §11-21-77, and to amend said article by adding thereto new sections, designated §11-21-4g and §11-21-25; to amend and reenact §60-3A-17; and to amend and reenact §60-8-4, all relating to optimizing economic efficiency and revenue efficiency of the West Virginia tax structure, across multiple facets of the tax system, and to modernize State taxation to reflect best practices, and standards for an integrated tax system; relating to the severance tax imposed on the privilege of severing coal, oil, natural gas and natural gas liquids, for sale, profit or commercial use; specifying classifications of certain natural resources; specifying tiered rates for certain classifications of natural resources; imposing tax on natural gas liquids; specifying tax rate on severance of natural gas liquids; increasing the excise tax on bottled soft drinks, and dry mixtures; changing the rate of the consumer sales and service tax and use tax; relating to the imposition of the consumers sales and service and the use tax upon the provision of professional services; exempting from tax the provision of professional medical services and professional veterinary services; relating to the imposition of the consumer sales and service and use tax on advertising services, lottery tickets, electronic data processing, personalized fitness services, and certain high technology services and equipment; relating to increasing the rate of the beer barrel tax; relating to increasing the

excise tax on cigarettes, other tobacco products, and e-cigarette liquid; relating to imposition of a tax on luxury items sold, used or delivered into West Virginia; imposing tax on certain luxury items; specifying rates, specifying aggregation of sales; specifying incidence of tax; specifying economic nexus; specifying tax in addition to other taxes; specifying tax returns and payment and combined return; specifying application of West Virginia Tax Procedure and Administration Act; specifying application of West Virginia Tax Crimes and Penalties Act; providing an increase in the rate of the wine liter tax; reducing the personal income tax rates on nonbusiness income beginning after December 31, 2021; similar rate reductions are provided for married taxpayers filing separately; providing for separate rates, modifications, credits, and method for calculation personal income tax for certain types of unearned and business income, providing a tax credit for low income households to offset the sales tax increase; providing for early payment of the credit; setting a minimum wholesale markup percentage for liquor sales; making technical corrections; specifying effective dates; authorizing promulgation of rules; and defining terms”; to the Committee on Finance.

By Delegates Householder and Criss:

H. B. 2988 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-12-5b, relating to revocation, cancellation, or suspension of business registration certificates where the registrant filed a false or fraudulent application for a business registration certificate, failed to pay taxes, additions to taxes, penalties, interest, or where the Secretary of State has revoked the registrant’s authority to conduct business; establishing causes for revocation, cancellation, or suspension; directing means of notice and opportunity for cure; providing procedures therefor; and specifying effective date”; to the Committee on the Judiciary.

By Delegate Martin:

H. B. 2989 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, §7-28-6, and §7-28-7, all relating to requiring local entities to enforce immigration laws;

providing for definitions; providing for applicability; requiring that a local entity not prohibit the enforcement of immigration laws or the cooperation with other governmental agencies to enforce immigration laws; prohibiting discrimination; providing for a complaint procedures; providing for notice of noncompliance to the local entity; providing for actions to ensure compliance; providing for the denial of state funds to local entities in a final judicial determination; providing for exceptions under certain circumstances; and providing for severability”; to the Committee on the Judiciary then Finance.

By Delegates Anderson, J. Kelly, Conley, Criss, Barnhart and Fast:

H. B. 2990 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §7-1-17 and §8-12-22, all relating to requiring that county commissions and municipalities who intend to approve a new or existing location for a limited video lottery retailer must first announce their intention to do so; and providing that those entities hold a public hearing before approval”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Brown, Lovejoy, Dean, Paynter, Zukoff and Boggs:

H. B. 2991 - “A Bill to amend and reenact §11A-1-17 of the Code of West Virginia, 1931, as amended, relating to sheriff’s commission for collection of taxes and fixing the commission at \$15,000 annually”; to the Committee on the Judiciary.

By Delegate Bates:

H. B. 2992 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9G-3, relating to the Tobacco Cessation Initiative Program; creating the Tobacco Cessation Initiative Program Special Revenue Account within the State Treasury to be administered by the Director of the Bureau for Public Health”; to the Committee on Health and Human Resources then Finance.

By Delegates Howell, Storch, Hamrick, Steele, Foster and Hardy:

H. B. 2993 - “A Bill to amend §12-2-2 of the Code of West Virginia, 1931, as amended, relating to the ability of the West Virginia State Treasurer to charge a monthly penalty amount to spending units receiving a finding by the Legislative Auditor or Performance Evaluation and Research Division of a lack of internal controls for the collection of state funds”; to the Committee on Finance.

By Delegates Pushkin, Young, Walker, Dean, Rowe, Hornbuckle and Skaff:

H. B. 2994 - “A Bill to amend and reenact §18-3-12 of the Code of West Virginia, 1931, as amended, relating to modifying the special community development school pilot program”; to the Committee on Education.

By Delegates Longanacre, Worrell, Barnhart, Mallow, Mandt, Wamsley, Bruce and Burkhammer:

H. B. 2995 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9b, relating to creating the ‘Two Path Education Reform Act;’ providing legislative findings; establishing two pathways for students to choose educational career paths tailored to their individual needs; setting the framework for ‘white-collar’ and ‘blue-collar’ packets, but allowing the county boards of education in West Virginia to develop the contents of the packets; and providing an effective date”; to the Committee on Education.

By Delegates Doyle, Fleischauer, Young, Hornbuckle, Griffith, Thompson, Zukoff, Garcia, Williams, Evans and Bates:

H. B. 2996 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to creating the Independent Redistricting Commission; designating duties of the commission; providing that members are nominated by State Election Commission; setting forth required traits and restrictions of members; providing for how commission members are appointed; setting forth a process for determining the chair of the commission; providing for the filling of vacancies of

commission; requiring members to conduct an organizational meeting and select a vice chairperson; providing for the removal of a member for cause; providing for the filling of vacancies that may occur on commission; setting forth certain requirements of the commission; providing that three members constitute a quorum; providing that members are ineligible for public office or registration as paid lobbyist for three years after completing their last term on commission; requiring that commission plan and propose congressional and legislative districts; providing specific criteria that commission must observe in proposing district mappings; requiring commission to advertise a proposed draft map of districts to the public; permitting legislators to make inquiry of commission members regarding their methodology and proposed redistrict mapping; requiring that commission publish its proposals for district boundaries; requiring the commission to recommend redistricting plans to the Legislature; authorizing a vote on the plans in an extraordinary session called by the Governor; requiring the full Legislature to vote on the first proposal plan ratification without amendment; setting forth a process for subsequent proposed plans, amendment restrictions, and vote requirements; authorizing the West Virginia Supreme Court of Appeals to make the final determination between three plans proposed by the Independent Redistricting Commission if the Legislature and Governor cannot agree; requiring that the commission certify to Secretary of State that its proposals for district boundaries is in accordance with constitutional and legal requirements; providing for reimbursement of expenses and per diem allowances for commission members; authorizing the commission to contract for staffing and consultants; providing administrative assistance to the commission from the Joint Committee on Government and Finance upon request; prohibiting certain persons from influencing or attempting to influence district mapping proposals of the commission; and providing for the expiration of commission appointments”; to the Committee on Government Organization then the Judiciary then Finance.

By Delegates Haynes, Graves, J. Pack, Kessinger, Phillips, Steele, Bates, Hanna, Toney and G. Ward:

H. B. 2997 - “A Bill to amend and reenact §11-14C-34 of the Code of West Virginia, as amended, relating to adding a defense to

the civil penalty imposed for a result of delivery of fuel to a state other than the destination state printed on the shipping document for fuel”; to the Committee on the Judiciary.

By Delegates Higginbotham, Skaff, Barrett, Rowe, Reed and Garcia:

H. B. 2998 - “A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining ‘sexual orientation’ and ‘gender identity’”; to the Committee on Workforce Development then Government Organization then the Judiciary.

By Delegates Fast, McGeehan, Kessinger, Haynes and Gearheart:

H. B. 2999 - “A Bill to amend and reenact §8A-12-12 of the Code of West Virginia, 1931, as amended, relating to ending the authority of county farmland protection boards to acquire ownership of farm property or other properties for farmland protection”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Holstein:

H. B. 3000 - “A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-7-11a of said code, all relating to permitting circuit court judges to carry a concealed firearm for self-defense purposes”; to the Committee on the Judiciary.

By Delegates Worrell, Dean, Young, Wamsley, Pushkin, Storch, Fleischauer and Bates:

H. B. 3001 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-4F-1, §9-4F-2, §9-4F-3, §9-4F-4, §9-4F-5, §9-4F-6, §9-4F-7, §9-4F-8, and §9-4F-9, all relating to creating the Affordable Medicaid Buy-In Program; requiring the Department of Health and Human

Resources to develop and administer the Affordable Medicaid Buy-In Plan; setting eligibility criteria and coverage requirements; specifying role and duties of the Department of Health and Human Resources; establishing an advisory council to the Affordable Medicaid Buy-In Program; defining terms; setting limitations of employers; requiring a full-cost option be available for individuals who do not meet financial qualifications; requiring rule-making; and mandating application for a federal innovation waiver”; to the Committee on Health and Human Resources then Finance.

By Delegates Worrell, Dean, Paynter, Howell, Evans, Toney, Reed, Booth, Brown, Bridges and Bates:

H. B. 3002 - “A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to requiring the commissioner of highways to post online any petition, notice, order, decision, or other record related to the abandonment or discontinuance of any state highway or road, or any part thereof; and providing that any member of the public shall be allowed to participate in or attend a hearing relating to the abandonment or discontinuance of any state highway or road by virtual means”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Young:

H. B. 3003 - “A Bill to amend and reenact §5-11-3 and §5-11-10 of the Code of West Virginia, 1931, as amended, all relating to actions for discriminatory practices before the human rights commission; providing that certain employers with two or more employees are subject to the article; including an individual who provides work for an employer under the terms of an independent contract with the employer in the definition of ‘employee’; increasing the time period in which to bring an action before the human rights commission to three years after the alleged act of discrimination”; to the Committee on Workforce Development then the Judiciary.

By Delegates Young, Thompson, Walker and Bates:

H. B. 3004 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, and §16-63-5, all relating to

creating the ‘Third-Party Food Delivery Services Act;’ providing definitions; requiring express authorization from food facilities to third-party delivery services; establishing fee limits during declared emergencies; providing for penalties and enforcement; and providing an effective date”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Young, Thompson, Worrell, Paynter and Dean:

H. B. 3005 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1A-12, relating to requiring a warrant for the disclosure of certain third-party information”; to the Committee on the Judiciary.

By Delegates Young, Hornbuckle, Pushkin, Thompson, Zukoff, Barach, Williams, Walker, Diserio and Garcia:

H. B. 3006 - “A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-8A-5, all relating to creating a homeless education coordinator in counties designated by the state board as an urban county”; to the Committee on Education then Finance.

By Delegates Young, Thompson, Hornbuckle, Williams and Bates:

H. B. 3007 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-6-1, §5B-6-2, §5B-6-3, §5B-6-4, §5B-6-5, and §5B-6-6, all relating to establishing a pilot program to provide grants to workers who relocate to West Virginia as remote workers; creating program; defining terms; specifying eligibility criteria, and limitations on grant awards; requiring the Department of Commerce to implement a simple application procedure, to market the program; and to determine appropriate measures to evaluate the benefits of the program; authorizing promulgation of emergency rules; requiring an annual report; and specifying a date for the end of the pilot program”; to the Committee on Workforce Development then Finance.

By Delegate Rowan:

H. B. 3008 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated article §5A-3C-1, §5A-3C-2, §5A-3C-3, §5A-3C-4, and §5A-3C-5, all relating to establishing a procedure for the closure of state facilities in small communities; legislative intent; establishing procedure requirements; providing that a study be conducted to determine the impact of the proposed closure on the community; requiring that the study be provided to the county commission and any municipality in which the facility is located and for public availability; providing for a public hearing; providing for proposal of legislative rules; and prescribing the effective date”; to the Committee on Government Organization then Finance.

By Delegates Ellington, Higginbotham, Toney, J. Kelly, Conley and Kimes:

H. B. 3009 - “A Bill to amend and reenact §18-9-3a of the Code of West Virginia, 1931, as amended, relating to the publication of county board financial statements”; to the Committee on Education.

By Delegates Householder and Criss:

H. B. 3010 - “A Bill to amend and reenact §11-6L-4 of the Code of West Virginia, 1931, as amended, relating to the valuation of new cell towers at salvage value for ad valorem property tax purposes, providing that cell towers not subject to valuation by the Board of Public Works will be valued and assessed according to procedures set forth in §11-3-1 *et seq.* of the West Virginia Code”; to the Committee on Finance.

By Delegates Storch and Howell:

H. B. 3011 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §44E-1-1, §44E-1-2, §44E-1-3, §44E-1-4, §44E-1-5, §44E-1-6, §44E-1-7, §44E-1-8, §44E-1-9, §44E-1-10, §44E-1-11, §44E-1-12, §44E-1-13, §44E-1-14, §44E-1-15, §44E-1-16, §44E-1-17, and §44E-1-18, all relating to creating the West Virginia Uniform Fiduciary Access to Digital Assets Act; providing a short title; defining certain terms; setting forth to whom the article applies; providing for user direction for disclosure of assets; addressing terms of service

agreements; setting forth procedure for disclosing digital assets; providing for disclosure of content of electronic communications and other digital assets of deceased users; providing for disclosure of content of electronic communications of a principal; addressing disclosure of digital assets of a principal; addressing disclosure of digital assets held in trust when the trustee is an original owner or user; addressing disclosure of digital assets held in trust when trustee is not an original owner or user; addressing disclosure of digital assets to conservator of a protected person; setting forth fiduciary's duties and authority; providing for custodian's compliance and immunity; providing for uniformity of application and construction of article; and addressing relation of article to Electronic Signatures in Global and National Commerce Act"; to the Committee on the Judiciary.

By Delegates Storch, Barnhart, Martin, Hamrick, Howell, Queen, Criss, Capito, L. Pack, Rohrbach and Householder:

H. B. 3012 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, §31-18F-3, §31-18F-4, §31-18F-5, §31-18F-6, §31-18F-7, §31-18F-8, §31-18F-9, and §31-18F-10, all relating to creating the 'First Time Home Buyer Savings Account Act'; providing definitions; creating first time home buyer savings account; providing for subtractions from federal adjusted gross income; providing limits applicable to subtraction from federal adjusted gross income; penalties for withdrawal of funds; requiring financial institution to provide account holder information certificate; requiring Tax Commissioner to propose rules to implement this act; and stating years to which this act applies"; to the Committee on Finance.

By Delegates Skaff, Zukoff, Boggs, L. Pack, Graves, Tully, Lovejoy, Fluharty and Garcia:

H. B. 3013 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, §11-13KK-4, §11-13KK-5, §11-13KK-6, and, §11-13KK-7, all relating generally to creating a personal income tax credit for nurses in West Virginia; providing for definitions; providing for a tax credit for nurses for personal

income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns jointly under certain conditions; providing that the tax credit for nurses must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing for required contents of the documentation evidencing eligibility for the tax credit; providing that the form must be sent to the Tax Commissioner to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date”; to the Committee on Health and Human Resources then Finance.

By Delegates Householder and Criss:

H. B. 3014 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5EE, relating to limitations on claiming state tax credits and rebates; and providing rulemaking authority”; to the Committee on the Judiciary then Finance.

By Delegates Burkhammer, Pinson, L. Pack, Martin, Fast, Keaton and Longanacre:

H. B. 3015 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designate §61-8-11a, relating to creating the misdemeanor offense of high in public; and criminal penalty”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegate Pritt:

H. B. 3016 - “A Bill to amend and reenact §24-2-1b of the Code of West Virginia, 1931, as amended, relating to authorizing the Public Service Commission to establish rules requiring utilities that provide services in this state, and cable companies, or other providers of television service in this state, to establish and maintain call centers located in this state that customers may contact”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Pritt:

H. B. 3017 - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to homeschooling requirements”; to the Committee on Education.

By Delegate Pritt:

H. B. 3018 - “A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to expungement of criminal offenses; clarifying that certain offenses are eligible for expungement, subject to other restrictions of this section”; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3019 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, and §18-34-4, all relating to the creation of the Campus Free Expression Act; providing for legislative findings; requiring that colleges and universities allow for the free expression for all students on campus; providing a framework and parameters for speech; and allowing for civil actions in the event that this article is violated by a college or university”; to the Committee on Education then the Judiciary.

By Delegate Pritt:

H. B. 3020 - “A Bill to amend and reenact §9-8-5 of the Code of West Virginia, 1931, as amended, relating to requiring photo EBT cards to be used beginning July 1, 2021”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Householder and Criss:

H. B. 3021 - “A Bill to amend and reenact §11-10-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-10-14e, all relating to incomplete, duplicative or redundant claims for refund; providing that interest does not run a claim for refund until a lawful, mathematically, uncontested correct claim for refund has been filed; providing for definitions; providing that incomplete, overlapping, duplicative, and conflicting claims for refund or credit will be rejected and requiring taxpayers to file one comprehensive claim for refund or credit; providing that the Tax Commissioner

may require additional documentation to substantiate claims for refund or credit and providing time for the Tax Commissioner to review the documentation before any appeal; and clarifying existing language”; to the Committee on Finance.

By Delegate Pritt:

H. B. 3022 - “A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to denying institutions of higher education the authority to restrict or regulate the carrying of a concealed deadly weapon by a person who holds a current license to carry a concealed deadly weapon; providing exceptions as to when regulation may occur; and designating these amendments as ‘The Campus Self Defense Act’”; to the Committee on Education then the Judiciary.

By Delegate Pritt:

H. B. 3023 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-30, relating to ensuring that religious services and houses of worship remain open during any declared state of emergency by the Governor of West Virginia; providing for a cause of action; establishing a two-year statute of limitations to file suit; and providing an effective date”; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3024 - “A Bill to amend and reenact §16-2I-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting an abortion based on down syndrome”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Pritt:

H. B. 3025 - “A Bill to amend and reenact §48-9-501 of the Code of West Virginia, 1931, as amended, relating to making a de facto parenting plan an affirmative defense to the violation of a parenting plan”; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3026 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-12-3b, ensuring that all businesses in West Virginia have their respective business licenses and registrations protected from revocation for refusing to comply with any mask requirement issued during a declared state of emergency by the Governor of West Virginia or otherwise; providing for a cause of action; establishing a two-year statute of limitations to file suit; and providing an effective date”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegate Pritt:

H. B. 3027 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §55-2-23, relating to the Protecting Everyone’s Constitutional Rights Act; ending qualified immunity; providing legislative findings and definitions; clarifying respondent superior liability and recognizing a civil action for injury by the act or omission of a government employee under the color of law; addressing the judicial process and state court jurisdiction; providing for attorney fees; providing for termination of a contract, agreement or employment; providing a three-year statute of limitations; addressing judicial and legislative immunity, and public information; and providing an effective date”; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3028 - “A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to prohibit the emergency powers of the Governor from restricting the ability of West Virginia citizens to enter or exit the State of West Virginia; and providing right to injunctive relief”; to the Committee on the Judiciary.

By Delegates Westfall and Queen:

H. B. 3029 - “A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, as amended, relating to modifying when the failure to use a seatbelt may be used as a defense in certain civil actions; providing definitions; clarifying claimants based upon whether the individual is a driver, adult passenger, or child

passenger; providing for jury instructions and bifurcation; providing for immunities, and providing an effective date”; to the Committee on the Judiciary.

Special Calendar

Third Reading

Com. Sub. for S. B. 270, Providing for collection of tax by hotel marketplace facilitators; 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. 103**), and there were—yeas 85, nays 13, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fast, Gearheart, Haynes, Howell, J. Jeffries, Kessinger, Martin, McGeehan, Miller, Paynter, Pritt, Pushkin and Zatezalo.

Absent and Not Voting: Linville and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 270) passed.

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

H. B. 2906, Relating to the School Building Authority’s allocation of money; 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. 104**), and there were—yeas 83, nays 16, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Clark, Fast, Ferrell, Gearheart, Hanna, J. Jeffries, Jennings, J. Kelly, Longanacre, Mandt, Mazzocchi, McGeehan, Paynter, Reynolds, Smith and Wamsley.

Absent and Not Voting: Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2906) passed.

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

Second Reading

Com. Sub. for S. B. 216, Authorizing Department of Commerce to promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment from the Committee on the Judiciary was read by the Clerk, on page 3, after line 20, by adding a new section 5, to read as follows:

“§64-10-5. Division of Rehabilitation Services.

The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §18-10L-6 of this code, relating to the Division of Rehabilitation Services (Ron Yost Personal Assistance Services Act Board, 198 CSR 01), is authorized.”

At the request of Delegate Capito, and by unanimous consent, the House proceeded to consideration of an amendment offered by the Delegate, and the bill was amended, by striking out everything after the enacting clause and inserting in lieu thereof:

“§64-10-1. Department of Commerce.

The legislative rule filed in the State Register on August 25, 2020, authorized under the authority of §5B-1-9(p) of this code, modified by the Department of Commerce to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 10, 2020, relating to the Department of Commerce (tourism development districts, 145 CSR 16), is authorized with the following amendment:

On page 7, subsection 4.18.2., following the semi-colon, by inserting the word “and”;

On page 8, by striking out subsection 4.18.3. in its entirety;

And,

By renumbering the remaining subsection.

§64-10-2. Division of Labor.

The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of §21-3-7 of this code, relating to the Division of Labor (high pressure steam boiler and forced flow steam generator requirements, 42 CSR 03), is authorized with the following amendments:

On page 13, Section 12.2, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 13, Section 12.5, striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 23, Subsection 14.2.a, by striking out “\$150.00” and inserting in lieu thereof “\$100.00”;

On page 23, Subsection 14.2.b, by striking out “\$200.00” and inserting in lieu thereof “\$150.00”;

On page 23, Subsection 14.2.c, by striking out “\$250.00” and inserting in lieu thereof “\$175.00”;

On page 23, Subsection 14.2.d, by striking out “\$250.00” and inserting in lieu thereof “\$175.00”;

On page 23, Section 14.3, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 23, Section 14.4, by striking out “\$90.00” and inserting in lieu thereof “\$35.00”;

On page 24, Section 14.5, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 24, Section 14.6, by striking out “\$50.00” and inserting in lieu thereof “\$20.00”;

On page 24, Section 14.7, by striking out “\$90.00” and inserting in lieu thereof “\$70.00”;

And,

On page 24, Section 14.8, by striking out “\$90.00” and inserting in lieu thereof “\$70.00”.

§64-10-3. Office of Miners’ Health, Safety, and Training.

The legislative rule filed in the State Register on August 19, 2020, authorized under the authority of §22A-1-6 of this code, relating to the Office of Miners’ Health, Safety, and Training (rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia, 56 CSR 08), is authorized.

§64-10-4. Division of Natural Resources.

(a) The legislative rule filed in the State Register on February 26, 2020, authorized under the authority of §20-3-3a of this code, relating to the Division of Natural Resources (Cabwaylingo State Forest trail system two-year pilot program permitting ATV’s and ORV’s, 58 CSR 36), is authorized.

(b) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (defining the terms used in all hunting and trapping, 58 CSR 46), is authorized.

(c) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2020, relating to the

Division of Natural Resources (deer hunting rule, 58 CSR 50), is authorized with the following amendment:

On page 3, subsection 3.10, after the word “season”, by striking out the remainder of the sentence.

(d) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (special migratory game bird hunting, 58 CSR 56), is authorized.

(e) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (special waterfowl hunting, 58 CSR 58), is authorized.

§64-10-5. Division of Rehabilitation Services.

The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §18-10L-6 of this code, relating to the Division of Rehabilitation Services (Ron Yost Personal Assistance Services Act Board, 198 CSR 01), is authorized.”

Whereupon,

Delegate Capito asked and obtained unanimous consent that the amendment from the Committee on the Judiciary be withdrawn.

There being no further amendments, the bill was ordered to third reading.

Com. Sub. for S. B. 272, Relating to WV Employment Law Worker Classification 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. 277, Creating COVID-19 Jobs Protection Act; on second reading, coming up in regular order, was read a second time.

Delegate Bates moved to amend the bill on page 7, section 6, lines 4 and 5, by striking out the words “filed by” and inserting in lieu thereof the words “awarded to”.

Delegate L. Pack requested to be excused from voting on under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote on the amendments and the bill.

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. 105**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Linville and McGeehan.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

Delegate Capito moved to amend the bill on page five, section three, line fifty-four, by striking out the definition of “Impacted care” and inserting in lieu thereof the following:

“(10) “Impacted care” means care offered, delayed, postponed, or otherwise adversely affected at a health care facility or from a health care provider that impacted the health care facility or health care provider’s response to, or as a result of, COVID-19 or the COVID-19 emergency: *Provided*, That this provision does not prohibit claims that may otherwise be brought pursuant to W. Va. Code §55-7B-1, *et seq.* so long as such claims for loss, damage, physical injury or death are unrelated to COVID-19 or the COVID-19 emergency and the care provided. If the issue of impacted care is raised by a defendant under §55-19-4 of this code, the circuit

court shall, upon motion by the defendant, stay the proceedings, including any discovery proceedings, and, as soon as practicable, hold a hearing to determine whether the care offered, delayed, postponed, or otherwise adversely affected at a health care facility or from a health care provider was related to COVID-19 or the COVID-19 emergency. If the circuit court determines that the care offered, delayed, postponed, or otherwise adversely affected at a health care facility or from a health care provider was related to COVID-19 or the COVID-19 emergency and the care provided, then the cause of action shall be dismissed under §55-19-4 of this code.;

On page six, §55-19-4, line four, by inserting the word “from” before “COVID-19 care”, and inserting the word “from” before “impacted care”.

On page seven, after line nine, by inserting a new section, designated section seven, to read as follows:

“§55-19-7. Exception.

Excluding the provisions of §55-19-5 and §55-19-6 of this article, the limitations on liability provided in this article shall not apply to any person, or employee or agent thereof, who engaged in intentional conduct with actual malice.”

And, renumbering the remaining sections accordingly.

Delegate Lovejoy moved to amend the amendment on page 1, section 7, line 2, after the words “actual malice”, by inserting “or a conscious, reckless, and outrageous indifference to the health, safety, and welfare of others.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 106**), and there were—yeas 31, nays 67, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Barach, Barrett, Bates, Boggs, Brown, Bruce, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Longanacre, Lovejoy, McGeehan, Nestor, Pethtel, Pushkin, Rowe, Skaff, Thompson, Toney, Tully, Walker, G. Ward, Williams, Young and Zukoff.

Absent and Not Voting: Linville and Queen.

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

The question now being on the adoption of the amendment offered by Delegate Capito, the same was put and prevailed.

There being no further amendments, the bill was ordered to third reading.

S. B. 296, Relating generally to repealing certain rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 338, Creating Fire Service Equipment and Training Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

H. B. 2598, Altering the definition of an above ground storage tank; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2674, Relating to the administration of anesthetics; 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.

H. B. 2957, Relating to the repeal of outdated code sections; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2958, Relating to repealing outdated sections of state code; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for S. B. 126, Authorizing Department of Administration to promulgate legislative rules,

Com. Sub. for H. B. 2671, Relating to financial exploitation of elderly persons, protected persons or incapacitated adults,

Com. Sub. for H. B. 2722, Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals,

And,

H. B. 2852, Relating to distribution of the allowance for increased enrollment.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Linville.

Miscellaneous Business

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

- Delegate Evans regarding the death of Montcalm High School Principal Craig Havens

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

H. B. 2042: Delegate Bates;

H. B. 2053: Delegate Maynard;

H. B. 2133: Delegate Griffith;

H. B. 2293: Delegate Griffith;

H. B. 2771: Delegate Hornbuckle;

H. B. 2795: Delegate Hansen;

H. B. 2822: Delegate Bates;

H. B. 2877: Delegates Jennings, L. Pack and Tully;

H. B. 2904: Delegate Statler;

And,

H. C. R. 31: Delegates Barnhart, Booth, Bridges, Bruce, Burkhammer, Conley, Cooper, Espinosa, Ferrell, Forsht, Foster, Graves, Gearheart, Haynes, Higginbotham, Horst, Jennings, Keaton, Kelly, Kimes, Kimble, Longanacre, Mallow, Mandt, Martin, Mazzocchi, Nestor, J. Pack, Phillips, Pritt, Reynolds, Smith, Steele, Sypolt, Toney, Wamsley, G. Ward and Worrell.

At 12:25 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, March 10, 2021.

Wednesday, March 10, 2021

TWENTY-NINTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, March 9, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Education has had under consideration:

H. B. 2702, To require all public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2702 - "A Bill to amend and reenact §18-5G-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-44, all relating to requiring public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. B. 2785, Relating to public school enrollment for students from out of state,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2785 - "A Bill to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, relating to requirements for compulsory school attendance; providing that parent and guardian make determination to remove child from kindergarten program; updating references and removing outdated language; prohibiting further placement testing for first grade placement in certain instances; requiring enrollment in same grade level as state or program from which student transferred; and requiring certain transcripts or credentials to be accepted as record of students previous performance for placement and credit assignment,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2688, Allow county political parties to have building funds in a similar manner that state parties are allowed,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2688 - "A Bill to amend and reenact §3-8-2c of the code of West Virginia, 1931, as amended, relating to allowing county executive committees to create building funds in the same manner as a party headquarters committee,"

And,

H. B. 2972, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2972 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-2a, relating to allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2969, To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2705, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2705 - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2834, Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2834 - “A Bill to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, related to the Commission on the Arts; to add the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission; other technical updates,”

With the recommendation that the committee substitute do pass.

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

By Delegates Foster and Steele:

H. B. 3058 - “A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, all relating to monetary requirements of the boards; reducing the fund balance amounts of the boards to the average annual expenses from the previous five years; creating an Occupational Licensing Legal Fund from

existing revenues; providing for transfer of money from excess receipts of occupational licensing boards; specifying authorized uses of the funds; providing that expenditures are subject to appropriation by the Legislature; and requiring a balance transfer to the General Revenue Fund.”

The Speaker referred the bill to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

H. B. 2573, Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2573) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 2496, Relating to assessments of real property,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2496) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 2797, Declaring certain claims to be moral obligations of the State,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2797 - “A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.”

With the recommendation that the committee substitute do pass.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2597, Prohibiting county airport authorities from making or adopting rules prohibiting possession of firearms in public,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2597) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2053, Authorizing the DMV to issue certain vital records in the custody of the state registrar,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2053) was referred to the Committee on Finance.

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

By Delegates Linville, Maynard, Hardy, Rohrbach, Pritt, Keaton, Riley, Tully, Booth, Thompson and Evans:

H. B. 3030 – “A Bill to authorize the Commissioner of the Division of Highways to allow an increase of gross weight limitations and dimensional restrictions on certain roads in Greenbrier and Pocahontas Counties; specifying roadway location; and providing for permit application, restrictions, requirements, fees, and limitations.”

The Speaker referred the bill to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2043, Authorizing the West Virginia Tourism Office to enter into an agreement with the Division of Highways to provide staff at the welcome centers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2043) was referred to the Committee on Finance.

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

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 2581, Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2581) was referred to the Committee on Finance.

On motion for leave, a resolution was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it be adopted), which was read by its title, as follows:

By Delegates J. Pack, Barach, Barnhart, Bates, Dean, Fleischauer, Forsht, Griffith, D. Jeffries, Jennings, Longanacre, Mallow, Miller, L. Pack, Pushkin, Reed, Rohrbach, Rowan, Summers, Tully, G. Ward, and Walker:

H. C. R. 35 – “Requesting the Department of Health and Human Resources to continuously evaluate the child welfare system.”

Whereas, The implementation of a continuous improvement program with performance measures and outcomes for the child welfare system and for all children with serious emotional disorders served by the department will assist the department to continue to evaluate and identify areas in need of improvement; and

Whereas, Significant amounts of state resources are devoted to the child welfare system and to services for children with serious emotional disorders; and

Whereas, These families and children are the most vulnerable families and children that are served by the Department of Health and Human Resources; and

Whereas, In order to maintain effective child welfare systems and programs, the Department of Health and Human Resources should continuously evaluate: caseworker workforce in the Bureau for Children and Families; child abuse and neglect reporting, screening, and intake process; services provided to families to prevent children being removed from their homes; availability and stability of foster or kinship care placements; permanency for children served by the child welfare system; and services provided to children, including children aging out of foster care; therefore, be it

Resolved by the Legislature of West Virginia:

That, the Department of Health and Human Resource should continuously evaluate the availability and quality of services provided to children in the child welfare system; and, be it

Further Resolved, the Department of Health and Human Resources should establish a continuous evaluation and improvement system that measures outcomes for children and families in the child welfare system and outcomes for children with serious emotional disorders served by the department across the bureaus of the department and other state agencies serving children, in collaboration with existing divisions or units within the department that measure and evaluate performance (e.g., the Bureau for Children and Families' Division of Planning and Quality Improvement); and, be it

Further Resolved, It is recommended that the Department of Health and Human Resources contract with a third party independent expert to evaluate the workload for caseworkers of the Bureau for Children and Families to assess the impact of recent steps taken by the department and the legislature to expand the number of caseworkers available to serve children in the child welfare system and determine whether additional actions should be taken; and, be it

Further Resolved, The Department of Health and Human Resources report to the Legislative Oversight Commission on Health and Human Resources Accountability on the progress of

establishing performance and outcome measures by December 1, 2021; and, be it

Further Resolved, That the Department of Health and Human Resources report to the Legislative Oversight Commission on Health and Human Resources Accountability the findings of the workload study by July 1, 2022; and, be it

Further Resolved, That the Legislative Oversight Commission on Health and Human Resources Accountability report to the Regular Session of the Legislature, 2022, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations.

The Speaker referred the resolution to the Committee on Rules.

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

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

H. B. 2965, Requiring PEIA, Medicaid and other health insurance providers to cover treatment of pediatric autoimmune neuropsychiatric disorders,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2965) was referred to the Committee on Finance.

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

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

H. B. 2877, Expand direct health care agreements beyond primary care to include more medical care services,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2877 - “A Bill to amend and reenact §30-3F-1, §30-3F-2, and §30-3F-3 of the Code of West Virginia, 1931, as amended, relating to expanding direct medical care arrangements,”

With the recommendation that the committee substitute do pass.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2631) was referred to the Committee on the Judiciary.

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2823, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2823) was referred to the Committee on Government Organization.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2773, Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2773) was referred to the Committee on Government Organization.

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 and the passage, as amended, and requested concurrence in the changed effective date, to take effect from passage, of

S. B. 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training.

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

On this question, the yeas and nays were taken (**Roll No. 107**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 372) 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 the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 39 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3kk; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to prohibiting insurance coverage from requiring prior authorization for physician prescribed tests to stage cancer”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 334 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, §16-63-6, §16-63-7, §16-63-8, §16-63-9, §16-63-10, and §16-63-11, all relating to needle exchange programs; defining terms; establishing licensure application process for needle exchange programs; creating program requirements; establishing revocation process; setting forth the reconsideration process; setting forth the administrative due process provision; providing for administrative and judicial appeal; establishing reporting requirements and

renewal provisions; providing for immunity; setting requirements for continuum of care; and establishing civil penalties and injunctive relief”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 339 - “A Bill to amend and reenact §19-19-2 and §19-19-7 of the Code of West Virginia, 1931, as amended, all relating to the right to farm; defining terms; expanding protection of agricultural operations from nuisance and other legal actions to agricultural and horticultural practices allowed within municipalities, including aquaponics and hydroponics; requiring compliance with local laws, regulations, and ordinances for protection from nuisance and other legal actions; and making technical changes”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 344 - “A Bill to amend and reenact §11-21-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-23a of said code, all relating to the credit for qualified rehabilitated buildings investment; providing for carryback and carryforward provisions for the tax credit; eliminating the termination date of the tax credit; eliminating the maximum allowable amount of the tax credit; and making technical modifications”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 370 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to requiring certain documents that include records of wages be considered confidential; prohibiting governmental entity that requires private company contracting with, or seeking to contract with, a governmental entity for a construction project to submit any document that includes records of actual wages paid to employees from disclosing document or information contained therein to any other entity or person; permitting disclosure of such document or information to state or federal agency; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining ‘governmental entity’; defining contents of certified payroll document; providing that any document containing records of actual wages paid to employees filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any other entity or person other than to a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record”; which was referred to the Committee on Workforce Development then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 383 - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempt property from taxation used exclusively for divine worship and the operation of a pre-K school, primary school, middle school, secondary school, daycare center, or church camp for children, which school, daycare center, or church camp is operated by the church which owns the property or is operated by another not-for-

profit organization or entity; and providing that motor vehicles subject to a lease for at least one year by the United States, the state, any county, municipality, political subdivision, college or university of this state and used for public purposes is deemed public property and exempt from ad valorem taxation”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 439 - “A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17C-15-49a, all relating generally to operation of vehicles with safety belts; changing the definition of ‘passenger vehicle’ for purposes of safety belt requirement; providing definitions; prohibiting admissibility of nonuse of a safety belt as evidence of negligence of a driver in a civil action, except for claims against the manufacturer or seller of the vehicle and/or any component or system incorporated into the vehicle; prohibiting admissibility of nonuse of a safety belt as evidence of negligence of an adult passenger in a civil action, except for claims against the manufacturer or seller of the vehicle and/or any component or system incorporated into the vehicle; allowing evidence that a child passenger was not wearing a safety belt at the time of collision as evidence of negligence against a driver in a civil action; allowing admissibility of nonuse of a safety belt as evidence of exacerbation or contribution to the damages of a driver in a civil action if supported by expert testimony, unless a driver at fault was driving under the influence; allowing admissibility of nonuse of a safety belt as evidence of exacerbation or contribution to the damages of an adult passenger in a civil action if supported by expert testimony, unless a driver at fault was driving under the influence; prohibiting admissibility of evidence that a child passenger was not wearing a safety belt at the time of collision as evidence of exacerbation or contribution to the damages of a child passenger; providing that evidence of nonuse of a safety belt constitutes an

affirmative defense; requiring a court to instruct the jury as to purposes for which evidence of use or nonuse of a safety belt may be considered; providing that a court may, in its discretion and upon motion of a party, bifurcate questions of liability and damages to prevent prejudice or avoid confusion of a jury; providing that these amendments are not intended to abrogate or modify any immunity recognized by law; providing for an effective date; and providing that these amendments do not alter the requirements of mandatory use of child passenger safety devices”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 456 - “A Bill to amend and reenact §20-18-2, §20-18-8, §20-18-20, §20-18-23, and §20-18-27 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-18-37, all relating to the Natural Resources Police Officers Retirement System; defining terms; clarifying concurrent employer contribution rate; clarifying preretirement death benefits; amending conflicting statutory provisions; and adding a severability clause”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 460 - “A Bill to amend and reenact §7-14D-2, §7-14D-11, §7-14D-13, §7-14D-19, and §7-14D-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §7-14D-32, all relating to the Deputy Sheriff Retirement System Act; defining terms; amending and removing conflicting statutory provisions; clarifying preretirement death benefits; and adding a severability clause”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

S. B. 467 - "A Bill to amend and reenact §8-22A-2, §8-22A-14, §8-22A-16, §8-22A-17, §8-22A-18, and §8-22A-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §8-22A-34 and §8-22A-35, all relating to the West Virginia Municipal Police Officers and Firefighters Retirement System; defining terms; removing conflicting and obsolete statutory provisions; clarifying preretirement death benefits; clarifying commencement date of disability benefits; adding return to covered employment provisions; and adding a severability clause"; which was referred to the Committee on Pensions and Retirement then Finance.

Petitions

Delegates Pushkin, Young, Hansen and Rowe presented a petition signed by 755 residents of West Virginia, urging the Legislature to reject H. B. 2598, Altering the definition of an above ground storage tank; which was referred to the Committee on Energy.

Bills Introduced

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

By Delegates Walker, Hansen, Thompson, Hornbuckle, Young and Pushkin:

H. B. 3031 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to authorizing civil damages for any person who was subject to an intentionally false report made to law enforcement that results in harm to the person subject to the report"; to the Committee on the Judiciary.

By Delegates Walker, Bates, Evans, Hansen, Barach, Zukoff, Fleischauer, Doyle and Hornbuckle:

H. B. 3032 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-20-1, §16-20-2, §16-20-3, and §16-20-4, all relating to prohibiting discrimination, based on individual’s mental or physical disability, in access to organ transplantation; and providing enforcement mechanisms”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Storch, Reed, Higginbotham, Graves, Hansen, Thompson, Doyle and Bates:

H. B. 3033 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5 and §16-63-6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Steele and Foster:

H. B. 3034 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-23-32, relating to adding a sunset provision to terminate the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners by June 30, 2022”; to the Committee on Government Organization.

By Delegates Steele and Foster:

H. B. 3035 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-35-16, relating to adding a sunset provision to terminate the West Virginia Board of Licensed Dieticians by June 30, 2022”; to the Committee on Government Organization.

By Delegates Steele and Foster:

H. B. 3036 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-17-20, relating to sunseting the Board of Sanitarians by June 30, 2022”; to the Committee on Government Organization.

By Delegates Young, Thompson, Evans, Zukoff and Rowan:

H. B. 3037 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-60-1, §33-60-2, and §33-60-3, relating to health insurance policy coverage of hearing aids; naming the act; requiring the Insurance Commissioner of West Virginia to set minimum coverage rates; requiring health insurance policy coverage of hearing aids”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Young, Thompson and Higginbotham:

H. B. 3038 - “A Bill to amend and reenact §48-2-301 of the Code of West Virginia, 1931, as amended, relating to establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Young, Graves, Zukoff, Walker, Thompson and Fleischauer:

H. B. 3039 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9t, relating to the exemption of certain hygiene products from sales tax”; to the Committee on Finance.

By Delegates Nestor, D. Kelly, Keaton, Pritt, Pushkin, Zatezalo, Reynolds, Hott, Jennings, Storch and Anderson:

H. B. 3040 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating to ensuring the health, safety, and welfare of homeless citizens of this State, and to assist their entry into the workforce by ensuring compliance with §17B-2-16 of this code”; to the Committee on the Judiciary.

By Delegate Rowe:

H. B. 3041 - “A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum wage in West Virginia to the rate of \$15 per hour, phased in over a six year period”; to the Committee on Workforce Development then Finance.

By Delegates Reed, Mallow, Worrell, Westfall, Longanacre, Riley, Rowan, B. Ward, Hardy, Clark and Nestor:

H. B. 3042 - “A Bill to amend and reenact §17C-16-4 of the Code of West Virginia, 1931, as amended, relating to require the Superintendent of the West Virginia State Police to accept a certificate of inspection and approval issued in another state having an inspection law similar to West Virginia requirements; and providing that upon expiration of the certificate of inspection of the vehicle, it shall be inspected in this state”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Zukoff, Storch, B. Ward, D. Kelly and Fluharty:

H. B. 3043 - “A Bill to amend §27-5-1 and §27-5-10 of the Code of West Virginia, 1931, as amended, relating to transport of persons accused of being mentally ill to mental health related hearings”; to the Committee on the Judiciary.

By Delegates Barrett, Storch, J. Pack and Hardy:

H. B. 3044 - “A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers’ Compensation Fund is disbursed; including rebuttable presumptions for certain injuries and diseases for professional firefighters; setting eligibility criteria for rebuttable presumptions; setting expiration of rebuttable presumption regarding skin, lung, esophageal, colon, testicular, prostate, brain, breast, and cervical cancers, mesothelioma, non-Hodgkin’s lymphoma, leukemia, lymphoma, and multiple myeloma, arising out of and in the course of employment as a firefighter on July 1, 2025, absent legislative action to the contrary; allowing coverage to employees for occupational pneumoconiosis or other occupational disease for work performed out of state under certain conditions; and

eliminating outdated and obsolete language”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegates Statler, Jennings, J. Jeffries, Queen, Holstein, Storch, Westfall, Lovejoy, Maynard and Pethel:

H. B. 3045 - “A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to deleting the July 1, 2023 sunset provision that would end a rebuttable presumption for a workers’ compensation benefits claim that a professional firefighter developed leukemia, lymphoma, or multiple myeloma arising out of and in the course of employment as a firefighter as a rebuttable presumption”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegate J. Pack:

H. B. 3046 - “A Bill to amend and reenact §17-16A-3 of the code of West Virginia, 1931, as amended, relating to reducing the number of public members of the Parkways Authority; requiring public members to be from each of the four counties contiguous to the Turnpike; and retaining all previous rights and duties of the board members”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Mallow, Longanacre, Kimes and Barnhart:

H. B. 3047 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, §47-29-4, §47-29-5, and §47-29-6, all relating to making West Virginia a 2nd Amendment ‘sanctuary state;’ describing legislative findings; ensuring that the right to keep and bear arms is preserved in West Virginia in adherence to the United States Constitution; ensuring that state agents and officers are prohibited from bypassing their constitutional oath of office in relation to the 2nd Amendment of West Virginia; creating prohibitions and penalties; and providing an effective date”; to the Committee on the Judiciary.

By Delegate Clark:

H. B. 3048 - “A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended; and to amend said code by

adding thereto a new section, designated §18-2-7g, all relating to designating the specific grade levels to which the specified physical education requirements are applicable; allowing a school district to develop or adopt a program in which the subject of nutrition and exercise education is taught instead of the program required to be prescribed by the state board; setting forth requirements for program developed or adopted; allowing the program to be virtual, in-person, or a combination of both; allowing school districts to apply for funding to support the implementation of the program; creating the Nutrition and Exercise Education Fund from which moneys are to be awarded on a competitive basis to eligible school districts; requiring the Department of Education to annually submit a report to the Governor and the Legislative Oversight Commission on Education Accountability; setting forth more specific provisions for a program that would qualify under the aforementioned provisions allowing a school district to develop or adopt an alternate program; setting forth requirements applicable to the program; allowing school districts utilizing the program to be eligible to apply for funding from the Nutrition and Exercise Education Fund; setting forth requirements applicable to each school in a school district electing to participate in the program; allowing school districts to issue a request for proposals to contract with qualified service providers on a per-student rate to provide certain programs and/or products; setting forth certain criteria that providers of programs and products must meet to be considered by school districts; and setting forth required program accountability measures”; to the Committee on Education.

By Delegate Rowe:

H. B. 3049 - “A Bill to amend and reenact §16-5S-9 of the Code of West Virginia, 1931, as amended, relating to establishing reimbursement rates for congregate and in-home meals”; to the Committee on Finance.

By Delegates Rowe and Fleischauer:

H. B. 3050 - “A Bill to amend and reenact §42-1-3 of the Code of West Virginia, 1931, as amended, relating to providing that the intestate share of a decedent’s surviving spouse also includes household goods, appliances and equipment, located at or generally

associated with use of the last residence of the decedent if the spouse has been in cohabitation with the decedent in the previous 12 months prior to the death of the decedent; and making an exception”; to the Committee on the Judiciary.

By Delegates Mallow, Longanacre, Kimes and Barnhart:

H. B. 3051 - “A Bill to amend and reenact §22-6-2 the Code of West Virginia, 1931, as amended, relating to requiring the secretary of the Department of Environmental Protection to adopt rules relating to the standardization of leases, deeds or contracts relating to oil and gas, consistent in format with the purpose of making the terms of these documents less confusing to the landowners”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 3052 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-30-1, §29-30-2, §29-30-3, §29-30-4, §29-30-5, §29-30-6, §29-30-7, §29-30-8, §29-30-9, and §29-30-10, all relating to creating the Occupational Board Reform Act; creating the Office of Supervision of Occupational Boards; providing the Attorney General’s Consumer Protection Division with the authority to establish the office; establishing the office’s responsibilities; giving the office the authority to actively supervise state occupational boards; authorizing the office to play a substantial role in the development of an occupational board’s rules and policies, including the approval and disapproval of proposed rules or policies in certain instances; providing for review and oversight by the Attorney General; requiring the Speaker of the House of Delegates and the President of the Senate to establish a position in the nonpartisan research staff to analyze occupational rules; providing for the Legislature’s analysis of occupational rules; providing a short title; establishing its policy; providing for avoidance of liability under federal anti-trust laws; defining terms; providing for statutory interpretation; providing for petitions for review of criminal history; providing for preemption; and providing an effective date”; to the Committee on Government Organization then the Judiciary.

By Delegates Foster, J. Pack and Steele:

H. B. 3053 - “A Bill to amend and reenact § 30-10-10 and §30-10-11 of the Code of West Virginia, 1931, as amended, relating to veterinary nurse technicians, defining the requirements to become a veterinary nurse technician; and clarifying the scope of practice for veterinary technician nurses”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Steele and Foster:

H. B. 3054 - “A Bill to amend and reenact §48-10-203 of the Code of West Virginia, 1931, relating to persons who may apply for grandparent visitation, providing for an expanded definition of ‘grandparent’; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Barnhart, Holstein, Cooper, Anderson, Ferrell, Keaton, Westfall and Zatezalo:

H. B. 3055 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6, §5-30-7, §5-30-8, §5-30-9, and §5-30-10, all relating to creating the ‘Council on Efficient Government;’ providing a purpose of ensuring that each state agency focuses on its core mission and delivers goods and services effectively and efficiently by leveraging resources and contracting with private sector vendors, if those vendors can more effectively and efficiently provide goods and services and reduce the cost of government; evaluating for feasibility, cost effectiveness, and efficiency business cases to be outsourced before a state agency proceeds with any outsourcing of goods or services; providing for a review process by the Governor’s office; defining applicability; and setting terms”; to the Committee on Government Organization.

By Delegate Rowe:

H. B. 3056 - “A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to incrementally increasing the state minimum wage over a five-year period to \$15 per hour in 2025”; to the Committee on Workforce Development then the Judiciary.

By Delegates Storch, Worrell and Espinosa:

H. B. 3057 - “A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended, all relating to municipal or county taxation of hotel rooms booked through a marketplace facilitator; defining terms; providing for collection and remittance of the tax imposed by any municipality or county; requiring the marketplace facilitator separately state the tax on all bills, invoices, accounts, books of account, and records relating to occupancy or use of a hotel room; and deeming all taxes collected be held in trust by the marketplace facilitator until remitted”; to the Committee on Government Organization then Finance.

Special Calendar

Third Reading

Com. Sub. for S. B. 216, Authorizing Department of Commerce 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. 108**), and there were—yeas 97, nays 3, absent and not voting none, with the nays being as follows:

Nays: Horst, McGeehan and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 216) passed.

An amendment to the title of the bill from the Committee on the Judiciary was reported by the Clerk.

Whereupon,

Delegate Capito asked and obtained unanimous consent that the title amendment from the Committee on the Judiciary be withdrawn.

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

Com. Sub. for S. B. 216 – “A Bill to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Commerce 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 Department of Commerce to promulgate a legislative rule relating to tourism development districts; authorizing the Division of Labor to promulgate a legislative rule relating to high pressure steam boiler and forced flow steam generator requirements; authorizing the Office of Miners’ Health, Safety, and Training to promulgate a legislative rule relating to rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia; authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest trail system two-year pilot program permitting ATV’s and ORV’s; authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting rule; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting; and authorizing the Division of Rehabilitation Services to promulgate a legislative rule relating to Ron Yost Personal Assistance Services Act Board.”

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

On this question, the yeas and nays were taken (**Roll No. 109**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: McGeehan and Paynter.

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. 216) 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.

In the absence of objection, the House returned to the Seventh Order of Business for the purpose of introducing a resolution.

Resolutions Introduced

Delegates Pushkin, Skaff, Williams, Boggs, Diserio, Zukoff, Young, Barach, Fluharty, Rowe, Lovejoy, Walker, Anderson, Barnhart, Barrett, Bates, Booth, Bridges, Brown, Bruce, Burkhammer, Capito, Clark, Conley, Cooper, Criss, Dean, Doyle, Ellington, Espinosa, Evans, Fast, Ferrell, Fleischauer, Forsht, Foster, Garcia, Gearheart, Graves, Griffith, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Haynes, Higginbotham, Holstein, Hornbuckle, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Mallow, Mandt, Martin, Maynard, Mazzocchi, McGeehan, Miller, Nestor, J. Pack, L. Pack, Paynter, Pethtel, Phillips, Pinson, Pritt, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Smith, Statler, Steele, Storch, Summers, Sypolt, Thompson, Toney, Tully, Wamsley, B. Ward, G. Ward, Westfall, Worrell and Zatezalo offered the following resolution which was read by the Clerk:

H. R. 8 - "Memorializing the life of Patrolwoman Cassie Marie Johnson, dedicated public servant, sister, daughter, pet mother, and hero to her community."

Whereas, Officer Johnson was a lifelong resident of the City of Charleston, West Virginia, a graduate of Capital High School; and

Whereas, Officer Johnson was a 2019 graduate of the West Virginia State Police Academy; and

Whereas, as a natural continuation of her love for animals, Officer Johnson worked as a humane officer for the Kanawha-Charleston Humane Association, where she would find stray pets and bring them into the Humane Association; and

Whereas, Officer Johnson would help get convictions in animal cruelty cases and help find homes for animals whose cases she was involved in; and

Whereas, Officer Johnson had many pets of her own that she cared for and loved, including Emma, Gus, Tanner, Rascal, and Momma Cat; and

Whereas, Officer Johnson was assigned to the Charleston Police Department, where her love for her community quickly made her one of the most likeable members of the force; and

Whereas, all of Officer Johnson's classmates at the West Virginia State Police Academy remember how much of a positive impact she had on them by her uplifting spirit and encouraging words; and

Whereas, members of the Charleston community remember how Officer Johnson used her love of animals to bond with the community she served and to bring joy to all of those she knew; and

Whereas, Officer Johnson continued her commitment to service and for her gift of life to the people who received her organ donations, and that because of Officer Johnson, a 50-year-old man will live the rest of his life with a healthy heart; a person near death will breathe again because of her two lungs; a man in his 40s will survive because of her liver; and a young woman can live without kidney dialysis; and

Whereas, Officer Johnson will forever be remembered for her commitment to the city of Charleston and to the great state of West Virginia; and

Whereas, Officer Johnson was shot in the line of duty while responding to a routine call in Charleston, West Virginia; and

Whereas, Sadly, Patrolwoman Cassie Marie Johnson passed away on December 3, 2020, after succumbing to her injuries; and

Whereas, Officer Cassie Marie Johnson was given a hero's funeral in the City of Charleston, West Virginia on December 8, 2020, attended by law enforcement from across the state and country; and

Whereas, Cassie Marie Johnson will be sadly missed by her family, friends, colleagues, the community of Charleston, the State of West Virginia, and all those whose lives she touched; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby memorializes the life of Patrolwoman Cassie Marie Johnson, public servant, sister, daughter, pet mother, and hero to her community; and, be it

Further Resolved, That the House of Delegates hereby extends its sincere sympathy at the passing of Officer Cassie Marie Johnson; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the family of Officer Cassie Marie Johnson.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 8) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

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

The yeas and nays having been ordered, they were taken (**Roll No. 110**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. R. 8) adopted.

Special Calendar

Third Reading

- continued -

Com. Sub. for S. B. 272, Relating to WV Employment Law Worker Classification Act; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegate Capito, the bill was amended on page seven, section four, line fifty-eight, after the word “employees;” by striking out the word “or”.

On page seven, section four, line sixty, after the word “the”, by striking out the word “services” and the period, and inserting in lieu thereof the words “services; or”.

And,

On page seven, section four, line sixty, after the words “services; or”, by inserting a new subdivision to read as follows:

“(5) The person satisfies the definition of a direct seller under Section 3508(b)(2) of the Internal Revenue Code of 1986.”

Delegate Brown moved to amend the bill on page 4, section 2, lines 15 and 16, by deleting the words “Human Rights Act rights in §5-11-1 *et seq.* of this code.”.

On page 4, section 2, line 21, by deleting the words: “Human Rights Act rights in §5-11-1 *et seq.* of this code.”.

On page 4, section 2, line 26, by deleting the words: “Human Rights Act rights in §5-11-1 *et seq.* of this code.”.

On page 4, section 2, lines 31 and 32, by deleting the words: “Human Rights Act rights in §5-11-1 *et seq.* of this code.”.

On page 5, section 3, line 4, by deleting the words: “Human Rights Act rights in §5-11-1 *et seq.* of this code.”.

On page 5, section 3, lines 7 and 8, by deleting the words: “Human Rights Act rights in §5-11-1 *et seq.* of this code,”.

On page 5, section 4, line 4, by deleting the words: “Human Rights Act rights in §5-11-1 *et seq.* of this code,”.

On page 7, section 4, lines 63 and 64, by deleting the words: “Human Rights Act rights in §5-11-1 *et seq.* of this code,”

And,

On page 8, section 5, lines 3 and 4, by deleting the words: “Human Rights Act rights in §5-11-1 *et seq.* of this code,”.

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. 111**), and there were—yeas 26, nays 74, absent and not voting none, with the yeas being as follows:

Yeas: Barach, Bates, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Horst, Lovejoy, Mallow, McGeehan, Pethtel, Pushkin, 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.

On motion of Delegate Capito, the bill was amended on page seven, section four, line sixty-one, in subsection (b), by striking out the words “All workers who do not satisfy the criteria set forth in subsection (a) of this section shall be classified as employees” and inserting in lieu thereof the words, “The classification of all workers who do not satisfy the criteria set forth in subsection (a) of this section shall be determined by the test set forth in Internal Revenue Service Rev. Ruling 87-41, for purposes of classifying workers under the laws”.

Delegate Young moved to amend the bill on page 5, section 4, line 6, by striking out the word “substantial”.

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

Delegate Young moved to amend the bill on page 6, section 4, line 16, by striking out the word “and”.

And,

On page 6, section 4, line 20, by striking out the word “and” and inserting in lieu thereof, the following:

“(F) Not entitled to state minimum wage but may be entitled to federal minimum wage;

(G) Not entitled to overtime under state law but may be entitled under federal law;

(H) Not protected against discrimination on the basis of age, religion, color, national origin, ancestry, sex, blindness, disability, or race or familial status under the West Virginia Human Rights Act;

(I) Possibly considered an employee pursuant to federal law, including but not limited to, Fair Labor Standards Act and the National Labor Relations Act; and

(J) Entitled to contact the Federal Department of Labor, the Internal Revenue Service, and the West Virginia Division of Labor concerning their classification as an independent contractor to assure their compliance with those laws as an independent contractor; and”.

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

On motion of Delegate Capito, the bill was amended on page six, line thirty-two, after the word “work.”, by inserting the following words: “*Provided*, That the required deployment, implementation, or use of any safety improvement by an independent contractor as required by contract or otherwise shall not be considered when evaluating status as an employee or

independent contractor under any state law. For purposes of this section, safety improvement shall mean any device, equipment, software, technology, procedure, training, policy, program, or operational practice intended and primarily used to improve or facilitate compliance with state, federal or local safety laws or regulations or general safety concerns.”

There 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. 112**), and there were—yeas 77, nays 23, absent and not voting none, with the nays being as follows:

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

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 272) 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. 277, Creating COVID-19 Jobs Protection Act; on third reading, coming up in regular order, was read a third time.

Delegate Burkhammer requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of five or more possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 113**), and there were—yeas 76, nays 24, absent and not voting none, with the nays being as follows:

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

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 277) passed.

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

Com. Sub. for S. B. 277 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6, §55-19-7, §55-19-8, and §55-19-9 all relating generally to creating the COVID-19 Jobs Protection Act; designating a short title; making legislative findings; setting forth legislative purposes; defining terms; prohibiting certain claims against persons or entities arising from COVID-19, COVID-19 care, or impacted care; extinguishing liability for death or personal injury related to the design, manufacture, or labeling of supplies or personal protective equipment either sold or donated; creating an exception to the extinguishment of claims for persons having actual knowledge of a product defect acting with conscious, reckless, and outrageous indifference to a substantial and unnecessary risk or with actual malice; providing that, when a claim for workers’ compensation benefits is awarded to an employee pursuant to §23-1-1 *et seq.* of this code for a work-related injury, disease, or death caused by or arising from COVID-19 in the course of and resulting from covered employment, such claim for workers’ compensation benefits shall be the sole and exclusive remedy for such injury, disease, or death; providing that, except for §55-19-5 and §55-19-6, limitations on liability shall not apply to any person, employee or agent, who engaged in intentional conduct with actual malice; providing for severability of provisions; adding retro activity of act to January 1, 2020; clarifying that no new cause of action is created nor defense limited by the act; and clarifying that the article does not affect duties or rights arising from contract.”

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

On this question, the yeas and nays were taken (**Roll No. 114**), and there were—yeas 77, nays 23, absent and not voting none, with the nays being as follows:

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

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. 277) 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. 296, Relating generally to repealing certain 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. 115**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 296) passed.

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

S. B. 338, Creating Fire Service Equipment and Training Fund; 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. 116**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Doyle.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 338) passed.

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

On this question, the yeas and nays were taken (**Roll No. 117**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 338) takes effect from its passage.

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

H. B. 2598, Altering the definition of an above ground storage tank; on third reading, coming up in regular order, was read a third time.

Speaker Pro Tempore Howell in the Chair

Delegate Barach was addressing the House when Delegate Foster arose to a point of order, regarding the content of the Gentleman's remarks. The Speaker Pro Tempore ruled that the point was well taken and directed the Member to speak to the bill before the House.

Mr. Speaker, Delegate Hanshaw in the Chair

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 118**), and there were—yeas 74, nays 26, absent and not voting none, with the nays being as follows:

Nays: Barach, Barrett, Bates, Brown, Capito, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Nestor, Pack, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2598) passed.

Com. Sub. for H. B. 2674, Relating to the administration of anesthetics on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegates Tully and J. Pack, the bill was amended on page 1, section 15, line 21, by striking out the period and inserting a colon and the following, “*Provided*, That a dentist who cooperates with a certified registered nurse anesthetist are permitted as required in §30-4A-1 *et seq.*”

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 119**), and there were—yeas 85, nays 14, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barach, Capito, Ellington, Hanna, Higginbotham, Martin, Nestor, Pack, Skaff, Statler, Steele, Storch, Walker and Young.

Absent and Not Voting: Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2674) passed.

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

On this question, the yeas and nays were taken (**Roll No. 120**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Walker and Young.

Absent and Not Voting: Longanacre and Zatezalo.

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. 2674) takes effect from its passage.

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

H. B. 2957, Relating to the repeal of outdated code sections; 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. 121**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2957) passed.

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

H. B. 2958, Relating to repealing outdated sections of state code; 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. 122**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Lovejoy.

Absent and Not Voting: Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2958) passed.

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

Second Reading

Com. Sub. for S. B. 126, Authorizing Department of Administration to promulgate legislative rules; on second reading,

coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2671, Relating to financial exploitation of elderly persons, protected persons or incapacitated adults; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2722, Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2852, Relating to distribution of the allowance for increased enrollment; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

S. B. 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements,

Com. Sub. for S. B. 295, Relating generally to economic development loans and loan insurance issued by state,

Com. Sub. for H. B. 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards,

Com. Sub. for H. B. 2682, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements,

Com. Sub. for H. B. 2758, Requiring the Insurance Commissioner to regulate professional bondsmen,

Com. Sub. for H. B. 2763, Creating WV Cyber Incident Reporting,

Com. Sub. for H. B. 2770, Including home confinement officers in definition of law-enforcement officers,

H. B. 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund,

Com. Sub. for H. B. 2789, Supplementing and amending the appropriations to Public Defender Services,

Com. Sub. for H. B. 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management,

Com. Sub. for H. B. 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry,

H. B. 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021,

Com. Sub. for H. B. 2891, Creating minimum statutory standards for law-enforcement officers,

Com. Sub. for H. B. 2916, Creating the Semiquincentennial Commission for the celebration of the 250th anniversary of the founding of the United States of America,

And,

H. B. 2932, Protections for Charitable Organizations.

Miscellaneous Business

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

H. B. 2174: Delegate Mandt;

H. B. 2345: Delegates Evans, Kimble, Thompson and Tully;

H. B. 2495: Delegate Keaton;

H. B. 2688: Delegate L. Pack;

H. B. 2702: Delegate Thompson;

H. B. 2776: Delegate L. Pack;

H. B. 2874: Delegate Kimble;

H. B. 2785: Delegate Kimble;

H. B. 2823: Delegate Pinson;

H. B. 3032: Delegate Thompson;

H. B. 3044: Delegate Bates;

H. B. 3047: Delegate Mandt;

H. B. 3049: Delegate Bates;

H. B. 3054: Delegate Mandt;

And,

H. C. R. 31: Delegate Howell.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

H. B. 2934: Delegate Longanacre.

At 2:13 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 11, 2021.

Thursday, March 11, 2021

THIRTIETH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, March 10, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

By Delegates D. Kelly, Ellington, Hanna, Holstein, Kessinger, Mandt, Pushkin, Reed, Rohrbach and Walker:

H. B. 3079 - "A Bill to amend and reenact §16-59-2 of the Code of West Virginia, 1931, as amended, relating to exempting recovery residences from certain standards."

The Speaker referred the bill to the Committee Health and Human Resources.

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

By Delegates D. Kelly, Ellington, Hanna, Holstein, Kessinger, Mandt, Reed and Rohrbach:

H. B. 3080 - "A Bill to amend and reenact §16-59-2 of the Code of West Virginia, 1931, as amended, relating to making the

Bureau of Behavioral Health the certifying agency for recovery residences.”

The Speaker referred the bill to the Committee Health and Human Resources.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2379, Make criminal invasion of privacy a felony,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2888, Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2776, Creating the Air Ambulance Patient Protection Act,

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

Delegate Rowan, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

H. B. 2798, Relating to requiring the Health Department to mandate mucopolysaccharidosis type 1 (MPS1) test for newborn babies, to be known as Embie's Law,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2798) was referred to the Committee on Health and Human Resources.

Delegate Rowan, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

H. B. 2524, Modifying the definition of child abuse or neglect to exclude accidental injury,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2524) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2044, Establishing Next Generation 911 services in this state,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2044) was referred to the Committee on Government Organization.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 2953, To clarify that counties can hire fire fighters as paid staff and to modify the existing procedures to include a procedure of public hearing to commission a vote,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2953) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 2345, Requiring each county school board to employ at least one full time school nurse,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2345) was referred to the Committee on Finance.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2829, Providing for the amortization of annual funding deficiencies for municipal police or firefighter pension and relief funds,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2829) was referred to the Committee on Finance.

Delegate Queen, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

Com. Sub. for S. B. 42, Creating Zombie Property Remediation Act of 2021,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 42) was referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2874, Extend the current veteran's business fee waivers to active duty military members, their spouses and immediate family members,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2874) was referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

H. B. 2493, Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers,

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

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 10th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 11, Declaring work stoppage or strike by public employees to be unlawful,

Com. Sub. for S. B. 12, Relating to local health department accountability,

And,

S. B. 459, Relating to return of member's paid contributions to heirs after member's death under certain circumstances.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 10th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 345, Expanding alcohol test and lock program to include offenders with drug-related offense,

And,

S. B. 358, Removing prohibition on ATMs located in area where racetrack video lottery machines are located.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 10, 2021, he approved **Com. Sub. for S. B. 14** and **H. B. 2262**.

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. 2001, Relating generally to creating the West Virginia Jumpstart Savings Program.

On motion of Delegate Summers, the House of Delegates 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 11. TAXATION.

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-12m. Additional modifications related to a Jumpstart Savings Account.

(a) Modification for contributions. –

(1) For taxable years beginning on or after January 1, 2022, in addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12 of this code, a modification reducing federal adjusted gross income is hereby authorized in an amount equal to a West Virginia taxpayer's contribution to a Jumpstart Savings Account for the taxable year in which the payment is made, in accordance with §18-30A-1 et seq. of this code, but only to the extent the amount is not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the taxable year.

(2) The decreasing modification allowed pursuant to this subsection may not exceed \$25,000 in a single taxable year: Provided, That the taxpayer may also elect to carry forward the modification over a period not to exceed five taxable years, beginning in the taxable year in which the contribution was made.

(b) Modification for distributions. –

(1) For taxable years beginning on or after January 1, 2022, in addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12 of this code, a modification reducing federal adjusted gross income is hereby authorized in an amount equal to the portion of a distribution from a Jumpstart Savings Account received by a distributee that is used to pay for qualified expenses, as defined in §18-30A-11 of this code. Such decreasing modification is authorized for the taxable year the distribution is made to the distributee, but only to the extent the distribution amount is not allowable as a deduction when arriving at the distributee's federal adjusted gross income for the taxable year when the distribution was made. Any decreasing modification applied by a distributee shall be subject to disallowance to the extent that the distributed moneys are not used to pay for qualified expenses, as defined in §18-30A-11 of this code

in the taxable year of receipt of the distribution or the next succeeding taxable year.

(2) The decreasing modification allowed pursuant to this subsection may not exceed \$25,000 for the taxable year.

(3) For the purposes of this section, the term “distributee” means the beneficiary or the owner of a Jumpstart Savings Account who is authorized to receive distributions from the account, according to §18-30A-1 et seq. of this code and the legislative rules and procedures adopted by the Jumpstart Savings Board.

(c) Modification for rollover of certain distributions. – In addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12 of this code, a modification reducing federal adjusted gross income is hereby authorized for the account owner, to the extent that the amount is not allowable as a deduction when arriving at the account owner’s federal adjusted gross income, in the amount as follows:

(1) An amount equal to a distribution from a Jumpstart Savings Account received in the taxable year, if the account owner deposits such amount into a West Virginia ABLE Account within 30 days of receiving the distribution, according to the requirements of §18-30A-1 et seq. of this code; and

(2) An amount equal to the portion of a distribution received in the taxable year from a college savings account, established pursuant to §18-30-1 et seq. of this code, if the taxpayer deposits the amount into a Jumpstart Savings Account within 30 days of receiving the distribution according to the requirements of §18-30A-1 et seq. of this code.

(d) Nothing in this section shall be construed to decrease or otherwise impact any person’s federal tax obligations or to authorize any act which violates federal law.

§11-21-25. Nonrefundable credit for matching contribution to employee’s Jumpstart Savings Account.

(a) A nonrefundable credit against the tax imposed by the provisions of this article is allowed against the tax liability imposed

under this article of a qualified employer, for a matching contribution made to a Jumpstart Savings Account in the taxable year, if the beneficiary of the account is an employee of the taxpayer and a West Virginia resident, subject to the requirements of §18-30A-1 et seq. and the following:

(1) The employer must directly contribute an amount to a Jumpstart Savings Account that is equal to a contribution made by the employee to such account in the same taxable year.

(2) The credit allowed by this section may not exceed \$5,000 per employee per taxable year.

(3) The amount of the credit may not exceed the portion of the contribution that is attributable to the employer and that would otherwise be derived by the employer as income from his or her business for the taxable year.

(4) The employer may not claim the credit if the employer himself or herself is the account beneficiary of the account to which the matching contribution was made.

(5) An employer may not claim a credit against more than one type of tax for a single contribution to a Jumpstart Savings Account.

(b) The credit provided by this section is only allowed to the extent the amount is not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the taxable year in which the contribution is made.

(c) In order to qualify for the credit provided by this section, an employer must submit any forms or other information, as required by the West Virginia Jumpstart Savings Board or the State Treasurer, and the Tax Commissioner, upon making the contribution.

(d) *Conduit Entities and Proprietorships Personal Income Taxes.* —

(1) If the employer directly contributing an amount to a Jumpstart Savings Account 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 credit authorized pursuant to this section is allowed as a credit against the taxes imposed by this article on the flow through income of S corporation shareholders, partners, owners, and limited liability company members derived from such electing small business corporation, partnership, or limited liability company attributable to business or other activity.

(2) If the employer directly contributing an amount to a Jumpstart Savings Account is a sole proprietor, then credit authorized pursuant to this section is allowed as a credit against the taxes imposed by this article on the income of the sole proprietor attributable to the business.

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

(4) No credit is allowed under this section against any employer withholding taxes imposed by this article.

(5) Credit allowed under this section must be used in the tax year in which the contribution is made. Credit may not be carried back to a prior tax year nor carried forward to a subsequent tax year. Any amount of unused credit is forfeited.

ARTICLE 24. CORPORATION NET INCOME TAX.

§11-24-10a. Nonrefundable credit for matching contribution to employee's Jumpstart Savings Account.

(a) A nonrefundable credit against the tax imposed by the provisions of this article is allowed for a matching contribution to a Jumpstart Savings Account made in the taxable year if the

beneficiary of the account is an employee of the taxpayer and a West Virginia resident, subject to the requirements of §18-30A-1 et seq. and the following:

(1) The employer must directly contribute an amount to a Jumpstart Savings Account that is equal to a contribution made by the employee to such account in the same taxable year.

(2) The credit allowed by this section may not exceed \$5,000 per employee per taxable year.

(3) An employer may not claim the credit against more than one type of tax for a single contribution to a Jumpstart Savings Account.

(b) The credit provided by this section is only allowed to the extent the amount is not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the taxable year in which the contribution is made.

(c) In order to qualify for the credit provided by this section, an employer must submit any forms or other information, as required by the West Virginia Jumpstart Savings Board or the State Treasurer, or the Tax Commissioner, upon making the contribution.

(d) Conduit Entities Corporation Net Income Tax. —

(1) If the employer directly contributing an amount to a Jumpstart Savings Account is an electing small business corporation (as defined in Section 1361 of the United States Internal Revenue Code of 1986, as amended), a partnership, or a limited liability company that is treated as a partnership for federal income tax purposes, then credit authorized pursuant to this section is allowed as a credit against the taxes imposed by this article on the flow through income of S corporation shareholders, partners, owners, and limited liability company members derived from such electing small business corporation, partnership, or limited liability company attributable to business or other activity.

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

(3) No credit is allowed under this section against any employer withholding taxes imposed by this article.

(4) The credit allowed under this section must be used in the tax year in which the contribution is made. Credit may not be carried back to a prior tax year nor carried forward to a subsequent tax year. Any amount of unused credit is forfeited.

CHAPTER 18. EDUCATION.

ARTICLE 30A. WEST VIRGINIA JUMPSTART SAVINGS ACT.

§18-30A-1. Short Title.

This article shall be known, and may be cited as, the ‘West Virginia Jumpstart Savings Act’.

§18-30A-2. Findings.

The Legislature recognizes the importance of cultivating an environment in West Virginia where our tradespersons and entrepreneurs can be successful in their careers and remain in their home state. The Legislature finds that a savings and investment program to assist our citizens who wish to embark on a new trade or establish a new business within this state, is an investment in the future of West Virginia and its hardworking citizens.

§18-30A-3. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

(1) ‘Account owner’ means the person who opens and invests money into a Jumpstart Savings Account, as provided in this article.

(2) ‘Beneficiary’ means the person designated as a beneficiary at the time an account is established, or the individual designated as the beneficiary when the beneficiary is changed.

(3) The ‘board’ means the West Virginia Jumpstart Savings Board created in §18-30A-5 of this code.

(4) ‘Contribution’ means any amount of money deposited into a Jumpstart Savings Account according to the procedures established and required by the board or the Treasurer.

(5) ‘Deduction’ as used in this article has the same meaning as when used in a comparable context in the laws of the United States relating to income taxes, unless a different meaning is clearly required. Deduction means and refers to a deduction allowable under the federal income tax code for the purpose of determining federal taxable income or federal adjusted gross income, unless text clearly indicates otherwise.

(6) ‘Distributee’ has the same meaning provided in §11-21-12m of this code.

(7) ‘Distribution’ means any disbursement from an account.

(8) The term ‘family member’, as used to describe a person’s relationship to a designated beneficiary, includes any of the following:

(A) The spouse of the beneficiary;

(B) A child of the beneficiary or a descendant of the beneficiary’s child;

(C) A brother, sister, stepbrother, or stepsister of the beneficiary;

(D) The father or mother of the beneficiary, or an ancestor of either;

(E) A first cousin of the beneficiary;

(F) A stepfather or stepmother of the beneficiary;

(G) A son or daughter of a brother or sister of the beneficiary;

(H) A brother or sister of the father or mother of the beneficiary;

(I) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the beneficiary;
or

(J) The spouse of any person described in paragraphs (A) through (I) of this subdivision.

(K) Any term set forth in this subdivision means and includes such term as established through a lawful adoption, including, but not limited to, adoptions of a child or children, or other natural person, by a natural person or natural persons who are not the father, mother, or stepparent of the child or person.

(9) ‘Labor organization’ means any organization, agency, association, union, or employee representation committee of any kind that exists, in whole or in part, to assist employees in negotiating with employers concerning grievances, labor disputes, wages, rates of pay, or other terms or conditions of employment.

(10) The ‘program’ refers to the Jumpstart Savings Program established by this article.

(11) The ‘Treasurer’ refers to the West Virginia State Treasurer or his or her designee.

§18-30A-4. West Virginia Jumpstart Savings Program established.

The West Virginia Jumpstart Savings Program is hereby established, to be operable on or before July 1, 2022. The board shall implement and administer the program under the terms and conditions required by this article.

§18-30A-5. West Virginia Jumpstart Savings Board; members; terms; compensation; proceedings generally.

(a) The West Virginia Jumpstart Savings Program shall be administered by the West Virginia Jumpstart Savings Board.

(b) The board consists of seven members and includes the following:

(1) The State Treasurer;

(2) The State Superintendent of Schools, or his or her designee;

(3) The Chancellor of the West Virginia Community and Technical College System, or his or her designee;

(4) Four members, appointed by the Governor, with knowledge, skill, and experience in trade occupations or businesses, to be appointed as follows:

(A) A member representing a labor organization that represents tradespersons in this state;

(B) A member representing a business or entity offering apprenticeships in this state; and

(C) Two private citizens not employed by, or an officer of, the state or any political subdivision of the state.

(c) The members designated in this section to be appointed by the Governor are so appointed with the advice and consent of the Senate.

(d) Only state residents are eligible for appointment to the board.

(e) Members appointed by the Governor serve a term of five years and are eligible for reappointment at the expiration of their terms. If there is a vacancy among appointed members, the Governor shall appoint a person meeting the requirements of this section to fill the unexpired term. Members of the board serve until the later of the expiration of the term for which the member was appointed or the appointment of a successor.

(f) Members of the board serve without compensation. The Treasurer may pay all reasonable expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Expense payments are made from the

Jumpstart Savings Expense Account and are made at the same rates and in the same manner as travel reimbursements are paid to state employees.

(g) The Treasurer is the chairman and presiding officer of the board and shall appoint the employees the board considers advisable or necessary.

(h) The board shall adopt bylaws and rules of procedure at its first official meeting. A majority of the members of the board constitutes a quorum for the transaction of the business of the board.

§18-30A-6. Powers of the board.

The board is authorized to take any lawful action necessary to effectuate the provisions of this article and successfully administer the program, subject to applicable state and federal law, including, but not limited to, the following:

(1) Adopt and amend bylaws;

(2) Execute contracts and other instruments for necessary goods and services, employ necessary personnel, and engage the services of private consultants, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice: *Provided, That selection of these services is not subject to the provisions of §5A-3-1 et seq. of this code: Provided, however, That all expenditures and monetary and financial transactions shall be subject to periodic audits by the Office of Chief Inspector, or the Legislative Auditor, or both;*

(3) Implement the program through use of financial organizations as account depositories and managers, as provided in §18-30A-9 of this code;

(4) Develop and impose requirements, policies, procedures, and guidelines to implement and manage the program;

(5) Establish the method by which funds shall be allocated to pay for administrative costs and assess, collect, and expend administrative fees, charges, and penalties;

(6) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the trust funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, the Board of Treasury Investments, or other professional managing or investing the trust funds and accounts;

(7) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or other professional investing the funds and accounts: *Provided*, That investments made under this article shall be made in accordance with the provisions of §44-6C-1 *et seq.* of this code;

(8) Solicit and accept gifts, including bequests or other testamentary gifts made by will, trust, or other disposition; grants; loans; aid; and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this article: *Provided*, That the board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within 90 days of receipt; and

(9) Propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code.

§18-30A-7. Powers and duties of the Treasurer.

(a) In order to implement and administer the program, the Treasurer shall:

(1) Provide support staff and office space for the board;

(2) Establish and monitor, at the direction of the board, the methods and processes by which the funds held in accounts are deposited and distributed;

(3) Charge and collect any necessary administrative fees, penalties, and service charges in connection with any agreement, contract, or transaction relating to the program;

(4) Develop marketing plans and promotional material to ensure that potential program beneficiaries will be aware of the program and the advantages the program offers; and

(5) Present the annual evaluations and reports required by §18-30A-13 of this code at any meeting or proceeding of the Legislature or the Office of the Governor upon request.

(b) In order to implement and administer the program, the Treasurer may:

(1) Collect all necessary information from program account holders and beneficiaries;

(2) Create forms necessary for implementation of the program;

(3) Propose legislative rules for legislative approval, in accordance with the provisions of §29A-3-1 *et seq.* of this code, that are necessary to effectuate the provisions and purposes of this article; and

(4) Perform all other lawful actions necessary to effectuate the provisions of this article, subject to applicable state and federal law.

§18-30A-8. West Virginia Jumpstart Savings Trust; Trust Fund; and Expense Fund created.

(a) The board shall establish the Jumpstart Savings Program Trust, and a Jumpstart Savings Program Trust Fund Account, titled the Jumpstart Savings Trust Fund, within the accounts held by the Treasurer or with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or any other person for the purpose of managing and investing the trust fund. Assets of the Jumpstart Savings Program Trust are held in trust for account owners and beneficiaries.

(b) The Jumpstart Savings Trust Fund shall receive all moneys from account owners on behalf of beneficiaries or from any other source, public or private. Earnings derived from the investment of the moneys in the Jumpstart Savings Trust Fund shall remain in the fund, held in trust in the same manner as contributions, except as refunded, applied for purposes of the beneficiaries, and applied for purposes of maintaining and administering the program.

(c) The corpus, assets, and earnings of the Jumpstart Savings Trust Fund do not constitute public funds of the state and are available solely for carrying out the purposes of this article. Any contract entered into by, or any obligation of the board on behalf of and for the benefit of the program, does not constitute a debt or obligation of the state but is solely an obligation of the Jumpstart Savings Trust Fund.

(d) All interest derived from the deposit and investment of moneys in the Jumpstart Savings Trust Fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the trust fund may not be credited or transferred to the State General Fund or to any other fund.

(e) In order to fulfill the charitable and public purposes of this article, neither the earnings nor the corpus of the Jumpstart Savings Trust Fund is subject to taxation by the state or any of its political subdivisions.

(f) Notwithstanding any provision of this code to the contrary, money in the Jumpstart Savings Trust Fund is exempt from creditor process and not subject to attachment, garnishment, or other process; is not available as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge; and is not subject to seizure, taking, appropriation, or application by any legal or equitable process or operation of law to pay any debt or liability of any account owner, beneficiary, or successor in interest.

(g) (1) The Jumpstart Savings Program Expense Fund is hereby established in the State Treasury.

(2) The Jumpstart Savings Expense Fund shall receive all fees, charges, and penalties collected by the board. Expenditures from the fund are authorized from collections subject to appropriations made by the Legislature.

(3) All expenses incurred by the board or the Treasurer in developing and administering the program shall be payable from the Jumpstart Savings Expense Fund.

§18-30A-9. Use of financial organizations as program depositories and managers.

(a) The board may implement the program through use of financial organizations as account depositories and managers. The board may solicit proposals from financial organizations to act as depositories and managers of the program. Financial organizations submitting proposals shall describe the investment instruments which will be held in accounts. The board may select more than one financial organization and investment instrument for the program. The board shall select financial organizations to act as program depositories and managers from among the bidding financial organizations that demonstrate the most advantageous combination, both to potential program participants and this state, based on the following criteria:

(1) The financial stability and integrity of the financial organization;

(2) The safety of the investment instrument being offered;

(3) The ability of the financial organization to satisfy recordkeeping and reporting requirements;

(4) The financial organization's plan for promoting the program and the investment the organization is willing to make to promote the program;

(5) The fees, if any, proposed to be charged to the account owners;

(6) The minimum initial deposit and minimum contributions that the financial organization will require;

(7) The ability of the financial organization to accept electronic deposits and withdrawals, including payroll deduction plans; and

(8) Other benefits to the state or its residents included in the proposal, including fees payable to the state to cover expenses of operation of the program.

(b) The board may enter into any contracts with a financial organization necessary to effectuate the provisions of this article. Any management contract shall include, at a minimum, terms requiring the financial organization to:

(1) Take any action required to keep the program in compliance with requirements of this article and any other applicable state or federal law;

(2) Keep adequate records of each account, keep each account segregated from each other account, and provide the board with the information necessary to prepare the statements required by this article and other applicable state and federal laws;

(3) Compile, summarize, and total information contained in statements required to be prepared under this article and applicable state and federal laws and provide such compilations to the board;

(4) Provide the board with access to the books and records of the program manager and with any other information needed to determine compliance with the contract, this article, and any other applicable state or federal law;

(5) Hold all accounts for the benefit of the account owner or owners;

(6) Be audited at least annually by a firm of certified public accountants selected by the program manager and provide the results of such audit to the board;

(7) Provide the board with copies of all regulatory filings and reports made by the financial organization during the term of the management contract or while the financial organization is holding any accounts, other than confidential filings or reports that will not become part of the program. The program manager shall make available for review by the board and the Treasurer the results of any periodic examination of such manager by any state or federal banking, insurance, or securities commission, except to the extent that such report or reports may not be disclosed under law; and

(8) Ensure that any description of the program, whether in writing or through the use of any medium, is consistent with the marketing plan developed pursuant to the provisions of this article.

(c) The board may:

(1) Enter into contracts it deems necessary for the implementation of the program;

(2) Require that an audit be conducted of the operations and financial position of the program depository and manager at any time if the board has any reason to be concerned about the financial position, the record keeping practices, or the status of accounts of such program depository and manager; and

(3) Terminate or decline to renew a management agreement. If the board terminates or does not renew a management agreement, the board shall take custody of accounts held by such program manager and shall seek to promptly transfer such accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.

18-30A-10. Opening a Jumpstart Savings Account; deposits.

(a) Beginning on July 1, 2022, a person may open a Jumpstart Savings Account.

(b) To open a Jumpstart Savings Account, the account owner must:

(1) Provide all information required by the Treasurer;

(2) Make a minimum opening deposit of \$25; and

(3) Name a single person as the designated beneficiary: *Provided*, That the designated beneficiary may be the account owner himself or herself, or another person: *Provided, however*, *That* the beneficiary may not be a business, corporation, or enterprise.

(c) The Treasurer will deposit \$100 from the Jumpstart Savings Expense Fund into a newly opened Jumpstart Savings Account if the following criteria are met:

(1) The designated beneficiary is a resident of West Virginia; and

(2) The account is opened when the designated beneficiary is under 18 years of age; or

(3) The account is opened within the 180 days following the date of the designated beneficiary's enrollment in an apprenticeship or educational program described in §18-30A-11(c)(1)(A) of this code.

(d) Any person may make a contribution to a Jumpstart Savings Account after the account is opened, subject to applicable state and federal laws.

(e) The Treasurer shall prescribe all forms required to open and make deposits to a Jumpstart Savings Account and make the forms available in a prominent location on the Treasurer's website.

§18-30A-11. Distributions; qualified expenses.

(a) A distribution from a Jumpstart Savings Account that was used to pay for qualified expenses, as defined in subsection (c) of this section, shall establish entitlement of the distributee to the personal income tax decreasing modification authorized by §11-21-12m(b) of this code, and such decreasing modification may be applied to determine West Virginia adjusted gross income of the

distributee in the taxable year in which such qualified expenses were paid.

(b) A change in the designated beneficiary of a Jumpstart Savings Account is not a distribution for the purposes of this article or §11-21-1 et seq. of this code if the new beneficiary is a family member of the prior beneficiary.

(c) Qualified expenses. —

(1) For the purposes of this article and §11-21-12m of this code, expenditures of distributions for the following purposes are qualified expenses:

(A) The purchase of tools, equipment, or supplies by the beneficiary to be used exclusively in an occupation or profession for which the beneficiary is required to:

(i) Complete an apprenticeship program registered and certified with the United States Department of Labor, as provided in 29 U.S.C. §50;

(ii) Complete an apprenticeship program required by any provision of this code or a legislative rule promulgated pursuant to this code;

(iii) Earn a license or certification from an Advanced Career Education (ACE) career center; or

(iv) Earn an associate degree or certification from a community and technical college.

(B) Fees for required certification or licensure for the beneficiary to practice a trade or occupation described in paragraph (A) of this subdivision in this state; and

(C) Costs incurred by the beneficiary that are necessary to establish a business in this state in which the beneficiary will practice an occupation or profession described in paragraph (A) of this subdivision, when the costs are exclusively incurred and paid for the purpose of establishing and operating such business.

(2) In no event shall any dues, fees, subscriptions, or any other payments to a labor organization constitute qualified expenses for the purposes of this article.

§18-30A-12. State tax benefits related to a Jumpstart Savings Account.

(a) As provided in §11-21-12m, §11-21-25, and §11-24-10a of this code, contributions, distributions, and employer matching contributions are eligible for specified decreasing modifications in determining taxable income, or specified tax credits against tax imposed by §11-21-1 et seq. and §11-24-1 et seq. of this code.

(b) Nothing in this article nor in §11-21-12m, §11-21-25, or §11-24-10a of this code shall be construed to decrease or otherwise impact any person's federal tax obligations or to authorize any act which violates federal law.

§18-30A-13. Reports and account; annual audit.

(a) In addition to any other requirements of this article, the board shall:

(1) Prepare and provide an annual summary of information on the financial condition of the Jumpstart Savings Trust Fund and Expense Fund and statements on the savings program accounts to the respective account owners; and

(2) Prepare, or have prepared, a quarterly report on the status of the program, including the Jumpstart Savings Trust Fund and Expense Fund, and provide a copy of the report to the Joint Committee on Government and Finance.

(b) All accounts administered under the program, including the Jumpstart Savings Trust Fund and Expense Fund, are subject to an annual external audit by an accounting firm, selected by the board, of which all members or partners assigned to head the audit are members of the American Institute of Certified Public Accountants. The audit shall comply with the requirements and standards in §5A-2-33 of this code.

§18-30A-14. Records; confidentiality.

(a) Notwithstanding any other provision of this code, the board and an apprenticeship provider, training or educational institution, or employer, are authorized to exchange information regarding participants in the program to carry out the purposes of this article: *Provided*, That the tax information confidentiality provisions of §11-10-5d of this code shall apply to tax returns and tax return information.

(b) Records containing personally identifying information regarding Jumpstart Savings Account holders and beneficiaries is exempt from disclosure under §29B-1-1 *et seq.* of this code.

§18-30A-15. Limitation on liability.

Nothing in this article creates any obligation of the board, the Treasurer, the state, or any agency or instrumentality of the state to guarantee for the benefit of any account holder or designated beneficiary with respect to the:

- (1) Return of principal;
- (2) Rate of interest or other return on any account; or
- (3) Payment of interest or other return on any account.

§18-30A-16. Legislative rules required.

Prior to the commencement of the program, the board shall promulgate legislative, procedural, or emergency rules, or any combination thereof, in accordance with the provisions of §29A-3-1 *et seq.* of this code, that include at a minimum, the following:

(1) Requirements for any contract to be entered between the board and an account holder upon opening a Jumpstart Savings Account to ensure compliance with the requirements of this article and applicable state and federal laws;

(2) Examples of qualified expenses, as described in §18-30A-11 of this code; and

(3) Procedures for opening Jumpstart Savings Accounts, making contributions thereto, requesting distributions therefrom, and instructions for accessing any necessary forms.”

And,

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

Com. Sub. for H. B. 2001 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-21-12m and §11-21-25; to amend said code by adding thereto a new section, designated §11-24-10a; to amend said code by adding thereto a new article, designated §18-30A-1, §18-30A-2, §18-30A-3, §18-30A-4, §18-30A-5, §18-30A-6, §18-30A-7, §18-30A-8, §18-30A-9, §18-30A-10, §18-30A-11, §18-30A-12, §18-30A-13, §18-30A-14, §18-30A-15, and §18-30A-16, all relating generally to creating the West Virginia Jumpstart Savings Program; providing a short title; providing legislative findings; defining terms; requiring the program to be operable by a certain date; creating the West Virginia Jumpstart Savings Board; establishing requirements for board membership, appointment, and procedures; allowing board members to be reimbursed for reasonable expenses; establishing the powers of the board; authorizing the board to promulgate legislative rules; establishing the duties and powers of the Treasurer related to the program; establishing the Jumpstart Savings Trust and Trust Fund and requirements for said fund; establishing the Jumpstart Savings Expense Fund and establishing requirements for said fund; authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; establishing requirements for opening a Jumpstart Savings account and making deposits to an account; authorizing the Treasurer to make a deposit into a newly opened Jumpstart Savings account when certain conditions are met; providing requirements for distributions from an account; specifying when a distributee is entitled to tax benefits; providing that a change in account beneficiary is not a distribution if the new beneficiary is a family member of the previous beneficiary; providing when expenditures of account distributions are qualified expenses; allowing a personal income tax decreasing modification for certain contributions to an account and allowing said modification to be carried forward over

five years; allowing a personal income tax decreasing modification for distributions from an account used for qualified expenses; allowing a personal income tax decreasing modification for a rollover of distributions from a college savings account to a Jumpstart Savings account; allowing a personal income tax decreasing modification for a rollover of distributions from a Jumpstart Savings account to a West Virginia ABLE account; allowing a tax credit against personal income tax or corporate net income tax for certain matching contributions to accounts of employees; providing reporting and auditing requirements for the Jumpstart Savings Program; authorizing certain training and educational entities and employers to share information with the board and the Treasurer related to program participation; exempting certain personal information regarding program participants from disclosure under the state's Freedom of Information Act; limiting liability of the Treasurer, the board, and the state related to the program; and requiring the board to promulgate certain legislative rules.”

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. 123**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Miller.

Absent and Not Voting: Dean and Linville.

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. 2001) 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 passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 466 - “A Bill to amend and reenact §30-38-3, §30-38-4, §30-38-6, §30-38-11, and §30-38-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-38A-3, §30-38A-4, §30-38A-8, and §30-38A-10 of said code, all relating to real estate appraisal; clarifying requirement that classification and license or certification number be shown on documents; authorizing real estate appraisal licensing and certification board to hire certain persons; clarifying definition of “appraisal management company” for purposes of Appraisal Management Companies Registration Act; expanding list of individuals prohibited from owning registered appraisal management companies; requiring owners of more than 10 percent of appraisal management company to submit to background check; and making technical changes throughout”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 475 - “A Bill to amend and reenact §21-1-5 of the Code of West Virginia, 1931, as amended, relating to dedicating fees collected by the Division of Labor to General Revenue Fund; providing for exceptions; and setting out an effective date”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 517 - “A Bill to amend and reenact §29A-3-19 of the Code of West Virginia, 1931, as amended, relating to sunset provisions of legislative rules; removing the five-year sunset requirement for new legislative rules after initial five-year sunset provision; requiring all legislative rules to sunset on July 1 of the applicable year effective July 1, 2021; authorizing the Secretary of State to modify all active legislative rules with sunset provisions in accordance with this requirement; and requiring the Secretary of

State to file a notice of sunset in the State Register upon the expiration of a legislative rule”; which was referred to the Committee on Government Organization.

Resolutions Introduced

Delegates Hanshaw (Mr. Speaker) and Skaff offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 14 - “Recognizing Clean Energy’s Importance to West Virginia’s Energy Future.”

Whereas, West Virginia has a rich history cultivating domestic energy; and

Whereas, West Virginia can continue to expand in-state energy production by taking advantage of opportunities in clean energy, thereby expanding and diversifying our economic base; and

Whereas, Clean energy, including generation from renewable sources such as wind, solar, and hydro sources as well as nuclear, natural gas, and energy storage, is part of our state’s energy future; and

Whereas, Over 10,000 clean energy jobs were here in West Virginia by the end of 2019; and

Whereas, Growing our clean energy workforce will also help grow employment and economic opportunities elsewhere in our state; therefore, be it

Resolved by the House of Delegates:

That the West Virginia Legislature recognizes the value of clean energy including abundant job opportunities, economic growth, energy independence, consumer choice, lower energy prices, and a cleaner environment; and, be it

Further Resolved, That clean energy—including generation from renewable sources such as wind, solar, and hydro power as well as nuclear, natural gas, and energy storage— plays an

important role in West Virginia's diverse energy portfolio; and, be it

Further Resolved, That investing in an all-of-the-above energy approach to in-state production and development can help build a stronger, more diversified, and more resilient economy in the Mountain State.

Delegates Conley, Mallow, Kimes, Horst, Longanacre and Bruce offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 36 - "Urging Congress to censure U.S. Senator Joe Manchin for his recent votes against the beliefs of the majority of West Virginians."

Whereas, Senator Manchin has routinely referred to himself as a "moderate" or "conservative Democrat;" and

Whereas, Instead, Senator Manchin routinely votes against the will of the majority of his West Virginia constituents; and

Whereas, oftentimes, Senator Manchin will wait until the eve of a vote or moments before a vote is to be cast to decide how he is going to vote; and

Whereas, Twice, Senator Manchin has voted to impeach President Trump, which has wasted untold amounts of taxpayer dollars for what has amounted to nothing more than a witch hunt; and

Whereas, In doing so, Senator Manchin, during the first sham impeachment, said "The House impeachment managers' case against Trump, on the other hand, was proven," according to a Politico article: <https://www.politico.com/news/2020/02/13/joe-manchin-trump-reelection-impeachment-114679>; and,

Whereas, In reiterating his support for the first sham impeachment, Senator Manchin said, according to the same Politico article, "I had no doubt when everything [came] the way it came across;" and

Whereas, In the second sham impeachment, Senator Manchin said, according to a Business Insider article, located at <https://www.businessinsider.com/joe-manchin-impeach-trump-joe-biden-2021-1>, that ““There is no doubt about it he should be impeached;” and

Whereas, Even after President Trump was not-reelected, but carried a large majority of the vote in West Virginia, Senator Manchin has nevertheless continued his crusade of voting against the wishes of both President Trump and a large majority of West Virginians, including his opposition to the Keystone XL pipeline, and his unwillingness to stand up for West Virginia in the fight against coal; therefore, be it

Resolved by the Legislature of West Virginia:

That it hereby requests that the United States Senate hereby censure Senator Manchin for his blatant disregard of the large majority of values held by the voters and citizens of West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this State, including Senator Manchin.

Delegates Conley, Haynes, Horst, Mallow, Longanacre, Holstein and Barnhart offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 37 - “Declaring the State of West Virginia as a United States Constitution Sanctuary State.”

Whereas, In order to ensure the rights of the citizens of the state of West Virginia which are protected by the United States Constitution, and the Bill of Rights of that Constitution, which reserves the right of the citizens to decide on matters which concern their lives, liberty, and property in the ordinary course of affairs:

Whereas, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble; or to petition the government for a redress of grievances; and

Whereas, A well regulated militia, being necessary to the security of a free state, and the right of the people to keep and bear arms, shall not be infringed; and

Whereas, No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner to be prescribed by law; and

Whereas, The right of the people to secure in his or her persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and persons or things to be seized; and

Whereas, No person shall be held to answer for a capital, or infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in a militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation; and

Whereas, In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which shall have been previously ascertained by law; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him or her; to have compulsory process for obtaining witnesses in his or her favor; and to have the assistance of counsel for his or her defense; and

Whereas, In lawsuits at common law, where the value in controversy shall exceed \$20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, except according to the rules of common law; and

Whereas, Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; and

Whereas, The enumeration in the Constitution of the United States of certain rights shall not be construed to deny or disparage others retained by the people; and

Whereas, The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people; and

Whereas, The Legislature finds that Section 1 of the Fourteenth Amendment to the Constitution of the United States declares that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside, and no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws; and

Whereas, The right of the people is further protected from infringement by state, federal and local governments under the Ninth, Tenth, and Fourteenth amendments to the Constitution of the United States; and

Whereas, Notwithstanding any law, regulation, rule or order to the contrary, no agent, department, employee or official of the State of West Virginia or political subdivision thereof, while acting in his or her official capacity, shall knowingly and willingly, participate in any way in the enforcement of any unlawful or unconstitutional act, as defined in this resolution, regarding freedom of religion, freedom of speech, freedom of the people to peaceably assemble, freedom of the press, freedom to petition the

government for a redress of grievances, or the right of the people to keep and bear arms; and

Whereas, As used in this resolution, an “unlawful act” means any federal, state or local act, law, order, rule, or regulation, which restricts an individual’s constitutional rights, and shall include, but not be limited to, the following:

(a) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services on the purchase or ownership of those items by citizens;

(b) Any registration or tracking of firearms, firearm accessories, or ammunition;

(c) Any registration or tracking of the owners of firearms, firearm accessories, or ammunition;

(d) Any act forbidding the possession, manner of carry, ownership, use, or transfer of any type of firearm, firearm accessory, or ammunition by citizens of the legal age;

(e) Any act ordering the confiscation of firearms, firearm accessories, or ammunition from citizens;

(f) Any prohibition, regulation, and or use restriction related to ownership or the constitutionally guaranteed lawful use or carry of firearms;

(g) Any use of State funds or funds given to the State by any entity, to participate in a “gun buyback” program or event; and

(h) Any use of State funds given to the State by any entity that has violated an individual’s rights as outlined in the Bill of Rights; and

Whereas, The right to bear arms protection, as provided to citizens by this resolution, does not apply to persons who have been convicted of felony crimes, and this resolution is not intended to prohibit or affect in any way the prosecution of any crime for which the use of, or possession of, a firearm is an aggravating factor or

enhancement to an otherwise independent crime, unless such crimes have been expunged by order of a court of competent jurisdiction; and

Whereas, The provisions of this resolution are hereby declared to be severable, and if any provision of this resolution or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this resolution; and

Whereas, The Legislature finds that the citizens of the state of West Virginia have taken notice and voiced concerns for their rights under the United States Constitution and Bill of Rights, therefore, an emergency is declared to exist in the state of West Virginia; and

Whereas, The state of West Virginia has the right to be free from the commanding hand of the state and federal government, to refuse to cooperate with state and federal government officials in response to unconstitutional state and federal government measures, and to proclaim a U.S. Constitution sanctuary for law-abiding citizens in the state of West Virginia; therefore, be it:

Resolved by the Legislature of West Virginia:

That West Virginia hereby is declared a U.S. Constitution sanctuary state; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this state.

Delegates Zukoff, Thompson, Linville, Maynard and Dean offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 38 - "Requesting the Division of Highways to name bridge number 26-001/01-000.01 (26A080), (40.02115, -

80.73147) locally known as 4th Street Overpass, carrying CR 1/1 over US 250 & WV 2 in Marshall county, the ‘U. S. Marine Sergeant David Andrew Green Memorial Bridge’.”

Whereas, David A. Green was born December 29, 1980, at Reynolds Memorial Hospital in Glendale, in Marshall County, West Virginia, to Greg and Karen Green and was a lifelong resident of Marshall County until entering the United States Marine Corps in 2002; and

Whereas, David A. Green attended St. John’s Catholic School in Benwood and graduated from Bishop Donahue in 1999, where he lettered in football, wrestling, and baseball, and was crowned Homecoming King his senior year; and

Whereas, David A. Green enlisted in the United States Marine Corps in 2002, stationed at the Marine Corps Air Station in Yuma, Arizona; and

Whereas, Sgt. Green graduated from The Louis F. Garland Fire Academy in San Angelo, Texas, earning the title Aircraft Rescue and Fire Fighting Specialist, served one tour in Operation Iraqi Freedom, was awarded the Good Conduct Medal, and was honorably discharged; and

Whereas, Sgt. Green later returned to Iraq as a contract worker with Halliburton in which he spent two years as a contract firefighter on various bases; and

Whereas, Once he returned to the states, Sergeant Green began work as a railroad conductor with CSX, while also serving with Benwood Volunteer Fire Department for years; and

Whereas, Sgt. Green struggled with re-engaging and transitioning into civilian life, while battling PTSD, and sadly took his own life on October 13, 2013; and

Whereas, It is fitting that an enduring memorial be established to commemorate Sergeant David A. Green 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: 26-001/01-000.01 (26A080), (40.02115, -80.73147) locally known as 4th Street Overpass, carrying CR 1/1 over US 250 & WV 2 in Marshall county, the “U. S. Marine Sergeant David Andrew Green 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. Marine Corps Sgt. David A. Green Memorial Bridge”; and, be it

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

Delegates B. Ward, Reynolds, D. Kelly, L. Pack, Haynes, Barnhart and D. Jeffries offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 39 - “Requesting the Division of Highways name bridge number 16-048/00-028.54 (EB-WB) (16A132, 16A133), locally known as Sauerkraut Run (EB-WB), carrying US 48 over Sauerkraut Run & CR 23/9 in Hardy County, the ‘U. S. Navy Seaman 2nd Class Wilbur “Webb” Hahn and John W. Hahn Memorial Bridge’.”

Whereas, Wilbur “Webb” Lee Hahn was born on January 4, 1925, in Dutch Hollow/Sauerkraut Hollow, Wardensville, WV, a son of the late Lorenza M. and Amanda Michael Hahn. He was a veteran in the United States Navy during World War II, serving as a Seaman Second Class. He worked as a sawyer and co-owner for Hahn & Hahn Timber Company in Wardensville, WV until he was 83 years old; and

Whereas, Wilbur never met a stranger. He could have a conversation with a fence post and walk away smiling. He enjoyed the simple things in life, including living off the land that he loved so much. He also enjoyed telling stories of times past; and

Whereas, Wilbur's brother, John William Hahn, was born July 6, 1922, into the family of Lorenza and Amanda Michael Hahn, in Dutch Hollow, WV. His occupation of timberman and co-owner with Wilbur and son Mickey as sawmill operators provided him with a happy life. He cut timber until the age of 85. He loved his life, the outdoors, hunting and fishing; he spent his evenings in the garden, tending to his zinnias and sunflowers that would draw the attention of the tourist traveling through town; and

Whereas, The brothers were everything that defines "brotherly love". They had their differences, their sibling rivalries and their share of mischief growing up in Dutch Hollow. They walked Sauerkraut Road five days a week to attend school in Wardensville in their early years. They enjoyed their long treks and talks so much that they continued the tradition every day throughout older years; and

Whereas, The Hahn brothers were hardworking men who worked tirelessly to provide for, not only their own family but for many others in need. Wilbur and wife, Marie "fostered" numerous children in their home, whose family did not have the means to care for them or had fallen on hard times. No one would ever leave their home without a full belly and some new tall tales from Webb; and

Whereas, John William Hahn departed this life on July 22, 2010. He was survived by his wife Elda Rinard Hahn, whom he married in 1945, who passed away in January 2016. He is survived by his three children; Karen Findley, Larry Hahn, Ivan Michael "Mickey" Hahn and three grandchildren: Sherri Heishman, Amanda Simmons, Kimberly Hahn and two great-grandchildren; and

Whereas, Wilbur "Webb" Lee Hahn passed away on July 5, 2016 at his home surrounded by family. His wife of 62 years, Marie Naomi Combs Hahn, passed away in 2017. Surviving are three sons: Fredrick Hahn, Dr. Jerry Hahn, Dr. John Hahn, and his daughter: Debra Miller, 33 grandchildren, 35 great-grandchildren and 10 great-great-grandchildren; and

Whereas, As John and Wilbur were the last of their generation, they passed on their lands in Dutch Hollow to their descendants and their descendants' descendants. The house that they were born and raised in, still stands a few miles back Sauerkraut Road. The home has been named the *Hahn Homestead* and is open yearly during the Hardy County Heritage Days, as well as the schoolhouse that they attended in grade school, Maple Grove School House and the Hahn & Hahn Timber Sawmill runs every year to give visitors the experience of hearing the old Buick engine roar to life and the sawdust begin to fly. The Hahn family worked together to restore the Maple Grove School House to its original glory and continue to invite visitors from far and wide to visit their "homeplace"; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Navy SSC Wilbur "Webb" Lee Hahn and John William Hahn and their contributions to Dutch Hollow, their 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 16-048/00-028.54 (EB-WB) (16A132, 16A133), locally known as Sauerkraut Run (EB-WB), carrying US 48 over Sauerkraut Run & CR 23/9 in Hardy County, the "U.S. Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn 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. Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn Memorial Bridge"; and, be it

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

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

H. C. R. 40 - "Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), (38.22218, - 82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the 'USMC Cpl Guy Maywood Edwards Memorial Bridge'."

Whereas, United States Marine Corps Corporal Guy Maywood Edwards was born on September 13, 1918, in Myra, West Virginia, to Hiram Otho Edwards and Elmyra Elizabeth Porter Edwards; and

Whereas, Corporal Edwards graduated from Hamlin High School, and enlisted in the Marines during the winter of 1942; and

Whereas, Corporal Edwards was serving with the Fourth Division of the Marines and, despite having been wounded in October 1944 on Saipan in the Marina Islands, landed on Iwo Jima on February 20, 1945, ready for duty. Corporal Edwards was killed in action six days later on February 26, 1945; and

Whereas, Corporal Edwards' brother PFC Donald Edwards was also serving in the Fourth Marine Division on Iwo Jima and was wounded on February 28, 1945; and

Whereas, It is right and just to honor the memory of United States Marine Corps Corporal Guy Maywood Edwards, who so ably served his country and state, and having made the ultimate sacrifice, by naming this bridge after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-007/00-021.18 (22A153), (38.22218, - 82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the "USMC Cpl Guy Maywood Edwards 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 "USMC Cpl Guy Maywood Edwards Memorial Bridge"; and, be it

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

Delegates Pinson, Wamsley, Burkhammer, Linville, Maynard, Higginbotham, D. Jeffries, Keaton and Graves offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 41 - "Requesting the Division of Highways name a set of twin bridges, number 11349, carrying US Route 35 over County Route 78 and 16-Mile Creek in Mason County, West Virginia as the 'Halstead Brothers WWII Veterans Memorial Bridge'."

Whereas, James Norton Halstead, U.S. Army Corporal, was born at Page, Fayette County, West Virginia, on June 18, 1919, to John and Bertha Wolford Halstead; and

Whereas, Eugene Paul Halstead, T/5 U.S. Army, was born in Montcoal, Raleigh County, West Virginia on September 24, 1921, to John and Bertha Wolford Halstead; and

Whereas, Herman Lee Halstead, U.S. Army Cpl., was born in Montcoal, Raleigh County, West Virginia, on September 4, 1923, to John and Bertha Wolford Halstead; and

Whereas, Samuel Edward Halstead, U.S. Army Sgt., was born in Montcoal, Raleigh County, West Virginia on September 16, 1925, to John and Bertha Wolford Halstead; and

Whereas, James was the eldest child, but John and Bertha's large family would come to consist of four brothers in addition to James—Eugene Paul, Herman Lee, Samuel Edward, and Millard William; and

Whereas, In the household were also three sisters—Mary Madeline Halstead (married name: Bocook), Florence Louise Halstead (married name: Taylor), and Elizabeth Lucille Halstead (married name: Bauer); and

Whereas, U.S. Army Enlistment Records, 1938-1946, indicate that James's education consisted of grammar school, and his entry in Young American Patriots notes that the school he attended was Sebrell; and

Whereas, The family attended the United Brethren Church in Point Pleasant; and

Whereas, With the advent of World War II, Bertha would see four of her sons enlist in the U.S. Army, and ultimately she would become a Gold Star Mother; and

Whereas, T/5 Eugene Paul Halstead entered service on July 30, 1942, and served in North Africa, Sicily, and Italy; Cpl. Herman Lee Halstead entered service on March 15, 1943, and served in India; Sgt. Samuel Edward Halstead entered service on January 12, 1944, and served in England, France, and Italy; and after the war, Herman Halstead continued his service with the West Virginia National Guard; and

Whereas, It was the oldest, Corporal James Norton Halstead, who was the first to enlist, signing up at Huntington on March 30, 1942, and became a medical corpsman in the 325th Glider Infantry Regiment, 82nd Airborne Division; and

Whereas, The 325th's first battle was reached not by air, but by sea. By September, the regiment was sent to Salerno from Sicily to reinforce units already there. They were attached to the 2nd Battalion and intended to relieve Ranger units on Mount St. Angelo di Cava. German artillery barrages attempted to throw the glidermen off the mountain, but the Americans held their ground. It was here the Regiment met their first casualties. Service in Salerno is consistent with Cpl. Halstead's war record; Young American Patriots indicates he was there; and

Whereas, The Regiment landed in Normandy on D-Day plus one (June 7, 1944). According to the unit history, "As soldiers of the 325th Glider Infantry Regiment swooped down to Normandy, other elements of the 82nd Airborne were in the process of capturing the town of St. Mere Eglise on an airborne operation

behind enemy lines. It was for the success of their effort that the soldiers of the 82nd Airborne Division were awarded the red and green braided French Fourregerre.” (“The 325th Glider Infantry Regiment”, The 82nd Airborne: World War II, accessed 23 October 2020, <https://www.ww2-airborne.us/units/325/325.html>.); and

Whereas, Twenty-one of the 850 gliders carrying infantrymen were wrecked in landing. Of the roughly 4,000 men who participated in the initial airborne assault phase of Operation Overlord, 10 percent became casualties, either killed or maimed. (“Glider Phase of D-Day Begins”, World War II Day by Day: The Daily Chronicles of World War II, 2012-2020, accessed 23 October 2020, <https://ww2days.com/glider-phase-of-d-day-begins-2.html>.); and

Whereas, Sadly, Cpl. James Halstead was one of those 10 percent; he was wounded on June 15 during his landing, he died of wounds in France on June 16, 1944, just two days shy of his 25th birthday; and

Whereas, The 325th persisted, minus their fallen brothers, and the glidermen-turned-infantrymen soldiered on Cpl. Halstead’s 325th would become embroiled in the Battle of the Bulge (December 1944-January 1945), where, ironically, his brother Samuel became a participant; and

Whereas, Sergeant Samuel Edward Halstead, the youngest family member to enter World War II, was drafted in January of 1944; trained at Camp Blanding, Florida; and saw service in England, France, and Italy, and

Whereas, It was not unusual for groups of brothers to enlist for World War II; and

Whereas, On March 15, 1945, Sgt. Samuel Halstead was shot while serving near Strasbourg, France. He always believed that he was very lucky as German snipers were renowned as highly accurate shots. He believed that he got excellent medical attention. He was transported to a field hospital, to a traditional hospital in

France, and finally to a hospital in England. His ultimate destination was the U.S.; and

Whereas, He emphasized the importance of letter-writing during the war. According to Samuel's biographer, although he never saw his three brothers while at war, he could write them. One day, he wrote to his oldest brother, James Norton Halstead, and sadly the letter was returned with the word "Deceased." This was how [Samuel] Halstead discovered that James had been killed while a member of the 82nd Airborne in France; and

Whereas, James Norton Halstead (1919-1944), Eugene Paul Halstead (1921-1981), Herman Lee Halstead (1923-1986), and Samuel Edward Halstead (1925-2016) served their country well in World War II, with James paying the ultimate sacrifice; and

Whereas, James was awarded the Purple Heart, the Bronze Star, the Good Conduct Medal, and the Combat Infantry Badge; and

Whereas, In fact, all four brothers received the latter medal, T/5 Paul Eugene Halstead, with two battle stars. Additionally, Samuel Edward Halstead was awarded the Combat Infantryman Badge, the Presidential Unit Citation, the Purple Heart, the Bronze Star, the World War II Victory Medal, the Marksman Badge and Rifle Bar, and the European-Africa-Middle Eastern Campaign Medal; and

Whereas, The Halstead family must certainly be one of the most decorated in the history of World War II; and

Whereas, Samuel's family (he and his wife Helen Louise Zuspan Halstead, to whom he was married for 69 years, had four sons: Samuel Edward Jr. [Ed]; Steve; Michael Bruce, who lived for only two days; and Tim) continued the Halstead military legacy with his son Sam Jr. serving in the U.S. Navy in Vietnam and his granddaughter Shonna Rae Halstead Miller (Tim's daughter) serving in Kuwait as a member of the West Virginia National Guard; and

Whereas, James Norton Halstead was originally buried in the Normandy American Cemetery in France, but Cpl. James Norton

Halstead's remains were returned to the States in 1949, and he was buried in the Suncrest Cemetery at Point Pleasant, West Virginia; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of the Halstead Brothers; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a bridge built in 2018 bearing the number NHPP-035(202)(11349)(35-19.01) carrying U.S. Route 35 in Mason County, crossing over Black Oak Road, County Route 78, as the "Halstead Brothers WWII Veterans Memorial Bridge;" and, be it

Further Resolved, That the commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "Halstead Brothers WWII Veterans Memorial Bridge"; and, be it

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

Delegates Conley, Rohrbach, J. Kelly, Holstein, Anderson, Reynolds, Toney, J. Pack, Nestor, Hott, Pritt, Phillips, Skaff, Storch, B. Ward, G. Ward, Tully, Mallow, Longanacre, Keaton, J. Jeffries, Ferrell, Bruce, Booth, Barnhart and Jennings offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. C. R. 42 - "Recognizing the roles and the contributions of all of the members of West Virginia's medical profession for their exemplary and heroic work under very difficult situations during this COVID-19 Pandemic and their role in providing quality health care for the public."

Whereas, The medical profession of West Virginia, is essential to West Virginia's health care system, providing high-quality, cost-effective care for our residents; and

Whereas, The COVID-19 Pandemic has created a medical situation the likes of which have not been experienced in our country and state in 100 years; and

Whereas, West Virginia's medical profession became our first responders on the front lines to face the effects of this deadly virus and to provide care to its victims, while they risked contracting this virus and strived to develop the methods of treating the victims, developing means and methods of protection from its grip; and

Whereas, West Virginia's medical profession performed to treat COVID-19 victims in every setting in which treatment is delivered, including all hospital services, emergency rooms, doctors' offices the offices of dentists, podiatrists, ophthalmologists, and plastic surgeons; ambulatory surgical centers; paramedics and other medical facilities, therefore, be it

Resolved by the Legislature of West Virginia:

The roles and the contributions of all of the members of West Virginia's medical profession for their exemplary and heroic work under very difficult situations during this COVID-19 Pandemic and their role in providing quality health care for the public are hereby recognized with the thanks of a grateful state.

Delegates Toney, J. Pack, Rohrbach, Maynard and Bates offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 43 - "Requesting the Division of Highways name that portion of County Route 1, beginning at Toney Fork Road at the Clear Creek Presbyterian Church and ending at the Clear Fork Unincorporated sign next to Goodie's Place Lane, in Raleigh County, the 'U.S. Army CSM Hugh H. "Smokey" Stover Memorial Road'."

Whereas, U.S. Army Command Sergeant Major Hugh H. "Smokey" Stover was born at Clear Creek, West Virginia on September 30, 1919, to Huey H and Nora Clay Stover, and passed away on March 12, 2010, in Shady Spring, West Virginia; and

Whereas, Command Sergeant Major Stover retired from the Army with more than 27 years of service, having entered the Army in 1940 as the United States began its military buildup for World War II. During the 35 months he spent in the Pacific, including the New Guinea Campaign, and earned the Bronze Star medal for meritorious service. In addition to the Bronze Star, he earned the Army Commendation Medal, the Combat Infantryman Badge, the Good Conduct Medal with eight clasps, the National Defense Service Medal with two Oak Leaf Clusters, the American Defense Service Medal, the Pacific Campaign Medal and the Army Occupation Medal (Germany); and

Whereas, Upon his retirement from the Army, Command Sergeant Major Stover was a truck driver for Raleigh Ready Mix. He helped in the construction of the New River Gorge Bridge; and

Whereas, Command Sergeant Major Stover was an avid baseball fan and played for the Raleigh County League "B" Division in Ameagle. He continued playing baseball and ran track while in the military. He was a member of the First Baptist Church of Shady Spring; and

Whereas, In addition to his parents, Command Sergeant Major Stover was preceded in death by his wife of 56 years, Christine Stover; brothers, Glen, Wade, Tracy, Gerald Wayne "Jim", Sheldon, Nelson; sisters, Ora Dunbar, Farris Buzzard, Sally Scarbro and Vicky Stover; and

Whereas, At the time of his passing, Command Sergeant Major Stover's left behind his daughter, Karen and her husband, Danny Wood; son, Stephen and wife, Evangeline; grandchildren, Eric Wood and his wife, Amy; Adam Wood and wife, Angela; Ryan Wood, Matthew Stover; Megan and husband, Chris Genge; Zach Stover and his wife, Tiffany; Great-grandchildren Amanda and Lacie Wood, Brett Wood, Payton, Gavin Stover and Jonas Genge; his sisters, Wanda Craddock; Ruby and husband, Chuck Gloch; Susie and husband, Harvey Atkins; and his brothers, Elbert and wife, Kitty Stover; Doff and wife, Doralene Kincaid; and

Whereas, It is fitting that an enduring memorial be established to commemorate Command Sergeant Major Stover and his contributions to our nation, state and his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that portion of County Route 1, beginning at Toney Fork Road at the Clear Creek Presbyterian Church and ending at the Clear Fork Unincorporated sign next to Goodie's Place Lane, in Raleigh County, the "U.S. Army CSM Hugh H. 'Smokey' Stover Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the road as the "U.S. Army CSM Hugh H. 'Smokey' Stover Memorial Road"; and, be it

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

Delegates Gearheart, Smith, Ellington, Evans, Cooper, Toney, Paynter and J. Pack offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 44 - "Requesting the Division of Highways name bridge number 28-019/00-020.58 (28A187), (37.43298, -81.11005) locally known as Gardner Road Bridge, carrying US 19 over Bluestone River in Mercer County, the 'Timothy Wayne Farley Memorial Bridge'."

Whereas, Timothy Wayne Farley, a Spanishburg native, founding Chief of the Bluestone Valley Volunteer Fire Department and 16-year veteran of the Mercer County Emergency Management Director and Flood Plain Manager died suddenly and unexpectedly on January 23, 2021 at the age of 64. Tim is survived by his wife, Debbie, son, Lt. Col. Matthew Tad Farley, US Air Force, his wife Rebecca and their three children; and

Whereas, Tim was a devoted community servant with a lifelong commitment to service that shown brightly during his teenage years when he led the Spanishburg High School Wildcats to an undefeated 20-0 season in 1974 and earned All-Area Team honors. He continued that commitment to excellence in college where he played basketball for the Bluefield State Big Blues earning All-West Virginia Conference Honorable Mention honors in 1976 and later graduated with a dual degree in electrical engineering and business administration; and

Whereas, Tim and his childhood sweetheart, Debbie (Henry) Farley, lived and worked in the Spanishburg area. While Tim worked various jobs including truck driver, he and his wife owned and operated the Valley General store across US Route 19 from the high school. The Farleys dedicated their lives to raising their son, Matthew and serving their community. Tim took a leadership role in the effort to establish the Bluestone Valley Volunteer Fire Department and became the departments first chief — a role he still held at the time of his death; and

Whereas, In 2005, Tim was appointed to serve as Mercer County Emergency Services Director/Flood Plain Manager. His education, life experiences, dedication to helping others and willingness to meet intense challenges during times of trouble combined to earn him the highest level of respect locally, statewide, and regionally in emergency service circles. His calm demeanor and clarity of focus were called to the forefront during the period of local, regional, national, and international emergency the COVID-19 Pandemic. Tim's steadfast heart and unyielding focus gave guidance and comfort to all those he worked tirelessly to help during this time of uncertainty. A Christian soldier at heart, Tim's life of service appeared to be driven by the words in Isaiah 6:8 — Then I heard the voice of the Lord saying, "Whom shall I Send? And who will go for us?" And I said, "Here am I. Send me"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Timothy Wayne Farley and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 28-019/00-020.58 (28A187), (37.43298, - 81.11005) locally known as Gardner Road Bridge, carrying US 19 over Bluestone River in Mercer County, the “Timothy Wayne Farley 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 “Timothy Wayne Farley Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways. Delegate Linville offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 45 - “Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), (38.22218, - 82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the ‘USMC CPL Guy Maywood Edwards Memorial Bridge’.”

Whereas, United States Marine Corps Corporal Guy Maywood Edwards was born on September 13, 1918, in Myra, West Virginia, to Hiram Otho Edwards and Elmyra Elizabeth Porter Edwards; and

Whereas, Corporal Edwards graduated from Hamlin High School, and enlisted in the Marines during the winter of 1942; and

Whereas, Corporal Edwards was serving with the Fourth Division of the Marines and, despite having been wounded in October, 1944 on Saipan in the Marina Islands, landed on Iwo Jima on February 20, 1945, ready for duty. Corporal Edwards was killed in action six days later on February 26, 1945; and

Whereas, Corporal Edwards’ brother PFC Donald Edwards was also serving in the Fourth Marine Division on Iwo Jima and was wounded on February 28, 1945; and

Whereas, It is right and just to honor the memory of United States Marine Corps Corporal Guy Maywood Edwards, who so ably served his country and state, and having made the ultimate sacrifice by naming this bridge after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-007/00-021.18 (22A153), (38.22218, - 82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the “USMC CPL Guy Maywood Edwards 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 “USMC CPL Guy Maywood Edwards Memorial Bridge”; and, be it

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

Bills Introduced

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

By Delegate Linville:

H. B. 3059 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating to contract terms and conditions and the inability of government officials to agree with certain contract terms”; to the Committee on Government Organization.

By Delegate Griffith:

H. B. 3060 - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended; and to amend the code by adding thereto a new section, designated §61-8-19c, all relating to animal cruelty; defining standards for unlawful animal tethering”; to the Committee on the Judiciary.

By Delegate Wamsley:

H. B. 3061 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to exempting disabled veterans with any percentage of disability from the payment of registration fees under the provisions of this chapter”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Mallow, Forsht, Booth, Bridges, Holstein, Mazzocchi and Kimble:

H. B. 3062 - “A Bill to amend and reenact §5C-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-6A-5a of said code; and to amend and reenact §11-13A-6 of said code, all relating to ensuring that coal remains the primary source of power in West Virginia during emergency weather events; limiting the new amount of permits to construct wind power plant, wind power farm, or ‘windmills’ for power generally in West Virginia; and providing that for each new wind powered facility built in West Virginia, there is an offset in the amount of taxes paid by new and existing coal fired power plants”; to the Committee on Energy and Manufacturing then Finance.

By Delegates Mandt, Ferrell, Criss, Fast, Hanna, Pritt, McGeehan, Phillips, Worrell and Hott:

H. B. 3063 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-16-1, relating to ensuring that the West Virginia Legislature has the power and authority to review presidential executive orders and federal actions; and prohibiting implementation of unconstitutional actions”; to the Committee on the Judiciary.

By Delegate Wamsley:

H. B. 3064 - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to providing that any resident of West Virginia, honorably discharged from the Armed Forces of the United States of America, who has a service related disability, regardless of percentage, as certified to by the Veterans Administration, may hunt, trap, or fish in this state without obtaining a license”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegate Wamsley:

H. B. 3065 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6M-1 and §11-6M-2, relating to personal property tax exemptions for certain veterans and persons; and providing rulemaking authority to the Tax Commissioner”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate Wamsley:

H. B. 3066 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to expanding state income tax exemptions to all disabled veterans as certified by the Veteran Administration in connection with their military service, and the next of kin (Gold star certified family) to all military members killed in action and those who are prisoners of war”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Cooper, Dean, Haynes, Zatezalo and Barnhart:

H. B. 3067 - “A Bill to amend and reenact §11-6B-3 and §11-6B-7 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of the homestead exemption in West Virginia from \$20,000 to \$30,000”; to the Committee on Finance.

By Delegates Cooper, Haynes, Toney, Reynolds, B. Ward and Anderson:

H. B. 3068 - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from taxation the primary residence of combat injured veterans with 100 percent disability as a result of the combat”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Hanshaw (Mr. Speaker) and Jennings:

H. B. 3069 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-10-7, relating to cooperation between law-enforcement personnel and military authorities”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegate Higginbotham:

H. B. 3070 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-6c, relating to creating a decreasing modification reducing federal taxable income subject to the corporate net income tax for the income of businesses relocating from The People’s Republic of China; effective date”; to the Committee on Finance.

By Delegate Higginbotham:

H. B. 3071 - “A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to adding one to the number of magistrates serving Putnam County”; to the Committee on the Judiciary.

By Delegates Steele and Foster:

H. B. 3072 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §19-1A-7 and §30-19-18, both relating to permitting the Director of the Division of Forestry to maintain a list of foresters in the state of West Virginia; allowing for rulemaking; and establishing a sunset provision”; to the Committee on Government Organization.

By Delegates Worrell, Lovejoy, Rowan, Rohrbach, Rowe, Hansen, Brown, Young, Wamsley, Hanna and Kessinger:

H. B. 3073 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-6, relating to establishing the West Virginia Emergency School Food Act; providing findings; directing a county-by-county assessment of noninstructional or nontraditional remote learning day and public virtual school student feeding initiative; food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other noninstructional or nontraditional remote or virtual learning day time periods; providing county board reporting requirements to the Office of Child Nutrition; and directing the Office of Child Nutrition to collect and distribute information regarding available food resources and to create a crisis management and prevention plan that includes an assessment and plan to feed students”; to the Committee on Education then Finance.

By Delegates Higginbotham, Ellington and Rohrbach:

H. B. 3074 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-19-24, relating to information on organ and tissue donations; requiring the state's Department Of Education to develop a curriculum for students in grades nine through 12; allowing parents of children to opt out of receiving instruction or materials relating to anatomical donation; and authorizing public institutions of higher education to provide information to its students"; to the Committee on Education.

By Delegates Gearheart, Smith, Ellington, Fast, Rowan, Longanacre, Paynter, Jennings, Burkhammer and Mazzocchi:

H. B. 3075 - "A Bill to amend and reenact §17-3-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22A-10 and §29-22A-10d of said code, all relating to the Racetrack Modernization Fund; transferring funds remaining in the Racetrack Modernization Fund to the State Road Fund; and closing the Racetrack Modernization Fund"; to the Committee on Finance.

By Delegates Gearheart, Smith, Ellington, Longanacre, Riley and Paynter:

H. B. 3076 - "A Bill to amend and reenact §17-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-16A-6a, all relating to eliminating courtesy patrol programs operated by the Division of Highways and the Parkways Authority"; to the Committee on Government Organization then Finance.

By Delegates Hanshaw (Mr. Speaker) and Jennings:

H. B. 3077 - "A Bill to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, relating to permitting the National Guard to use of established Federal or State Contracts"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

Special Calendar**Unfinished Business**

In the absence of objection, **H. B. 2598**, Altering the definition of an above ground storage tank, was taken up for further consideration.

On motion of Delegate J. Kelly, the title of the bill was amended to read as follows:

H. B. 2598 - “A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to modifying an exception to the definition of an aboveground storage tank; expanding an exception by removing a phrase concerning a location requirement for devices having a capacity of 210 barrels or less, containing brine water or other fluids produced in connection with hydrocarbon production activities.”

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

Third Reading

Com. Sub. for S. B. 126, Authorizing Department of Administration 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. 124**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Dean.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 126) passed.

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

On this question, the yeas and nays were taken (**Roll No. 125**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Dean.

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. 126) takes effect from its passage.

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

Com. Sub. for H. B. 2671, Relating to financial exploitation of elderly persons, protected persons or incapacitated adults; 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. 126**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan, Steele and Thompson.

Absent and Not Voting: Dean.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2671) passed.

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

Com. Sub. for H. B. 2722, Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals; 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. 127**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Dean.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2722) passed.

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

H. B. 2852, Relating to distribution of the allowance for increased enrollment; 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. 128**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Dean.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2852) passed.

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

H. B. 2852 - “A Bill to amend and reenact §18-9A-15 of the Code of West Virginia, 1931, as amended, relating to distribution of the allowance for increased enrollment; removing mandated distribution of 60 percent of allowance based on projected increased enrollment prior to September 1; authorizing advance at district request prior to availability of actual increased enrollment of partial distribution of up to 60 percent of school districts estimated share; and providing for refund of excess distribution.”

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

Second Reading

S. B. 89, Exempting certain kindergarten and preschool programs offered by private schools from registration

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

An amendment, recommended by the Committee on Education, was reported by the Clerk and adopted, amending the bill on page 2, section 113, line 33, after the words “or is”, by inserting the following: “an out-of-school time, summer recreation camp or day camp program”.

On page 2, section 113, line 42, as follows: after the words “church school”, by striking the word who and replacing it with the word “that”.

On page 2, section 113, line 43 by adding the following:

“(10) Any school education program which is operated by a grantee under 42 USC 9801, *et seq.*, the federal Head Start Program. *Provided*, That these programs are required to continue to perform criminal background checks on all employees with a service that includes a RAP back system.”

And,

On page 3, section 113, line 50 after the words “All facilities or programs” by inserting the following: “with the exception of programs operated by county parks and recreation commissions, boards and municipalities”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 295, Relating generally to economic development loans and loan insurance issued by state; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk on page eight, section eleven, beginning on line one hundred forty-four, following the words “transaction records” and the period, by striking out the words “Records of the authority that may be held from time to time by the board pursuant to this subsection shall not be considered public records and shall be exempt from disclosure pursuant to the provisions of §29B-1-1”

et seq. of this code” and the period, and inserting in lieu thereof the words “Records of the authority held from time to time by the board pursuant to this subsection that are not considered public records and that are exempt from disclosure pursuant to the provisions of §31-15-22 of this code or §29B-1-1 et seq. of this code shall remain so while held by the board” and a period.

On page ten, section eleven-a, line forty-one, following the words “authorized by this”, by striking out the word “subsection” and inserting in lieu thereof the word “section”.

On page ten, section eleven-a, line forty-four, following the word “pool” and the period, by striking out the words “The rate shall be set on July 1, 2017” and the comma and inserting in lieu thereof the words “The rate shall be the rate set on July 1, 2017, under prior enactment of §12-6C-11(h) of this code” and a comma.

On page eleven, section eleven-a, line eighty, following the words “insurance agreements” and the comma, by striking out the word “board” and inserting in lieu thereof the words “authority meeting”.

On page eighteen, section eight-a, line thirty, by striking out the section designation “§31G-1-1” and inserting in lieu thereof the section designation “§31G-1-2”.

On page eighteen, section eight-a, line thirty-two, following the words “wireless technology” and the semicolon, by inserting the word “and”.

On page eighteen, section eight-a, line thirty-six, following the words “by the council”, by striking out the period and inserting in lieu thereof a semicolon and the word “or”.

On page twenty-one, section eight-a, line one hundred twelve, following the subdivision designation “(4)” and the word “This”, by striking out the word “provision” and inserting in lieu thereof the word “subsection”.

On page twenty-one, section eight-a, line one hundred eighteen, following the word “section”, by striking out the words “for such applications”.

And,

On page twenty-two, section eight-a, line one hundred thirty-two, following the words “reports and”, by striking out the words “annual legislative audit” and inserting in lieu thereof the words “biennial legislative audits”.

On motion of Delegate Householder, the amendment was amended on page one, line seven, following the words “pursuant to this subsection”, by striking out the words “that are not considered public records and”.

On the question of adoption of the Committee on Finance amendment, as amended, the same was put and prevailed.

Delegate McGeehan moved to amend the bill on page three, section eleven, line seventeen, following the words “authorizes a”, by striking out “\$80” and inserting in lieu thereof “\$50”.

Delegate McGeehan had closed debate on the amendment when Delegate Steele requested to speak to the amendment. Objection being heard, Delegate Steele then so moved.

On the question of reopening debate on the amendment, the same was put and did not prevail.

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. 129**), and there were—yeas 20, nays 79, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Bates, Booth, Conley, Diserio, Fleischauer, Fluharty, Gearheart, J. Jeffries, Kimble, Kimes, Longanacre, Martin, McGeehan, Nestor, Paynter, Pritt, Steele, Thompson, G. Ward and Young.

Absent and Not Voting: Dean.

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

There being no further amendments, the bill was ordered to third reading.

Com. Sub. for H. B. 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; on second reading, coming up in regular order, was read a second time.

Delegates Hansen, Barach, Doyle, Evans, Fleischauer, Fluharty, Griffith, Hornbuckle, Lovejoy, Pushkin, Rowe, Thompson, Walker, Williams, Young, Zukoff moved to amend the bill on page 3, section 1, line 29, following the word “authorized”, by striking out the period and inserting in lieu thereof, the following:

“with the following amendment:

To amend Appendix E, Table 1, for the parameter Cyanide (ug/l) to be 4.0 for Human Health A.

To amend Appendix E, Table 1, for the parameter Acenaphthene (ug/l) to be 90 for Human Health C, and 70 for Human Health A.

To amend Appendix E, Table 1, for the parameter Acrylonitrile (ug/l) retaining the 0.66 for Human Health C, and 0.059 for Human Health A.

To amend Appendix E, Table 1, for the parameter Aldrin (ng/l) to be 0.00077 for Human Health C, and 0.00077 for Human Health A.

To amend Appendix E, Table 1, for the parameter alpa-BHC (alpha- Hexachloro-cyclohexane) (ug/l) to be 0.00039 for Human Health C, and 0.00036 for Human Health A.

To amend Appendix E, Table 1, for the parameter Anthracene (ug/l) to be 400 for Human Health C, and 300 for Human Health A.

To amend Appendix E, Table 1, for the parameter Benzene (ug/l) to be 16 for Human Health C, and 0.58 for Human Health A.

To amend Appendix E, Table 1, for the parameter Benzo(a) Anthracene (ug/l) to be 0.0013 for Human Health C, and 0.0012 for Human Health A.

To amend Appendix E, Table 1, for the parameter Benzo(a) Pyrene (ug/l) to be 0.00013 for Human Health C, and 0.00012 for Human Health A.

To amend Appendix E, Table 1, for the parameter Benzo(b) Fluoranthene (ug/l) to be 0.0013 for Human Health C, and 0.0012 for Human Health A.

To amend Appendix E, Table 1, for the parameter Benzo(k) Fluoranthene (ug/l) to be 0.013 for Human Health C.

To amend Appendix E, Table 1, for the parameter beta-BHC (beta- Hexachloro-cyclohexane) (ug/l) to be 0.0140 for Human Health C, and 0.008 for Human Health A.

To amend Appendix E, Table 1, for the parameter Bromoform (ug/l) retaining the 4.3 for Human Health A.

To amend Appendix E, Table 1, for the parameter Carbon tetrachloride (ug/l) retaining the 4.4 for Human Health C, and 0.25 for Human Health A.

To amend Appendix E, Table 1, for the parameter Chlordane (ng/l) to be 0.32 for Human Health C, and 0.31 for Human Health A.

To amend Appendix E, Table 1, for the parameter Chlorobenzene (mg/l) to be 0.8 for Human Health C, and 0.1 for Human Health A.

To amend Appendix E, Table 1, for the parameter Chloroform (ug/l) retaining the 470 for Human Health C, and 5.7 for Human Health A.

To amend Appendix E, Table 1, for the parameter Dibenzo(a,h)Anthracene (ug/l) to be 0.0001 for Human Health C, and 0.0001 for Human Health A.

To amend Appendix E, Table 1, for the parameter Dichlorobromomethane (ug/l) retaining the 17 for Human Health C, and 0.55 for Human Health A.

To amend Appendix E, Table 1, for the parameter Dieldrin (ng/l) to be 0.0012 for Human Health C, and 0.0012 for Human Health A.

To amend Appendix E, Table 1, for the parameter Dioxin (2,3,7,8- TCDD) (pg/l) to be 0.005 for Human Health C, and 0.0051 for Human Health A.

To amend Appendix E, Table 1, for the parameter Endrin retaining the 2.3 for Human Health C, and 2.3 for Human Health A and all other uses.

To amend Appendix E, Table 1, for the parameter Ethylbenzene (mg/l) to be 0.13 for Human Health C, and 0.068 for Human Health A.

To amend Appendix E, Table 1, for the parameter Fluoranthene (ug/l) to be 20 for Human Health C, and 20 for Human Health A.

To amend Appendix E, Table 1, for the parameter Fluorene (ug/l) to be 70 for Human Health C, and 50 for Human Health A.

To amend Appendix E, Table 1, for the parameter Heptachlor (ng/l) to be 0.0059 for Human Health C, and 0.0059 for Human Health A.

To amend Appendix E, Table 1, for the parameter Hexachlorobenzene (ng/l) to be 0.079 for Human Health C, and 0.079 for Human Health A.

To amend Appendix E, Table 1, for the parameter Indeno(1,2,3-cd)Pyrene (ug/l) to be 0.0013 for Human Health C, and 0.0012 for Human Health A.

To amend Appendix E, Table 1, for the parameter Methoxychlor (ug/l) to be 0.02 for Human Health C, and 0.02 for Human Health A.

To amend Appendix E, Table 1, for the parameter Methylene Chloride (ug/l) retaining the 590 for Human Health C, and 4.6 for Human Health A.

To amend Appendix E, Table 1, for the parameter Pyrene (ug/l) to be 30 for Human Health C, and 20 for Human Health A.

To amend Appendix E, Table 1, for the parameter Tetrachloroethylene (ug/l) retaining the 8.85 for Human Health C, and 0.8 for Human Health A.

To amend Appendix E, Table 1, for the parameter 1,1,2,2-tetrachloroethane (ug/l) retaining the 0.17 for Human Health A.

To amend Appendix E, Table 1, for the parameter 1,1-dichloroethylene (ug/l) retaining the 3.2 for Human Health C, and 0.03 for Human Health A.

To amend Appendix E, Table 1, for the parameter 1,2-dichlorobenzene (mg/l) to be 3 for Human Health C, and 1 for Human Health A.

To amend Appendix E, Table 1, for the parameter 1,2-dichloroethane (ug/l) retaining the 99 for Human Health C, and 0.035 for Human Health A.

To amend Appendix E, Table 1, for the parameter 2-Chloronaphthalene (ug/l) to be 1,000 for Human Health C, and 800 for Human Health A.

To amend Appendix E, Table 1, for the parameter 2-Chlorophenol (ug/l) retaining the 400 for Human Health C.

To amend Appendix E, Table 1, for the parameter 2,4-Dimethylphenol (ug/l) retaining the 2,300 for Human Health C.

To amend Appendix E, Table 1, for the parameter Pentachlorophenol (ug/l) to be 0.04 for Human Health C, and 0.03 for Human Health A.

To amend Appendix E, Table 1, for the parameter 2,4,6-Trichlorophenol (ug/l) to be 2.8 for Human Health C, and 1.5 for Human Health A.

To amend Appendix E, Table 1, for the parameter 2,4-Dichlorophenol (ug/l) to be 60 for Human Health C, and 10 for Human Health A.

To amend Appendix E, Table 1, by adding the parameter Bis(2-Ethylhexyl) Phthalate (ug/l) with criteria of 0.37 for Human Health C, and 0.32 for Human Health A.

To amend Appendix E, Table 1, by adding the parameter Butylbenzyl Phthalate (ug/l) with criteria of 0.1 for Human Health C, and 0.1 for Human Health A.

To amend Appendix E, Table 1, by adding the parameter Diethyl Phthalate (ug/l) with criteria of 600 for Human Health C, and 600 for Human Health A.

To amend Appendix E, Table 1, by adding the parameter Dimethyl Phthalate (ug/l) with criteria of 2,000 for Human Health C, and 2,000 for Human Health A.

And,

To amend Appendix E, Table 1, by adding the parameter Di-n-Butyl Phthalate (ug/l) with criteria of 30 for Human Health C, and 20 for Human Health A.”

Delegate Espinosa requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of five or more possibly to be affected and refused to excuse the Member from voting on the amendment and the bill.

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. 130**), and there were—yeas 24, nays 75, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Dean.

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2682, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2758, Requiring the Insurance Commissioner to regulate professional bondsmen; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2763, Creating WV Cyber Incident Reporting; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2770, Including home confinement officers in definition of law-enforcement officers; on second reading, coming up in regular order, was read a second time.

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

H. B. 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2789, Supplementing and amending the appropriations to Public Defender Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2891, Creating minimum statutory standards for law-enforcement officers; on second reading, coming

up in regular order, was, on motion of Delegate Summers, postponed one day.

Com. Sub. for H. B. 2916, Creating the Semiquincentennial Commission for the celebration of the 250th anniversary of the founding of the United States of America; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2932, Protections for Charitable Organizations; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2688, Allow county political parties to have building funds in a similar manner that state parties are allowed,

Com. Sub. for H. B. 2702, To require all public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation,

Com. Sub. for H. B. 2705, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments,

Com. Sub. for H. B. 2785, Relating to public school enrollment for students from out of state,

Com. Sub. for H. B. 2797, Declaring certain claims to be moral obligations of the State,

Com. Sub. for H. B. 2834, Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission,

Com. Sub. for H. B. 2877, Expand direct health care agreements beyond primary care to include more medical care services,

H. B. 2969, To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility,

And,

Com. Sub. for H. B. 2972, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Dean.

Miscellaneous Business

The House of Delegates met at 5:30 p.m. on Wednesday, March 10, 2021 for **Remarks by Members**, in accordance with House Rule 65. The Honorable John Hardy, Assistant Majority Whip, called the House to order and presided while several members proceeded to make remarks. At 6:14 p.m., Remarks by Members was adjourned.

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

- Delegate Fleischauer during Remarks by Members on yesterday

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

H. B. 2052: Delegate Rowe;

H. B. 2057: Delegate L. Pack;

H. B. 2174: Delegate Barnhart;

H. B. 2484: Delegate Rowe;

H. B. 2493: Delegate J. Pack;

H. B. 2524: Delegate Mandt;

H. B. 2602: Delegate Mandt;

H. B. 2681: Delegate Rowe;

H. B. 2695: Delegate Rowe;

H. B. 2721: Delegate Rowe;

H. B. 2742: Delegate Rowe;

H. B. 2752: Delegate Pushkin;

H. B. 2798: Delegates Haynes, Kelly, Paynter, Sypolt, Walker and Zukoff;

H. B. 2874: Delegate Zukoff;

H. B. 3009: Delegate Smith;

And,

H. B. 3060: Delegate Booth.

At 12:29 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 12, 2021.

Friday, March 12, 2021

THIRTY-FIRST DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Thursday, March 11, 2021, 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 H. B. 2804, on Third reading, Special Calendar, had been placed to follow H. B. 2788 on Third reading, Special Calendar; Com. Sub. for H. B. 2770, on Third reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 2702, on Second reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

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

H. B. 2817, Donated Drug Repository Program,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2817 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §60B-1-1, §60B-1-2, §60B-1-3, §60B-1-4, §60B-1-5, §60B-1-6, §60B-1-7, and §60B-1-8, all relating to creating the Donated Drug Repository Program; establishing the West Virginia Board of Pharmacy has the authority to administer the program; setting forth eligible drugs and eligible recipients; establishing how the drugs are to be received, handled, stored, dispensed, distributed, and disposed of; providing immunity; permitting a handling fee; defining terms; and requiring rule-making.”

With the recommendation that the committee substitute do pass.

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

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

H. B. 2634, Coverage for the treatment of chronic pain,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2634 – “A Bill to amend and reenact §16-54-8 of the Code of West Virginia, 1931, as amended, relating to treatment of pain; and requiring insurance providers to provide coverage certain treatment.”

With the recommendation that the committee substitute do pass.

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

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

H. B. 2861, Relating to medical evaluation reports for workers compensation,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2861) was referred to the Committee on the Judiciary.

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

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

H. B. 2808, Remove salt from list and definition of “mineral” for severance tax purposes,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2808) was referred to the Committee on Finance.

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

Your Committee on Energy and Manufacturing has had under consideration:

S. B. 404, Modifying well work permits issued by DEP Office of Oil and Gas,

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

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

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 2667, To create a cost saving program for state buildings regarding energy efficiency,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2667) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 2805, Making Pierpont Community and Technical College a division of Fairmont State University known as the Pierpont College of Community and Technical Education,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2805) was referred to the Committee on Finance.

On motions for leave, the following bills were introduced (Originating in the Committee on the Judiciary and reported with the recommendation that they each do pass), which were read by their titles, as follows:

By Delegates Capito, Keaton and L. Pack:

H. B. 3131 - "A Bill to amend and reenact §24-2H-3, §24-2H-5, and §24-2H-8 of the Code of West Virginia, 1931, as amended, all relating to correcting internal code references and citations in those sections,"

And,

By Delegates Capito, Keaton and L. Pack:

H. B. 3133 - “A Bill to amend and reenact §24A-5-2 of the Code of West Virginia, 1931, as amended, and to amend and reenact §24A-2-5 of said code, all relating to restoring language to the code setting forth the process to change rates for motor carriers that was inadvertently deleted and replaced; and to correct an erroneous exclusion to include the appropriate language relating to transfer of certificate.”

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

By Delegates Capito, Keaton, L. Pack and Bruce:

H. B. 3128 - “A Bill to amend §24-6-6b of the Code of West Virginia, 1931, as amended, relating to basing the carrier fee on 911 fee revenue only; clarifying that payments to counties are based on net 911 fee revenues received by the Commission; and requiring the public safety fee to be shown as two separate line items on a customer’s bill.”

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

Your Committee on Finance has had under consideration:

H. B. 2794, To extend the Neighborhood Investment Program Act to July 1, 2026 and to increase the allowable tax credit from \$3,000,000 to \$5,000,000,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2794 - “A Bill to amend and reenact §11-13J-12 of the Code of West Virginia, 1931, as amended, all relating to extending the duration of the Neighborhood Investment Program until July 1, 2026,”

With the recommendation that the committee substitute do pass.

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

By Delegates Capito, Lovejoy, Fast, Pushkin, Brown, Pinson, Fluharty, L. Pack and Queen:

H. B. 3078 - "A Bill to amend and reenact §62-12-13 of the West Virginia Code, 1931, as amended, relating to the powers and duties of the parole board, the procedure for granting parole and the conditions of reason on parole."

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

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 22, Bill O'Dell Memorial Bridge,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. C. R. 22 - "Requesting the Division of Highways name bridge number: 51-022/00-000.16 (51A094), (38.51804, -80.44792) locally known as GRASSY CREEK BX BM, carrying CR 22 over GRASSY CREEK in Webster county, the 'U. S. Army PVT Bill O'Dell Memorial Bridge',"

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 22) was referred to the Committee on Rules.

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

Your Committee on Technology and Infrastructure has had under consideration:

S. C. R. 15, Extending certain leases between US Army Corps of Engineers and Nicholas County Airport Authority,

H. C. R. 8, U.S. Army SFC Guy Hively Memorial Bridge,

H. C. R. 13, TEC 5 U. S. Army Donald “Tiny” Lucas Memorial Bridge,

H. C. R. 16, PFC Franklin D. Frazier Memorial Road,

And,

H. C. R. 32, To name Gatewood Road in Fayette County as the “Senator Shirley Love Memorial Road”,

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

In accordance with the former direction of the Speaker, the resolutions (S. C. R. 15, H. C. R. 8, H. C. R. 13, H. C. R.16 and H. C. R. 32) were each referred to the Committee on Rules.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2400, Authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety rules,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2400 - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety rules; relating to authorizing the Division of Motor Vehicles to

promulgate a legislative rule relating to examination and issuance of driver's license; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals and reinstatement of driving privileges; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to compulsory motor vehicle liability insurance, and relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to special purpose vehicles,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2838, Authorize the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds, and to create the State Auditor's Public Integrity and Fraud Fund for use of said funds,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2838) was referred to the Committee on Finance.

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

By Delegates Westfall, Hott, Barnhart, Bates, Criss, Espinosa, Garcia, Lovejoy, Reed, Rowe and Williams:

H. B. 3081 - "A Bill to amend and reenact §31D-7-708 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31E-7-708 of said code, all relating to remote

communications for shareholder meetings; amending the West Virginia Business Corporation Act and the West Virginia Nonprofit Corporation Act; authorizing corporations to conduct shareholder meetings by remote communication; requiring shareholder meetings by remote communications be subject to guidelines and procedures; providing the board of directors the authority to set a shareholder meeting by remote communication; authorizing nonprofit corporations to conduct member meetings by remote communication; requiring member meetings by remote communications be subject to guidelines and procedures; and providing the board of directors the authority to set a member meeting by remote communication and making the amendments effective upon passage.”

Delegate Jennings, Chair of the Committee on Veterans’ Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans’ Affairs and Homeland Security has had under consideration:

H. B. 2747, Transferring the Parole Board to the Office of Administrative Hearings,

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

At the request of Delegate Summers, and by unanimous consent, the bill was recommitted to the Committee on Veterans’ Affairs and Homeland Security.

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. 9, Urging Congress to call a convention of states to limit terms of office of the US House of Representatives,

H. C. R. 35, Requesting the Department of Health and Human Resources to continuously evaluate the child welfare system,

H. R. 14, Resolution on West Virginia's Energy Future,

And,

S. C. R. 4, Recognizing June 19 as Juneteenth Day,

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

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 11, 2021, he approved **Com. Sub. for H. B. 2012**.

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 and the passage, as amended, of

Com. Sub. for S. B. 216, Authorizing Department of Commerce to promulgate legislative rules.

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. 272, Relating to WV Employment Law Worker Classification Act.

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. 277, Creating COVID-19 Jobs Protection Act.

A message from the Senate, by

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

Com. Sub. for S. B. 314 - “A Bill to amend and reenact §47-26-1 and §47-26-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §47-26-2a, all relating generally to the regulation of pawnbrokers; defining terms; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting in certain items; creating misdemeanor offenses for certain acts; and increasing the penalties for existing criminal offenses related to pawnbrokers”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Linville, Maynard and J. Jeffries offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 46 - “Requesting the Division of Highways name bridge number 22-037/00-003.29 (22A163), (38.09662, -82.18916) locally known as Fourteen Mile Tub Girder Bridge, carrying WV 37 over Fourteen Mile Creek in Lincoln County, the ‘U. S. Navy BM1 Farris Burton Memorial Bridge’.”

Whereas, Farris Burton was born April 26, 1925, in Logan County, WV, to Carr and Bessie Burton. He grew up in Amherstdale near Man, WV, along with his siblings. This is also where he met his first love and future wife of 54 years, Bessie (Hager); and

Whereas, BM1 Farris Burton enlisted in the United States Navy on April 26, 1942, his 17th birthday, during World War II. During the next four years of service, he travelled to six continents and served on the ships FIRETHORN and ZAANDAM. He bravely served his country during wartime aboard ship across the seas earning medals for service, bravery and heroism; and

Whereas, As an old man, decades after the war, a fellow sailor contacted BM1 Farris Burton to thank him for saving his life by pulling him, nearly unconscious, aboard a lifeboat. In a separate incident, without regard for his personal safety, BM1 Farris Burton took off his own life jacket and gave it to another man who was struggling in turbulent waters overboard their capsized ship. During his tenure, he survived not one, but two sinking ships, once sailing in a damaged lifeboat for 8 days before the survivors made landfall off the coast of Brazil. It was during his days aboard ship that he said a still small voice began speaking to his conscience. BM1 Farris Burton would later not only give his life to the Lord but become an ordained minister leading hundreds of souls to Christ; and

Whereas, BM1 Farris Burton received an honorable discharge from duty on April 26, 1946. For his service, BM1 Farris Burton received numerous awards, including the Navy and Marine Corp Medal for outstanding duty, World War II Victory Medal, American Campaign Medal, Asiatic Pacific Campaign Medal, European-African-Middle Eastern Campaign Medal, Combat Action Ribbon, Discharge Button, and the Honorable Discharge Button; and

Whereas, After his service in the US Navy, BM1 Farris Burton became a family man and he and his wife Bessie made their home in Ranger, WV, raising nine children. Farris worked as a coal miner and for the WV Department of Highways to provide for his family while also spending countless hours traveling the roads of Lincoln, Logan and surrounding counties to preach the gospel of Christ and minister to those in need; and

Whereas, BM1 Farris Burton became an ordained minister in the Bethlehem Association of United Baptist Churches in 1956 and, at the time of his passing, was the longest tenured minister in the association. During his time in the ministry, he performed approximately 400 marriages. He served as pastor at Center Point United Baptist Church in West Hamlin, WV, for 18 years until 1977 when he retired. He continued to preach the Lord's message in regular appointments until recent years when his health declined, and he was no longer able; and

Whereas, BM1 Farris Burton was preceded in death by his first wife and mother of his children, Bessie (Hager) as well as three children: Ivan (Shirley) Burton, Gloria Donahue, David (Kathy) Burton, a son-in-law, Donald Salmons, and infant granddaughter, Michelle; and

Whereas, BM1 Farris Burton was survived by his wife of 22 years, Mildred (Thompson). He is also survived by six children: Farris Jr. (Sandra) of West Hamlin, WV; Carolyn Salmons of Canton, OH; Darrell (Coni) Burton of Williamstown, WV; Janice “Darlene” Colegrove (George) of Salt Rock, WV; Beth “Amy” Jackson (Ray) of Surfside Beach, SC; Rebecca Clay (Cameron) of Hamlin, WV; and a son-in-law, Keith Donahue I (Betsy) of Culloden, WV. Papaw Burton is lovingly remembered by his 26 grandchildren, 55 great-grandchildren and a great, great-grandchild, all of whom he taught to pray, wink, snap, joke and was always there to give chewing gum or other goodies. Farris is also survived by a large, loving extended family and church family; and

Whereas, It is fitting that an enduring memorial be established to commemorate BM1 Farris Burton 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: 22-037/00-003.29 (22A163), (38.09662, -82.18916) locally known as Fourteen Mile Tub Girder Bridge, carrying WV 37 over Fourteen Mile Creek in Lincoln county, the “U. S. Navy BM1 Farris Burton 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. Navy BM1 Farris Burton Memorial Bridge”; and, be it

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

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

H. C. R. 47 - “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 ‘SP5 Terry Lee McClanahan Memorial Bridge’.”

Whereas, Terry Lee McClanahan was born on August 19, 1950, in Chesapeake, West Virginia to Collett Nathaniel and Margaret Imogene Connard McClanahan; and

Whereas, Terry Lee McClanahan had three brothers and two sisters: Capt. Eugene McClanahan who served in the United States Army; Private Jerry McClanahan who served in the United States Army; Roy Allen McClanahan; Kitty Carol McClanahan; and Beverly Ann McClanahan; and

Whereas, Terry Lee McClanahan was a graduate of East Bank High School, assistant scoutmaster of Troop 181 in Chesapeake, West Virginia, and attended the First Baptist Church of Chesapeake; and

Whereas, Terry Lee McClanahan enlisted in the United States Army and served in the Vietnam War, beginning his tour of duty on April 11, 1970. Terry Lee McClanahan attained the rank of Specialist Five with the Americal Division, 8th Cavalry, F Troop, and was an AH-1 Attack Helicopter Repairer; and

Whereas, Tragically, SP5 Terry Lee McClanahan was killed on March 6, 1971, by artillery or mortar fire during hostile action in the Quang Tri Province, South Vietnam; and

Whereas, SP5 Terry Lee McClanahan’s remains were recovered and he was buried in Montgomery Memorial Park in London, Kanawha County, West Virginia; and

Whereas, SP5 Terry Lee McClanahan was awarded the Bronze Star and The Purple Heart; and

Whereas, It is fitting that an enduring memorial be established to commemorate SP5 Terry Lee McClanahan's service to and sacrifice for 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 20-061/00-016.01 (20A184), (38.23939, -81.5576) locally known as Lens Creek Temporary Bridge, carrying WV 61 over Lens Creek in Kanawha County, the "SP5 Terry Lee McClanahan 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 "SP5 Terry Lee McClanahan Memorial Bridge"; and, be it

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

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Forsht, Bruce and Mallow:

H. J. R. 28 - "Proposing an amendment to the Constitution of the State of West Virginia, amending article VIII thereof by adding thereto new language within section 8-3, relating to requiring that anyone elected as a justice of the West Virginia Supreme Court of Appeals must have not less than three years of full-time experience as a trial lawyer in West Virginia, a judge of a trial court of record in West Virginia, or a judge of an appellate court of record in West Virginia to which appeals from trial courts of record are taken"; to the Committee on the Judiciary.

Motions

Delegate McGeehan was recognized and moved, pursuant to House Rule 82, that H. B. 2138 be discharged from the Committee on Veterans' Affairs and Homeland Security.

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

The yeas and nays having been ordered, they were taken (**Roll No. 131**), and there were—yeas 26, nays 71, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Barach, Bates, Booth, Brown, Dean, Diserio, Evans, Fluharty, Hanna, Hornbuckle, J. Jeffries, Jennings, Kimble, Lovejoy, McGeehan, Nestor, Paynter, Phillips, Pritt, Pushkin, Thompson, Walker, G. Ward, Williams, Worrell and Young.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

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

Bills Introduced

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

By Delegates Anderson and J. Kelly:

H. B. 3082 - “A Bill to amend and reenact §22-5-2 and §22-5-4 of the Code of West Virginia, 1931, as amended, both relating to air pollution control; and granting to the West Virginia Department of Environmental Protection Division of Air Quality the authority to invest the money held in the Air Pollution Control Fund (Fund #3336) and the Air Pollution Education and Environment Fund (Fund #3024) in order to receive interest on the funds held in those accounts in order to offset decreasing permit fee collections and to preserve funding for the West Virginia Department of Environmental Protection Division of Air Quality”; to the Committee on Finance.

By Delegates Forsht, Hardy and Mallow:

H. B. 3083 - “A Bill to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended, relating to requiring runoff elections in the general election for judiciary candidates if the candidate with the most votes receives at least five percent more votes than the candidate with the next highest vote total during the primary election”; to the Committee on the Judiciary.

By Delegates Maynard, Steele, J. Pack, Anderson, Bridges, J. Jeffries, Dean, Paynter, J. Kelly, Zatezalo and Clark:

H. B. 3084 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-10E-1, §5010E-2, §5-10E-3, §5-10E-4, §5-10E-5, §5-10E-6, §5-10E-7, §5-10E-8, and §5-10E-9, relating to the West Virginia Public Employees Retirement system; prohibiting the investment of funds in companies divesting from natural gas, oil, coal, petrochemicals, forestry products, or agriculture commodities; empowering the board to name restricted businesses to a restricted business list; empowering the board to remove investments from restricted businesses with notice; providing for immunity for actors under this article”; to the Committee on Pensions and Retirement then Finance.

By Delegates Westfall and Hott:

H. B. 3085 - “A Bill to amend and reenact §33-41-8 and §33-41-8a of the Code of West Virginia, 1931, as amended, relating to the consolidating the positions of the Inspector General of the former Workers’ Compensation Commission’s Fraud and Abuse Unit and the position of Director of the Insurance Fraud Unit”; to the Committee on Banking and Insurance then Government Organization.

By Delegate McGeehan:

H. B. 3086 - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to personal property tax; exempting motor vehicles from personal property tax”; to the Committee on Technology and Infrastructure then Finance.

By Delegates G. Ward and Higginbotham:

H. B. 3087 - “A Bill to amend and reenact §18-7A-25, §18-7A-25b, and §18-7A-38 of the Code of West Virginia, 1931, as amended, relating to retirement of public school teachers; allowing public school teachers to receive five years of credited service if they accept subsequent employment in a public charter school; allowing public charter school employment for retired members without penalty”; to the Committee on Education then Finance.

By Delegates G. Ward, Haynes and Jennings:

H. B. 3088 - “A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to assessment value of wind turbines; permitting counties to assess wind turbines from salvage value to true and actual value”; to the Committee on Energy and Manufacturing then Finance.

By Delegates G. Ward, Anderson, Riley, J. Kelly, Paynter, Queen, L. Pack, Haynes, Kimble, Ferrell and Holstein:

H. B. 3089 - “A Bill to amend and reenact §15-5-2 the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated and §15-5-30, all relating to defining, as ‘essential workers’, employees or contractors who work for companies that fall under the definition of essential business activities during a state of emergency or state of preparedness to ensure that utility services can continue to operate or be restored”; to the Committee on Workforce Development then the Judiciary.

By Delegates Fleischauer, Pushkin, Young, Kessinger, Bates, Hansen, Doyle, Zukoff, Griffith, Lovejoy and Garcia:

H. B. 3090 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6C-5-1, §6C-5-2, §6C-5-3, §6C-5-4 and §6C-5-5, all relating to enacting the Ban-the-Box Act, prohibiting public employers from asking applicants for employment to disclose information concerning the applicant’s criminal record or history, under certain circumstances”; to the Committee on Workforce Development then the Judiciary.

By Delegates Fleischauer, Rowe, Hansen, Young, Doyle, Griffith, Lovejoy, Garcia, Skaff, Miller and Bates:

H. B. 3091 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16-3ii, relating to creating the Advance Mental Health and Addiction Parity Act; providing definitions; providing for coverage of medically necessary mental health and substance use disorder services; requiring that medical necessity determinations follow generally accepted standards; prohibiting discretionary clauses;

and providing for severability”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Fleischauer, Pinson, Thompson, Young, Doyle, Zukoff, Griffith, Lovejoy, Garcia, Skaff and Miller:

H. B. 3092 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, §16-63-6, §16-63-7, §16-63-8, §16-63-9, §16-63-10, §16-63-11, §16-63-12, §16-63-13, §16-63-14, and §16-63-15, all relating to ensuring that all workers in West Virginia can address their own health and safety needs and the health and safety needs of their families by requiring employers to provide a minimum level of paid sick time, including time to care for their family members; diminishing public and private health care costs and promoting preventive health services in West Virginia by enabling workers to seek early and routine medical care for themselves and their family members; protecting the public’s health in West Virginia by reducing the risk of contagion, including during a public health emergency, and to ensure that workers in West Virginia and their families can follow the orders and recommendations of public health officials or health care professionals during an emergency that threatens their health and the health of others in the community; promoting the economic security and stability of workers and their families; protecting employees in West Virginia from losing their jobs or facing workplace discipline when they use the paid sick time they earn to care for themselves or their families; assisting victims of domestic violence and their family members by providing them job-protected time away from work to receive treatment and to take the necessary steps to ensure their safety; safeguarding the public welfare, health, safety and prosperity of the people of West Virginia; and accomplishing the purposes described in paragraphs (1)-(7) in a manner that is feasible for employers; and all to be known as the ‘Emergency Healthy Families and Workplace Act’”; to the Committee on Workforce Development then Health and Human Resources.

By Delegates Graves, J. Pack, Foster, Keaton, Rohrbach, Kessinger and Pritt:

H. B. 3093 - “A Bill to amend and reenact §19-23-3, §19-23-7 and §19-23-12b of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-3, §29-22A-7 and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8 and §29-22C-10 of said code, all relating to dog racing requirements; modifying certain definitions; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such a license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted; and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates”; to the Committee on the Judiciary.

By Delegates L. Pack, Keaton, Haynes, B. Ward, Pritt, Kimble, Mallow, Burkhammer, Hanna, Martin and Horst:

H. B. 3094 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-1-8, relating to the use of public funds to influence legislation; prohibiting political subdivisions, agencies, commissions, departments, or divisions receiving taxpayer funds from using public funds to influence the outcome of legislation before the West Virginia Legislature”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Horst, Dean, J. Jeffries, Mandt, Bridges, Pritt, Kimble and Holstein:

H. B. 3095 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1, §62-16-2, §62-16-3, §62-16-4, and §62-16-5, all relating to creating the Protection of Property from Warrantless Searches Act; short title; legislative findings; definitions; enumerating conditions for government to enter homes and private land; illegal searches and seizures; and providing right to sue for declaratory and injunctive relief, compensatory and nominal damages, and attorney’s fees”; to the Committee on the Judiciary.

By Delegates J. Pack, Steele and Graves:

H. B. 3096 - “A Bill to amend and reenact §18-28-4 of the Code of West Virginia, 1931, as amended, relating to voluntary participation in state education programs”; to the Committee on Education.

By Delegates Doyle, Hansen, Rowe, Fleischauer, Barach, Griffith, Bates, Evans, Walker, Young and Pushkin:

H. B. 3097 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3, all relating to creating the Corporate Anti-Subsidy Act; permitting West Virginia to enter into the ‘Interstate Compact Agreement Prohibiting Company-Specific Subsidies’; setting a level playing field that would abolish the nationwide practice of company-specific subsidies that currently pits states against one another”; to the Committee on Interstate Cooperation then the Judiciary.

By Delegates Thompson, Walker, Barach and Griffith:

H. B. 3098 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1F-1, §21-1F-2, and §21-1F-3, all relating to mandating that employees may only be discharged for just cause; defining terms; providing for probationary period; rescinding common law presumption of employment at will; and limiting the basis for discharge of protected employees”; to the Committee on Workforce Development then the Judiciary.

By Delegates Keaton, Barnhart, Pinson and Holstein:

H. B. 3099 - “A Bill to amend and reenact §48-10-501 of the Code of West Virginia, 1931, as amended, relating to making the best interest of the child the sole consideration in granting grandparent visitation”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Keaton and Holstein:

H. B. 3100 - “A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting from the consumers sales tax the purchase of plastic and pewter models used in hobbies such as tabletop strategy or role playing gaming and to be known as ‘Jesse’s Law’”; to the Committee on Finance.

By Delegates Nestor, D. Jeffries, Horst, Storch, Pritt, Kimes, Bruce, Hanna, Conley, Forsht and Mallow:

H. B. 3101 - “A Bill to amend and reenact §62-1A-10 of the Code of West Virginia, as amended, relating to preserving the constitutional right of West Virginians to be free from unlawful automotive searches”; to the Committee on the Judiciary.

By Delegates Cooper, Toney, Haynes and Barnhart:

H. B. 3102 - “A Bill to amend and reenact §18A-2-5 of the Code of West Virginia, 1931, as amended, relating to requiring candidates for employment as director of transportation for a county school district to have a minimum of two years’ experience as a bus operator”; to the Committee on Education.

By Delegate Thompson:

H. B. 3103 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated as §11-21-97, relating to providing an annual credit against personal income tax of \$500 for teachers and school service personnel”; to the Committee on Finance.

By Delegate Gearheart:

H. B. 3104 - “A Bill to amend and reenact §17-22-4 of the Code of West Virginia, 1931, as amended, relating to the removal

of specific statutory restrictions on outdoor advertisement”; to the Committee on Government Organization.

By Delegate Lovejoy:

H. B. 3105 - “A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to increasing the salary of the Secretary of the West Virginia Library Commission”; to the Committee on Finance.

By Delegates Barrett, Steele and Fast:

H. B. 3106 - “A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to bail; increasing the time for a secured bond hearing to 10 days”; to the Committee on the Judiciary.

By Delegate Criss:

H. B. 3107 - “A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers’ compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event or events that occurred during their employment; providing for diagnosis; noting that treatment can be conducted by other licensed mental health professionals once the initial diagnosis has been made by a psychiatrist; making benefits and employer immunity contingent on employers adding PTSD to their scope of workers’ compensation coverage; and, requiring the Offices of the Insurance Commission to report annually to the Legislature on first responder PTSD claims”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegate Martin:

H. B. 3108 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-1-10, relating to prohibiting the establishment of a constitution or legal system superior or parallel to the West Virginia Constitution and the West Virginia Code; and providing a criminal penalty”; to the Committee on the Judiciary.

By Delegates Thompson and Dean:

H. B. 3109 - “A Bill to amend and reenact §18A-4-5a and §18A-4-5b of and the Code of West Virginia, 1931, as amended,

all relating to a \$2000 salary pay increase for all teachers and school service personnel”; to the Committee on Finance.

By Delegates Young, Wamsley, Higginbotham, Thompson, Hornbuckle, Zukoff, Walker and Barach:

H. B. 3110 - “A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-1B-7 of said code, all relating to student suicide prevention; requiring suicide prevention phone numbers be printed on student identification cards for students in grades 6-12 in public schools that issue student identification cards; and requiring suicide prevention phone numbers be printed on student identification cards for students in a public or private institution of higher education that issues student identification cards”; to the Committee on Education.

By Delegates Thompson and Barach:

H. B. 3111 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, and §18-34-3, all relating to creating the ‘Support Students Who Are Parenting Act’; requiring the West Virginia Department of Education to establish a policy to support the educational and parenting goals and improve the educational outcomes of pregnant and parenting students; requiring the policy to include certain policies and procedures; requiring each West Virginia county board of education to establish a policy based on the department’s policy; altering the required contents of the pregnant and parenting students attendance policy developed by each county board; and providing an effective date”; to the Committee on Education.

By Delegates Thompson, Evans, Hansen, Young, Pushkin, Griffith, Walker, Zukoff and Barach:

H. B. 3112 - “A Bill to amend and reenact §15A-3-4 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of the Division of Corrections and Rehabilitation to provide dedicated training for employees, with direct contact with inmates in jails or correctional facilities, to learn to recognize and respond to signs of distress, trauma, and suicidal tendencies”; to

the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegates Young, Fluharty, Pushkin and Hornbuckle:

H. B. 3113 - "A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended, relating to removing certain substances from schedule I of the Uniform Controlled Substances Act, including marihuana, Psilocybin, and Tetrahydrocannabinols"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Higginbotham:

H. B. 3114 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, relating to creating the West Virginia Children's Vision Act; and requiring proof of vision examination of children enrolling in West Virginia public or private schools"; to the Committee on Education then Finance.

By Delegates Thompson, Walker, Barach, Griffith, Zukoff and Young:

H. B. 3115 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, §21-5I-6, §21-5I-7, §21-5I-8, §21-5I-9, and §21-5I-10, all relating to requiring earned paid sick leave for all employees; making findings and declaring policy; defining terms; specifying conditions for use of earned paid leave; establishing minimum standards for accrual of earned paid sick leave and retention of accrued leave hours; allowing employers to require documentation of illness or care; requiring employers to develop policies; providing for banking of donation and banking of unused leave; providing for conversion of unused paid sick leave into other benefits; allowing for more generous policies; declaring that this article is not to supersede or prevent the application of other laws regarding leave and benefits; specifying an effective date; and prohibiting discrimination or reprisals"; to the Committee on Workforce Development then Finance.

By Delegates Thompson, Evans, Hansen, Griffith, Young, Walker, Pushkin, Zukoff and Barach:

H. B. 3116 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-31, relating to creating a refundable Earned Income Tax Credit against state personal income tax; providing a phase-in period for rate of credit; and limiting credit to full year residents”; to the Committee on Finance.

By Delegates Thompson, Walker, Griffith, Young and Zukoff:

H. B. 3117 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12m, relating to authorizing a deduction from federal adjusted gross income for certain remote workers or telecommuters”; to the Committee on Finance.

By Delegates Barach, Brown, Doyle, Reynolds, Griffith, Bates, Pushkin, Thompson, Worrell, Hansen and Skaff:

H. B. 3118 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5-19, relating to prohibiting certain noncompete or conflict of interest provisions in employment contracts”; to the Committee on Workforce Development then the Judiciary.

By Delegates Martin and Howell:

H. B. 3119 - “A Bill to amend and reenact §60A-9-5 of the Code of West Virginia, 1931, as amended, relating to adding to the persons who have access to the Controlled Substances Monitoring Database maintained by the Board of Pharmacy”; to the Committee on Health and Human Resources.

By Delegates Thompson, Evans, Griffith, Young, Walker, Pushkin, Zukoff and Barach:

H. B. 3120 - “A Bill to amend and reenact §15A-3-4 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of the Division of Corrections and Rehabilitation to establish a system of medical maintenance by a physician for persons who are newly incarcerated and have been under a medical program requiring a regular dosage of medications necessary for

treatment of a chronic condition”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegate Rowe:

H. B. 3121 - “A Bill to amend and reenact §17G-1-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17G-2-1, §17G-2-2, and §17G-2-3 of said code, all relating to data collection for actions by law-enforcement officers involving motor vehicle drivers, passengers and pedestrians, and subjects in property or domestic violence actions; providing for a reporting procedure on forms of the Division of Motor Vehicles forms used to include information for law enforcement actions involving traffic stops”; to the Committee on the Judiciary.

By Delegate Riley:

H. B. 3122 - “A Bill to amend and reenact §16-13D-1, §16-13D-2, §16-13D-3, §16-13D-4, §16-13D-5, §16-13D-6, §16-13D-8, §16-13D-9, §16-13D-10, §16-13D-11, §16-13D-12, §16-13D-13, §16-13D-14, §16-13D-15, §16-13D-17, and §16-13D-21, of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-13D-22, all relating to the establishment and operation of regional water, wastewater, and stormwater authorities”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Thompson, Walker, Barach, Griffith, Young and Zukoff:

H. B. 3123 - “A Bill to amend and reenact §21-5D-2, §21-5D-4, and §21-5D-6 of the Code of West Virginia, 1931, as amended, all relating to requiring employers to provide paid family leave to employees to attend and care for family members under certain circumstances; amending definitions to include all private and public employers and employees; setting minimum amounts of paid and unpaid family leave; and authorizing employers to require exhaustion of other leave before use of unpaid leave”; to the Committee on Workforce Development then the Judiciary.

By Delegates Thompson, Walker, Barach, Griffith, Diserio, Young, Zukoff and Dean:

H. B. 3124 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1F-1,

§21-1F-2, §21-1F-3, §21-1F-4, §21-1F-5, §21-1F-6, §21-1F-7, §21-1F-8, §21-1F-9, §21-1F-10, §21-1F-11, §21-1F-12, §21-1F-13, §21-1F-14, §21-1F-15, §21-1F-16, §21-1F-17, §21-1F-18, §21-1F-19, and §21-1F-20, all relating to establishing collective bargaining procedures for public employees; declaring legislative policy, defining terms, providing for designation of bargaining units and bargaining representatives; specifying the rights, duties, and powers of employers, employees, and bargaining representatives; providing procedures for negotiation and impasse; creating a Public Employees Relations Board and specifying the powers, duties, and procedures thereof; specifying election procedures for establishing bargaining units; providing for employee access to bargaining representatives; providing for collection of dues or fees by payroll deduction; requiring certain notifications be given to employees; disclosing employee information to bargaining representative; defining violations of the article; establishing requirements for notice and service of process; and providing for protection from personal liability and preservation of constitutional rights”; to the Committee on Government Organization then the Judiciary.

By Delegates Thompson, Boggs, Dean and Barach:

H. B. 3125 - “A Bill to amend and reenact §18A-4-5a of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education to provide additional compensation for teachers assigned duties in addition to the teacher’s regular instructional duties when the noninstructional duties are not a part of the scheduled hours of the regular school day”; to the Committee on Education then Finance.

By Delegates Thompson, Hornbuckle, Walker, Young, Griffith, Zukoff, Barach and Dean:

H. B. 3126 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to the statewide student count; requiring the use of 2019 student count instead of the 2020 student count for use in calculating the state school funding formula and budgeting for the 2021-2022 fiscal year because of the disruptions of the Covid-19 pandemic in 2020”; to the Committee on Education then Finance.

By Delegate Westfall:

H. B. 3127 - “A Bill to amend and reenact §11-1C-5 of the Code of West Virginia, 1931, as amended, relating to creating powers and duties of the State Auditor to audit public utility tax returns; providing subpoena power; and establishing penalties”; to the Committee on Government Organization then Finance.

Special Calendar**Third Reading**

S. B. 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements; on third reading, coming up in regular order, was reported by the Clerk.

Unanimous consent was obtained to amend the bill on third reading and the rule was suspended to permit the offering and consideration of an amendment on third reading.

On motion of Delegate Higginbotham, the bill was amended on page 3, section 113, line 50, by striking out the words “with the exception of programs operated by county parks and recreation commissions, boards and municipalities”.

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. 132**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Hardy and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 89) passed.

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

S. B. 89 - “A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to exempting from

licensure requirements certain education programs operated by private schools with accredited preschool classes and certain recognition by Department of Education, adding language clarifying what programs operated by county parks and recreation departments are exempt from licensure requirements, and exempting certain school programs operated under 42 USC 9801, the federal Head Start Program, from licensure requirements.”

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. 295, Relating generally to economic development loans and loan insurance issued by state; 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. 133**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 295) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk.

Whereupon,

Delegate Householder obtained unanimous consent that the amendment be withdrawn.

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

Com. Sub. for S. B. 295 – “A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-6C-11a;

to amend and reenact §31-15-8 of said code; and to amend said code by adding thereto a new section, designated §31-15-8a, all relating generally to economic development loans and loan insurance issued by the state; clarifying provision stating that the Board of Treasury Investments has no fiduciary duty with regard to economic development loans administered by the Economic Development Authority; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority and providing that certain records so copied and inspected shall be exempt from disclosure pursuant to the provisions of chapter 29B of the code and other law; defining terms; limiting the total amount of loan moneys that the board shall make available to the authority for the Broadband Loan Insurance Program to \$80 million; establishing requirements that must be met before broadband loan insurance moneys will be made available to the authority; limiting the amount of loan insurance that the authority may award in a single year to a single broadband provider to \$20 million; providing that the authority shall maintain broadband loan insurance loan moneys in a separate and segregated account; providing that broadband loan insurance moneys may only be drawn upon in the event of a broadband provider default on an insured debt or security instrument; clarifying that the authority may not deduct administrative or operational costs from broadband loan insurance loan moneys; setting forth requirements that must be met before the authority may withdraw loan insurance moneys in the event of a broadband provider's default; providing that the authority may only use loan insurance moneys to satisfy certain obligations arising under a loan insurance agreement; requiring the authority to submit quarterly reports to the Joint Committee on Government and Finance and to the Governor containing certain information related to its loan insurance program; requiring the authority to make application forms for broadband loan insurance publicly available on its website; establishing the minimum information an applicant for broadband loan insurance shall be required to submit to the authority; establishing minimum criteria that the authority must consider in its broadband loan insurance application review process; establishing that the authority may provide loan insurance for

eligible broadband providers pursuant to awards made by federally funded broadband expansion programs; providing that the authority may not issue loan insurance to a broadband provider that has previously defaulted on any debt or security instrument insured by the authority; requiring the authority to post certain information regarding loan insurance agreements on its website; requiring the authority to adhere to certain accounting and record-keeping practices; requiring the authority to submit quarterly reports to the Board of Treasury Investments, the Joint Committee on Government and Finance, and the Governor containing certain information on insured loans and broadband projects financed by insured loans; requiring a biennial legislative audit of the Broadband Loan Insurance Program; removing obsolete language; and making technical corrections.”

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

On this question, the yeas and nays were taken (**Roll No. 134**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington and J. Kelly.

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. 295) takes effect from its passage.

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

Com. Sub. for H. B. 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; 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. 135**), and there were—yeas 73, nays 24, absent and not voting 3, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2382) passed.

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

On this question, the yeas and nays were taken (**Roll No. 136**), and there were—yeas 74, nays 23, absent and not voting 3, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Bruce, Ellington and J. Kelly.

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. 2382) takes effect from its passage.

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

Com. Sub. for H. B. 2682, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 137**), and there were—yeas 95, nays 2, absent

and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2682) passed.

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

Com. Sub. for H. B. 2758, Requiring the Insurance Commissioner to regulate professional bondsmen; 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. 138**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Foster, J. Jeffries, McGeehan and Paynter.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2758) passed.

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

Com. Sub. for H. B. 2763, Creating WV Cyber Incident Reporting; 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. 139**), and there were—yeas 95, nays 2, absent

and not voting 3, with the nays and absent and not voting being as follows:

Nays: Kimes and McGeehan.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2763) passed.

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

H. B. 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund; 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. 140**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Bruce, Capito, Ellington and J. Kelly.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2788) passed.

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

On this question, the yeas and nays were taken (**Roll No. 141**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Bruce, Ellington, Hardy and J. Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2788) takes effect from its passage.

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

H. B. 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021; 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. 142**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Hardy and J. Kelly.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2804) passed.

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

On this question, the yeas and nays were taken (**Roll No. 143**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Hardy and J. Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2804) takes effect from its passage.

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

Com. Sub. for H. B. 2789, Supplementing and amending the appropriations to Public Defender Services; 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. 144**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

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. 2789) passed.

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

On this question, the yeas and nays were taken (**Roll No. 145**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington and J. Kelly.

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. 2789) takes effect from its passage.

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

Com. Sub. for H. B. 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management; 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. 146**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Fleischauer and J. Kelly.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2802) passed.

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

On this question, the yeas and nays were taken (**Roll No. 147**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Fleischauer and J. Kelly.

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. 2802) takes effect from its passage.

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

Com. Sub. for H. B. 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry; 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. 148**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Bruce, Ellington, Fleischauer and J. Kelly.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2803) passed.

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

On this question, the yeas and nays were taken (**Roll No. 149**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Fleischauer and J. Kelly.

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. 2803) takes effect from its passage.

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

Com. Sub. for H. B. 2916, Creating the Semiquincentennial Commission for the celebration of the 250th anniversary of the founding of the United States of America; 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. 150**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Bruce, Ellington, Fleischauer and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2916) passed.

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

H. B. 2932, Protections for Charitable Organizations; 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. 151**), and there were—yeas 85, nays 12, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Diserio, Fluharty, Garcia, Griffith, Rowe, Skaff, Thompson, Walker, Young and Zukoff.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2932) passed.

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

Second Reading

Com. Sub. for H. B. 2688, Allow county political parties to have building funds in a similar manner that state parties are allowed; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2705, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2785, Relating to public school enrollment for students from out of state; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2797, Declaring certain claims to be moral obligations of the State; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2834, Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2877, Expand direct health care agreements beyond primary care to include more medical care services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2891, Creating minimum statutory standards for law-enforcement officers; on second reading, coming up in regular order, was read a second time.

Delegates Hanna and Higginbotham moved to amend the bill on page 1, section 14, line 10 after the words “The person is”, by striking out the number 21 and replacing it with the number 18.

And,

On page 1, section 14, line 10, after the words “or older” by striking out the words “or will be 21 years of age by the date of his or her academy graduation”.

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. 152**), and there were—yeas 76, nays 20, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Burkhammer, Capito, Cooper, Criss, Espinosa, Haynes, Hott, Howell, D. Kelly, Kessinger, Miller, Pritt, Queen, Rohrbach, Rowan, Summers, Tully, B. Ward, Westfall and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bruce, Ellington, J. Kelly and Williams.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

The bill was then ordered to engrossment and third reading.

H. B. 2969, To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Steele, the bill was amended on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 16D. ELECTRONIC TOLL COLLECTION ACT.

§17-16D-6. Liability of owner.

(a) All owners and operators of motor vehicles shall pay the posted toll when on any toll road, highway or bridge authorized by the Legislature, including any toll collected by a private toll transportation facility pursuant to §17-17-38 of this code, either by paying the toll at a toll collection facility on the toll road, highway or bridge at the time of travel thereon or by paying the toll within the time prescribed for toll payment in a toll billing notice or invoice generated by an electronic toll collection system. These tolls may be collected by electronic toll collection. If an owner or operator of a vehicle fails to pay the prescribed toll when due, the owner of the vehicle is in violation of this article.

(b) If a violation occurs, the registration plate number of the vehicle as recorded by a video collection system establishes a rebuttable presumption for civil enforcement purposes that the owner of the vehicle was operating the vehicle, or had consented to another person operating the vehicle, at that time. This presumption may be overcome only if the owner (1) proves by a preponderance of the evidence that he or she was not in fact operating the vehicle at the time; (2) identifies by name and mailing address the person who was operating the vehicle.

(c) If the presumption is not overcome by a preponderance of the evidence, the owner of the vehicle shall be found to have violated this article and be held responsible for payment of the tolls and the administrative fees and money penalties imposed by this article for failure to timely pay the tolls.

(d) Nothing in this section prohibits: (1) A law-enforcement officer from issuing a citation to a person in control of a vehicle for a violation of this article or other provisions of law at the time of the violation; ~~or~~ (2) the Parkways Authority from issuing reminder notices or making other communications directly or indirectly in connection with toll collection efforts or efforts to enforce violations of this article. The Parkways Authority is authorized to use secondary sources of information and services including, but not limited to, services such as the National Change of Address Service or skip tracing services; or (3) a private toll transportation facility from issuing any notices, reminders or other communications in connection with its toll collection efforts pursuant to §17-17-38(c) and §17-17-38(d) of this code.

§17-16D-10. Evading tolls; damaging, interfering with or obstructing video toll collection or infrastructure; violations and criminal penalties.

(a) Any person who knowingly or intentionally evades or seeks to evade the payment of tolls, rents, fees or charges established by the Parkways Authority for the use of any toll facility under the jurisdiction of the Authority, or of any private toll transportation facility pursuant to §17-17-38 of this code, is guilty of a

misdemeanor and, upon conviction, shall be fined not more than \$50 for each violation of this article.

(b) Any person who deliberately damages, defaces or obstructs a video collection system infrastructure or power supply with the intent to interfere with or alter or prevent the functioning of the system or electronic toll collection, or who obstructs a license plate or causes it to be unreadable by the video collection system, or who causes a transponder or other device used in an electronic toll system to be inoperable or unreadable thereby causing no toll to be charged, including a private toll transportation facility pursuant to §17-17-38 of this code, is guilty of a misdemeanor and, in addition to any other penalties provided by the code, and upon conviction, shall be fined not more than \$500 for each such action and, if applicable, is additionally liable to the Parkways Authority or the private toll transportation facility for all costs incurred ~~by the Authority~~ to repair the damaged, defaced or obstructed property.

ARTICLE 17. TOLL BRIDGES.

§17-17-10. Payment of toll prior to passage; demand of excessive toll; evading payment of toll.

The proprietor of any toll bridge may require lawful toll to be paid previous to a passage thereover. ~~But if there be demanded at any such bridge more than is lawful, the proprietor shall forfeit to the party aggrieved so much as is illegally demanded and a further sum of not less than two nor more than \$15~~ Whoever shall knowingly or intentionally defraud, or attempt to defraud, the proprietor of any toll bridge by evading, or attempting to evade, the payment of lawful toll for crossing such bridge, or whoever shall aid another to evade, or attempt to evade, the payment of such toll, shall be guilty of a misdemeanor and, for every such offense shall, upon conviction thereof, be fined not in excess of \$10.

§17-17-11. Gatekeeper to keep small change.

A gatekeeper on any toll bridge without an electronic toll collection system, as defined in §17-16D-2 of this code, shall keep such money of small denomination on hand, as may reasonably be

required in the ordinary course of business, for making change for passengers, and it is the duty of passengers to offer money for passage of a denomination as near as possible to the amount charged for such passage. This section shall not apply to persons now having a lawful right to pass on such bridge without the payment of toll.

§17-17-12. Failure to provide gatekeeper and to allow prompt passage.

If at any toll bridge without an electronic toll collection system there be a failure to give any person or property a passage over the same in a reasonable time, the proprietor thereof shall forfeit to such person not less than \$2 nor more than \$20. If the keeper of any toll bridge without an electronic toll collection system shall absent himself therefrom without leaving any person in charge of the gates thereon, he shall leave the gates open. Any keeper of a toll bridge without an electronic toll collection who shall fail to comply with the requirements of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined \$50 for every such offense; and any person injured by such failure shall be entitled to recover therefor from such keeper all damages sustained thereby.

§17-17-21. General supervision of bridges under jurisdiction of commissioner.

The ~~state road~~ commissioner of highways shall properly maintain, repair, operate, manage and control the bridges owned by the State, fix the rates of tolls and establish bylaws and rules and regulations for the use and operation of the bridges owned by the State, and may make and enter into all contracts or agreements necessary and incidental to the performance of his duties and the execution of his powers under this article, including power to permit use of such bridges owned by the State by street railways and other transportation lines, and telephone, telegraph, pipe and other lines, and contract with them for such use and fix the terms and conditions thereof and the charges or tolls for such use of the bridges owned by the State.

§17-17-22. Tolls to be charged for bond payment; intrastate and interstate bridges included in one issue; purchasing of existing bridges; disposition of tolls.

Tolls shall be fixed, charged and collected for transit over such bridges owned by the State and shall be so fixed and adjusted, in respect of the aggregate of tolls from the bridge or bridges owned by the State for which a single issue of bonds is issued, as to provide a fund sufficient to pay the principal and interest of such issue of bonds and to provide an additional fund to pay the cost of maintaining, repairing and operating such bridge or bridges, subject, however, to any applicable law or regulation of the United States of America now in force or hereafter to be enacted or made. Two or more bridges owned by the State may be included in one issue of bonds, and intrastate and interstate bridges may be grouped in the same issue: *Provided, That* no existing bridge or bridges owned by the State shall be acquired by purchase, eminent domain, or otherwise, unless the ~~state road~~ commissioner of highways shall have determined that the income therefrom, based upon the toll receipts for the next preceding fiscal or calendar year, will be sufficient to pay all expenses of operating and maintaining such bridge, in addition to the interest and sinking fund requirements of any bonds to be issued to pay the purchase price thereof, or, if such existing bridge or bridges owned by the State are to be combined with any other bridge or bridges, either then existing or thereafter to be constructed or acquired by purchase, eminent domain, or otherwise, as provided in section twenty-three-b following, unless the ~~state road~~ commissioner of highways shall have determined that the income from such combined bridges, based upon the toll receipts for the next preceding fiscal or calendar year in the case of any existing bridge or bridges and upon estimates of future toll receipts in the case of any bridge or bridges to be constructed, will be sufficient to pay all expenses of operating and maintaining such combined bridges, in addition to the interest and sinking fund requirements of any bonds issued to pay the purchase price of such existing bridge or bridges and the interest and sinking fund requirements of any bonds issued to pay the cost of construction, acquiring, modernizing, repairing, reconstructing or improving any bridge or bridges and approaches thereto, with which such existing

bridge or bridges are to be so combined. The tolls from the bridge or bridges for which a single issue of bonds is issued, except such part thereof, as may be necessary to pay such cost of maintaining, repairing and operating during any period in which such cost is not otherwise provided for (during which period the tolls may be reduced accordingly), shall be transmitted each month to the West Virginia Municipal Bond Commission and by it placed in a special fund which is hereby pledged to and charged with the payment of the principal of such bonds and the interest thereon, and to the redemption or repurchase of such bonds, such special fund to be a fund for all such bonds without distinction or priority of one over another. The moneys in such special fund, less a reserve for payment of interest, if not used by the West Virginia Municipal Bond Commission within a reasonable time for the purchase of bonds for cancellation at a price not exceeding the market price and not exceeding the redemption price, shall be applied to the redemption of bonds by lot at the redemption price then applicable. Notwithstanding the foregoing, payments of principal and interest on any bonds owned by the United States or any governmental agency or department thereof may be made by the governing body directly thereto.

Any bridge or bridges constructed or acquired by purchase, eminent domain, or otherwise, or reconstructed, repaired or improved, under the provisions of this article and forming a connecting link between two or more state highways, or providing a river crossing for a state highway, are hereby adopted as a part of the state road system, but no such bridge or bridges shall be constructed or acquired by purchase, eminent domain, or otherwise, or reconstructed, repaired or improved by the State, under the provisions of this article without the approval in writing of the ~~state road~~ commissioner of highways and the Governor. If there be in the funds of the West Virginia Municipal Bond Commission an amount insufficient to pay the interest and sinking fund on any bonds issued for the purpose of constructing or acquiring by purchase, eminent domain, or otherwise, or reconstructing, repairing or improving, such bridge or bridges, the state road commissioner is authorized and directed to allocate to said commission, from the state road fund, an amount sufficient to

pay the interest on said bonds and/or the principal thereof, as either may become due and payable.

§17-17-37. Transfer of toll bridge to county.

Notwithstanding any provision of this code to the contrary, in the event the municipality which owns and operates a toll bridge does not retain ownership of the bridge under the provisions of section thirty-five of this article within twelve months of defeasement of the bonds related to the acquisition or construction of such toll bridge, the county commission of the county in which the municipality is located has the option to take over the ownership and operation of the bridge. The commissioner of the Division of Highways shall notify the county commission in writing when the opportunity to exercise the option exists. The county commission has ninety days from receipt of the notification to exercise its option. If the county commission decides to assume the ownership and control of the bridge, it shall comply with all applicable provisions of this article that are imposed on a municipality that chooses to retain ownership of a toll bridge.

§17-17-38. Municipal sale of ownership of toll bridges to private toll transportation facility; maintenance of tolls; imposition of liability for collection and payment; tax treatment and divestment.

(a) Sale of municipally owned toll bridge. – Any municipality which owns and operates a toll bridge pursuant to this article may, at the sole discretion of the municipality, and upon adoption of a resolution to such effect by the council of such municipality, sell and convey such toll bridge to a private toll transportation facility subject to such terms and conditions as the council of such municipality may agree.

(b) Privilege to maintain tolls. – Any private toll transportation facility purchasing a municipally owned toll bridge located less than five miles from a toll-free bridge which crosses the same body of water or obstacle pursuant to subsection (a) may retain, modify and collect any such toll charges for the use thereof on persons and

things passing over any such bridge as the entity may, by resolution, from time to time prescribe.

(c) *Electronic collection of tolls and imposition of liability for payment.* – The collection and enforcement of tolls for the use of any such bridge may be accomplished by electronic toll collection in the same manner and procedures as provided in §17-16D-1 *et seq.* of this code, and the imposition of liability for payment of such tolls shall apply as set forth specifically in §17-16D-5, §17-16D-6, §17-16D-7, and §17-16D-10 of this code: *Provided*, That the toll rates provided for in §17-17-9 of this code shall not apply to a private toll transportation facility.

(d) *Nonrenewal of vehicle registration.* – If an owner of a vehicle has received at least one invoice from a private toll transportation facility for any unpaid tolls and has (1) failed to pay the unpaid tolls and administrative fees, and (2) failed to file a notice to contest liability for a toll violation as provided for in the invoice, then the private toll transportation facility may notify the Commissioner of Motor Vehicles, who shall, if no form contesting liability has been timely filed with the private toll transportation facility, refuse to register or renew the registration of any vehicle of which the person committing the violation is a registered owner or co-owner until such time as the private toll transportation facility has notified the Commissioner that such fees and unpaid tolls have been paid or satisfied.

(e) *Tax treatment of municipally owned toll bridge sold to private toll transportation facility.* – A municipally owned toll bridge sold to a private transportation facility pursuant to this section shall be considered exempt for purposes of ad valorem property taxation under §11-1-1 *et seq.* of this code: *Provided*, That if said exemption is in any way held to be invalid, then the value of a municipally owned toll bridge purchased by a private toll transportation facility, for purposes of ad valorem property taxation under §11-1-1 *et seq.* of this code, shall in no event be valued at more than its salvage value, which for purposes of this article is the lower of fair market salvage value or five percent of the original cost of the property.

(f) Divestment of private toll bridge. – Nothing in this section shall be construed to limit or prevent the subsequent sale, lease, assignment or transfer of a municipally owned toll bridge purchased by a private toll transportation facility, provided that all other requirements of this section are met.

(g) Definitions. – For purposes of this section, the term ‘private toll transportation facility’ means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity or other business entity engaged in the collecting or charging of tolls on a previously municipal owned toll bridge pursuant to this article.

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATION OF TITLE, AND ANTITHEFT PROVISIONS.

ARTICLE 2A. UNIFORM MOTOR VEHICLE RECORDS DISCLOSURE ACT.

§17A-2A-9. Fees.

Any person making a request for disclosure of personal information required or permitted under sections five through eight of this article, both inclusive, shall pay to the division all reasonable fees related to providing the information: *Provided*, That all fees under this section shall be set by legislative rule pursuant to article three, chapter twenty-nine-a of this code: *Provided further*, That nothing herein shall prohibit the division from entering into a separate fee agreement with a private toll transportation facility to facilitate permitted disclosures pursuant to §17A-2A-7 of this code.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1. Jurisdiction of commission; waiver of jurisdiction.

(a) The jurisdiction of the commission shall extend to all public utilities in this state and shall include any utility engaged in any of the following public services:

Common carriage of passengers or goods, whether by air, railroad, street railroad, motor, or otherwise, by express or otherwise, by land, water, or air, whether wholly or partly by land, water, or air; transportation of oil, gas, or water by pipeline; transportation of coal and its derivatives and all mixtures and combinations thereof with other substances by pipeline; sleeping car or parlor car services; transmission of messages by telephone, telegraph, or radio; generation and transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility; supplying water, gas, or electricity by municipalities or others; sewer systems servicing 25 or more persons or firms other than the owner of the sewer systems: *Provided*, That if a public utility other than a political subdivision intends to provide sewer service by an innovative, alternative method, as defined by the federal Environmental Protection Agency, the innovative, alternative method is a public utility function and subject to the jurisdiction of the Public Service Commission regardless of the number of customers served by the innovative, alternative method; any public service district created under the provisions of §16-13A-1 *et seq.* of this code, except that the Public Service Commission will have no jurisdiction over the provision of stormwater services by a public service district; toll bridges located more than five miles from a toll-free bridge which crosses the same body of water or obstacle, wharves, ferries; solid waste facilities; and any other public service: *Provided, however*, That natural gas producers who provide natural gas service to not more than 25 residential customers are exempt from the jurisdiction of the commission with regard to the provisions of the residential service: *Provided further*, That upon request of any of the customers of the natural gas producers, the commission may, upon good cause being shown, exercise such authority as the commission may deem appropriate over the operation, rates, and charges of the producer and for such length of time as the commission may consider to be proper.

(b) The jurisdiction of the commission over political subdivisions of this state providing separate or combined water and/or sewer services and having at least 4,500 customers and annual combined gross revenues of \$3 million or more that are political subdivisions of the state is limited to:

(1) General supervision of public utilities, as granted and described in §24-2-5 of this code;

(2) Regulation of measurements, practices, acts, or services, as granted and described in §24-2-7 of this code;

(3) Regulation of a system of accounts to be kept by a public utility that is a political subdivision of the state, as granted and described in §24-2-8 of this code;

(4) Submission of information to the commission regarding rates, tolls, charges, or practices, as granted and described in §24-2-9 of this code;

(5) Authority to subpoena witnesses, take testimony, and administer oaths to any witness in any proceeding before or conducted by the commission, as granted and described in §24-2-10 of this code; and

(6) Investigation and resolution of disputes between a political subdivision of the state providing wholesale water and/or wastewater treatment or other services, whether by contract or through a tariff, and its customer or customers, including, but not limited to, rates, fees, and charges, service areas and contested utility combinations: *Provided*, That any request for an investigation related to such a dispute that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission of the political subdivision and the commission shall resolve said dispute within 120 days of filing. The 120-day period for resolution of the dispute may be tolled by the commission until the necessary information showing the basis of the rates, fees, and charges or other information as the commission considers necessary is filed: *Provided, however*, That the disputed rates, fees, and charges so fixed by the political

subdivision providing separate or combined water and/or sewer services shall remain in full force and effect until set aside, altered or, amended by the commission in an order to be followed in the future.

(7) Customers of water and sewer utilities operated by a political subdivision of the state may bring formal or informal complaints regarding the commission's exercise of the powers enumerated in this section and the commission shall resolve these complaints: *Provided*, That any formal complaint filed under this section that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission complained of and the commission shall resolve the complaint within 180 days of filing. The 180-day period for resolution of the dispute may be tolled by the commission until the necessary information showing the basis of the matter complained of is filed by the political subdivision: *Provided, however*, That whenever the commission finds any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient or unjustly discriminatory, or otherwise in violation of any provisions of this chapter, or finds that any service is inadequate, or that any service which is demanded cannot be reasonably obtained, the commission shall determine and declare, and by order fix reasonable measurement, regulations, acts, practices or services, to be furnished, imposed, observed and followed in lieu of those found to be unjust, unreasonable, insufficient, or unjustly discriminatory, inadequate or otherwise in violation of this chapter, and shall make such other order respecting the same as shall be just and reasonable: *Provided further*, That if the matter complained of would affect rates, fees, and charges so fixed by the political subdivision providing separate or combined water and/or sewer services, the rates, fees, or charges shall remain in full force and effect until set aside, altered or amended by the commission in an order to be followed in the future.

(8) If a political subdivision has a deficiency in either its bond revenue or bond reserve accounts, or is otherwise in breach of a bond covenant, any bond holder may petition the Public Service Commission for such redress as will bring the accounts to current

status or otherwise resolve the breached covenant, and the commission shall have jurisdiction to fully resolve the alleged deficiency or breach.

(c) The commission may, upon application, waive its jurisdiction and allow a utility operating in an adjoining state to provide service in West Virginia when:

(1) An area of West Virginia cannot be practicably and economically served by a utility licensed to operate within the State of West Virginia;

(2) The area can be provided with utility service by a utility which operates in a state adjoining West Virginia;

(3) The utility operating in the adjoining state is regulated by a regulatory agency or commission of the adjoining state; and

(4) The number of customers to be served is not substantial. The rates the out-of-state utility charges West Virginia customers shall be the same as the rate the utility is duly authorized to charge in the adjoining jurisdiction. The commission, in the case of any such utility, may revoke its waiver of jurisdiction for good cause.

(d) Any other provisions of this chapter to the contrary notwithstanding:

(1) An owner or operator of an electric generating facility located or to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which such facility the owner or operator holds a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, is subject to §24-2-11c(e) through §24-2-11c(j) of this code as if the certificate of public convenience and necessity for the facility were a siting certificate issued under §24-2-11c of this code and is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(2) Any person, corporation, or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which facility the owner or operator does not hold a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity pursuant to the provisions of §24-2-11 of this code. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission is subject to §24-2-11c(e) through §24-2-11c(j) of this code and is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(3) An owner or operator of an electric generating facility located in this state that had not been designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that generates electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both sales at retail and sales at wholesale and that had been constructed and had engaged in commercial operation on or before July 1, 2003, is not subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility, regardless of whether the facility subsequent to its construction has been or will be designated as an exempt wholesale generator under applicable federal law: *Provided*, That the owner or operator is subject to §24-2-1(d)(5) of this code if a material modification of the facility is made or constructed.

(4) Any person, corporation, or other entity that intends to construct or construct and operate an electric generating facility to

be located in this state that has not been or will not be designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that will generate electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both sales at retail and sales at wholesale and that had not been constructed and had not been engaged in commercial operation on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity pursuant to the provisions of §24-2-11 of this code. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission is subject to §24-2-11c(e) through §24-2-11c(j) of this code and is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(5) An owner or operator of an electric generating facility described in this subsection shall, before making or constructing a material modification of the facility that is not within the terms of any certificate of public convenience and necessity or siting certificate previously issued for the facility or an earlier material modification thereof, obtain a siting certificate for the modification from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity for the modification pursuant to the provisions of §24-2-11 of this code and, except for the provisions of §24-2-11c of this code, is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the modification.

(6) The commission shall consider an application for a certificate of public convenience and necessity filed pursuant to §24-2-11 of this code to construct an electric generating facility described in this subsection or to make or construct a material modification of the electric generating facility as an application for a siting certificate pursuant to §24-2-11c of this code if the

application for the certificate of public convenience and necessity was filed with the commission prior to July 1, 2003, and if the commission has not issued a final order thereon as of that date.

(7) The limitations on the jurisdiction of the commission over, and on the applicability of the provisions of this chapter to, the owner or operator of an electric generating facility as imposed by and described in this subsection do not affect or limit the commission's jurisdiction over contracts or arrangements between the owner or operator of the facility and any affiliated public utility subject to the provisions of this chapter.

(e) The commission does not have jurisdiction of Internet protocol-enabled service or voice-over Internet protocol-enabled service. As used in this subsection:

(1) 'Internet protocol-enabled service' means any service, capability, functionality, or application provided using Internet protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet protocol format, or any successor format, regardless of whether the communication is voice, data, or video.

(2) 'Voice-over Internet protocol service' means any service that:

(i) Enables real-time two-way voice communications that originate or terminate from the user's location using Internet protocol or a successor protocol; and

(ii) Uses a broadband connection from the user's location.

(3) The term 'voice-over Internet protocol service' includes any service that permits users to receive calls that originate on the public-switched telephone network and to terminate calls on the public-switched telephone network.

(f) Notwithstanding any other provisions of this article, the commission has jurisdiction to review or approve any transaction involving a telephone company otherwise subject to §24-2-12 and

§24-2-12a of this code if all entities involved in the transaction are under common ownership.

(g) The Legislature finds that the rates, fees, charges, and ratemaking of municipal power systems are most fairly and effectively regulated by the local governing body. Therefore, notwithstanding any other provisions of this article, the commission has jurisdiction over the setting or adjustment of rates, fees, and charges of municipal power systems. Further, the jurisdiction of the Public Service Commission over municipal power systems is limited to that granted specifically in this code.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2972, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

H. B. 2379, Make criminal invasion of privacy a felony,

H. B. 2493, Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers,

H. B. 2776, Creating the Air Ambulance Patient Protection Act,

And,

H. B. 2888, Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction.

Leaves of Absence

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

Miscellaneous Business

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

H. B. 2275: Delegate Mandt;

H. B. 2795: Delegate Ellington;

H. B. 2800: Delegate Rowan;

H. B. 2817: Delegate L. Pack;

H. B. 2854: Delegate Riley;

H. B. 3033: Delegate Young;

H. B. 3078: Delegate Zukoff;

H. B. 3094: Delegate Hanna;

H. B. 3103: Delegate Young;

And,

H. B. 3109: Delegate Young.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

H. B. 3017: Delegate Mandt.

At 1:33 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 15, 2021.

Monday, March 15, 2021

THIRTY-FOURTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Friday, March 12, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 2785, on Third reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

H. B. 2830, Relating generally to sex trafficking,

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

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

By Delegates Capito, Keaton and L. Pack:

H. B. 3130 - “A Bill to amend §24A-2-2b of the Code of West Virginia, 1931, as amended, relating to eliminating the sunset provisions for rules promulgated concerning towing rates, and, to eliminating the provision relating to review of those rules by the legislative auditor.”

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

By Delegates Capito, Keaton and L. Pack:

H. B. 3129 - “A Bill to amend §24A-5-2a of the Code of West Virginia, 1931, as amended; relating to clarifying how the Consumer Price Index rate increase percentage is calculated regarding solid waste motor carriers rate increases; requiring a revised tariff show the rate increase to be filed; providing flexibility to covered companies to protest or accept rates; and, providing when such increases become effective in each instance.”

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 5, Relating to claims arising out of WV Consumer Credit and Protection Act,

And,

Com. Sub. for S. B. 42, Creating Zombie Property Remediation Act of 2021,

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

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

By Delegates Capito, Keaton and L. Pack:

H. B. 3132 - “A Bill to amend and reenact §17A-11-4 of the Code of West Virginia, 1931 as amended; and to amend and reenact §17C-6-10 of said Code; to amend and reenact §17C-17-10 of said Code; to amend and reenact §17E-1-24 of said Code; to amend and reenact §24A-7-6 and §27A-7-7 of said Code; and to amend and reenact §30-29-1 and §30-29-5 of said Code; all relating to changing the term ‘motor carrier inspectors’ to ‘commercial vehicle enforcement officers’ throughout the Code; and removing linguistic inconsistencies.”

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

Your Committee on Finance has had under consideration:

H. B. 2855, Relating to the Natural Resources Police Officers Retirement System,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2855 - “A Bill to amend and reenact §20-18-2, §20-18-8, §20-18-20, §20-18-23, and §20-18-27 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-18-37, all relating to the Natural Resources Police Officers Retirement System; defining terms; clarifying concurrent employer contribution rate; clarifying preretirement death benefits; clarifying certain survivor benefits; amending conflicting statutory provisions; and adding a severability clause,”

And,

H. B. 2896, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2896 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2854, Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System,

H. B. 2898, Making a supplementary appropriation to WorkForce West Virginia – Workforce Investment Act,

H. B. 2901, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services,

H. B. 2903, Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police,

H. B. 2940, Making a supplementary appropriation to the Department of Education, State Board of Education – State Department of Education,

And,

H. B. 2941, Supplementary appropriation decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner,

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

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

By Delegates Pinson, Capito, Westfall and L. Pack:

H. B. 3134 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-17 of the Code of West Virginia, 1931, as amended, creating a new criminal offense prohibiting public disclosure of restricted information.”

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

By Delegates Fluharty, Capito, L. Pack, Westfall and Pinson:

H. B. 3175 - “A Bill to amend and reenact §17A-6E-4 of the Code of West Virginia, 1931, as amended, relating to removing certain felonies than can prohibit vehicle salespersons from receiving a license.”

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

Your Committee on the Judiciary has had under consideration:

H. B. 2495, Relating to the filing of asbestos and silica claims,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2495 - “A Bill to amend and reenact §55-7G-4 of the Code of West Virginia, 1931, as amended, relating to the filing of asbestos and silica claims; providing that plaintiffs shall include a sworn information form with any asbestos or silica action filed after the effective date of the amendments to the Code; specifying the information to be included in a sworn information form; providing for the dismissal without prejudice of asbestos or

silica actions filed against defendants whose product or premises have not been identified; and providing for the dismissal without prejudice of asbestos or silica actions for failure to comply with sworn information filing requirements,”

With the recommendation that the committee substitute do pass.

Delegate D. Jeffries, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 12th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 270, Providing for collection of tax by hotel marketplace facilitators,

And,

Com. Sub. for S. B. 280, Relating to e-commerce modernization.

Messages from the Senate

A message from the Senate, by

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

S. B. 437 - “A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to health care provider tax; defining terms; modifying the effective date; and removing the expiration date for the tax”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

S. B. 494 - “A Bill to amend and reenact §23-2C-16 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to transfer moneys from the Insurance Commission Fund, also known as the commissioner’s operating fund, into the Workers’ Compensation Old Fund to reduce any deficit balance of the Old Fund”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 496 - “A Bill to amend and reenact §61-11-18 of the Code of West Virginia, 1931, as amended, relating to punishment for second or third offense felony; and authorizing the use of a conviction under any law of the United States or any other state for an offense that has substantially similar elements of a qualifying offense”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 514 - “A Bill to amend and reenact §20-1-16 of the Code of West Virginia, 1931, as amended, relating to the Natural Resources Commission; providing for the composition and membership of the commission; providing criteria and qualifications for the appointment of commissioners; and providing for reimbursement of expenses for commissioners”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

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

H. C. R. 48 - “Requesting the Joint Committee on Government and Finance study the judicial workload of courts and judges in the State of West Virginia.”

Whereas, The courts in the State of West Virginia are overworked in some circuits, causing a backlog of cases around the state; and

Whereas, The workload of circuits and judges in this state were studied in 2013 using a workload assessment methodology to determine judge resource needs, which has been adopted by numerous states; and

Whereas, This methodology “weights” cases based upon complexity and as such, accounts for the varying levels of attention necessary to process a case from filing to disposition, which accurately determines workloads of circuits and judges; and

Whereas, the 2020 census has recently been completed with new population data for the state; and

Whereas, The workload of the circuits, judges, and other state courts, may be adequately balanced by using the 2020 census data and the methodology previously explored in 2013; and

Whereas, A new study will properly equip this Legislature with the data it needs to evaluate and realign the workloads of judges, circuits, and other state courts across the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the judicial workload of courts and judges in the State of West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature 2022, on its findings, conclusions, and recommendations together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

Delegates Rowe, Walker, Pushkin, Hansen, Fleischauer and Hornbuckle offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 49 - “Designating February 3 as Freedom Day to memorialize the February 3, 1865, Act by the Legislature that abolished slavery in West Virginia.”

Whereas, In the State Constitutional Convention of 1862-1863, the Rev. Mr. Gordon Battelle of Ohio County introduced resolutions that banned enslaved persons from entering the state and provided for the gradual and equitable removal of slavery from the state on a future Fourth of July. Despite Battelle’s and a few delegates’ best efforts to secure approval of the proposal, the convention gagged any committee or convention action. Some delegates simply opposed freeing enslaved persons, and others feared what effect adoption might have on congressional passage of a statehood bill. Four border slavery states might oppose the statehood bill with emancipation provisions. The convention ducked the issue by only prohibiting additional enslaved persons and free persons of color from permanent residence in the state; and

Whereas, When the West Virginia Bill was introduced into the U.S. Senate and House of Representatives, statehood supporters soon discovered that passage was improbable without adequate provisions affecting slavery. Eventually Senator Waitman Thomas Willey of Morgantown introduced an amendment written by Rep. William G. Brown of Kingwood that children born of enslaved persons after July 4, 1863, would be free and no enslaved person shall be permitted to come into the state for permanent residence. Senator James Henry Lane of Kansas successfully amended the Willey proposal to provide a more comprehensive emancipation. Enslaved children under 10 years of age on July 4, 1863 would become free at 21, and those over 10 and under 21 on the same date would become free at age 25. The Brown/Lane/Willey Amendment became part of the final West Virginia bill signed by President Abraham Lincoln subject to its adoption by a reconvened constitutional convention. The convention adopted the

Brown/Lane/Willey Amendment in February 1863, and voters ratified the amended Constitution in March; and

Whereas, West Virginia entered the federal union as a slavery state. It had a slavery code adapted from the Virginia model governing chattels. No enslaved person born previously to July 4, 1863, could be free until 1867. Enslaved persons over 21 on the operable date remained enslaved persons. Without subsequent action, the Mountain State might have had slavery until World War I; and

Whereas, Before final enactment of the statehood bill in December 1862, President Abraham Lincoln and his administration developed a policy to deal with slavery in rebellious states and areas. On Sept. 22, 1862, after the battle of Antietam, he issued a preliminary Emancipation Proclamation that promised that the enslaved persons would be freed in the rebellious states when conquered if the areas continued their insurrection. The proclamation excepted the 48 counties of West Virginia and Berkeley County from its provisions. Therefore, the final Emancipation Proclamation issued January 1, 1863, applied in West Virginia only to Jefferson County, which had more enslaved persons than any other county; and

Whereas, During the war, individual African Americans in West Virginia possessed agency outside of legislative halls and executive offices. Considerable numbers of enslaved persons emancipated themselves by fleeing from their owners, often to neighboring free states such as Pennsylvania and Ohio, and some enlisted in the Union Army; and

Whereas, As the Union Army seized more and more Confederate territory and applied the promise of the Emancipation Proclamation, President Lincoln, Secretary of State William Henry Seward, and many Republican congressional leaders perceived the inconsistency of enslaved persons becoming free in the south while the institution continued in the loyal Border States and the loyal areas excepted from the operation of the Emancipation Proclamation. They proposed the Thirteenth Amendment to the

U.S. Constitution that prohibited slavery and involuntary servitude in the U. S. and in any place subject to its jurisdiction; and

Whereas, Informed West Virginians could anticipate what the future held for slavery when the U.S. Senate passed the amendment in April 1864. The proposal failed to secure the necessary two-thirds majority for passage in the House in June. Proponents continued to push congressmen for support of the measure until it passed on January 31, 1865. The next day, slightly more than two months before the rebel surrender at Appomattox, President Lincoln signed the joint resolution submitting the amendment to the states for ratification; and

Whereas, The Third West Virginia Legislature was prepared to act to free enslaved persons. On January 23, 1865, it had instructed the state's senators and representatives to favor the amendment to abolish slavery. It also appointed a joint legislative committee to inquire into the expediency and constitutionality of immediately abolishing state slavery and to report an appropriate bill or otherwise; and

Whereas, Three days after presidential submission, the Legislature adopted the appropriate resolution ratifying the Thirteenth Amendment. On the same day, the body abolished slavery immediately in the state. The majestic words were: "All persons held to service for labor as enslaved persons in this state, are hereby declared free" and "There shall hereafter be neither slavery nor involuntary servitude in this State" except as punishment for a crime; and

Whereas, During the momentous events of a devastating civil war, West Virginia had established itself in 1863 and became a free state before national ratification of the Thirteenth Amendment on December 18, 1865. Because of Emancipation Day, February 3, 1865, for Mountain State whites and African Americans there was no return to a society that existed in 1861". This resolution quotes "W. Va.'s Torturous Path to Emancipation" by John E. Stealey, Distinguished Professor, Emeritus, of History at Shepherd University which appeared in the Charleston Gazette-Mail, March 8, 2015, at pp. 1C and 4C; and

Whereas, Americans of all colors, creeds, cultures, religions, and countries-of-origin share in a common love of and respect for freedom, as well as a determination to protect their right to freedom through democratic institutions. There are memorials to freedom and independence observed in America annually that culminates with the 4th of July. “Until All are Free, None are Free” is an oft-repeated maxim that can be used to highlight the significance of the end of the era of slavery that existed in West Virginia on February 3, 1865; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby declares February 3 as Freedom Day to memorialize the February 3, 1865 Act by the Legislature that abolished slavery in West Virginia; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the West Virginia Delegation in the United States House of Representatives and the United States Senate, all the members of West Virginia House of Delegates and Senate.

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

H. C. R. 50 - “Requesting the Division of Highways name bridge number 18-021/22-000.49 (18A245), (38.82556, -81.69897) locally known as Sycamore Creek Bridge #1 (SCBB), carrying CR 21/22 over Sycamore Creek in Jackson county, the ‘U. S. Army Air Corps Chief Warrant Officer 3 Daniel Okey Cunningham Memorial Bridge’.”

Whereas, Chief Warrant Officer 3 Daniel Okey Cunningham was born September 29, 1941, in Ripley, a son of the late Okey and Mildred Kay Cunningham. He enlisted in the U. S. Army at a young age and served during the Korean War. After his active service duty; he entered the Reserves. He retired from the military reserve service just a few years before his death on August 22, 2015, from lung cancer; and

Whereas, Chief Warrant Officer 3 Daniel Okey Cunningham retired from Kaiser Aluminum where he was a steelworker. He was a member of the Ripley Masonic Lodge #16 AF & AM, American Legion Post 107, Jackson County Beekeepers Association, the Military Officers Association of America, and a talented woodworker; and

Whereas, It is fitting that an enduring memorial be established to commemorate Chief Warrant Officer 3 Daniel Okey Cunningham 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: 18-021/22-000.49 (18A245), (38.82556, -81.69897) locally known as Sycamore Creek Bridge #1 (SCBB), carrying CR 21/22 over Sycamore Creek in Jackson county, the “U. S. Army Air Corps Chief Warrant Officer 3 Daniel Okey Cunningham 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 Air Corps Chief Warrant Officer 3 Daniel Okey Cunningham Memorial Bridge”; and, be it

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

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

By Delegate Kimes:

H. J. R. 29 - “Proposing an amendment to the Constitution of the State of West Virginia amending article VI, 6-2 by inserting new language to the current section, relating to reducing the composition of the House of Delegates from 100 members to 50 members; reducing the composition of the State Senate from 34 members to 17 members; authorizing this issue to be taken up during the next general election in 2022 on the ratification or

rejection of the amendment; and providing a summarized statement of the purpose of such proposed new language”; to the Committee on the Judiciary.

And,

By Delegates Walker, Thompson, Pushkin, Evans, Griffith, Zukoff, Garcia, Young, Lovejoy, Rowe and Bates:

H. J. R. 30 - “Proposing an amendment to the Constitution of the State of West Virginia, by adding section twenty-three, article three thereof, relating to the Bill of Rights; providing for the right to food, food sovereignty and freedom from hunger; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Health and Human Resources then the Judiciary.

Bills Introduced

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

By Delegate Pritt:

H. B. 3135 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3 and §11-29-4, all relating to creating the ‘Legal Tender Act;’ establishing gold and silver as legal tender in West Virginia; creating a nonrefundable tax credit for the use of gold and silver in West Virginia; and creating a sales tax credit for the use of gold and silver as legal tender”; to the Committee on Banking and Insurance then Finance.

By Delegates Steele, Storch, Householder, Westfall, Clark, Hamrick, Barrett, Foster, Haynes and J. Jeffries:

H. B. 3136 - “A Bill to repeal §3-9-2 of the Code of West Virginia, 1931, as amended, relating to wagering or betting on elections”; to the Committee on the Judiciary.

By Delegate Hardy:

H. B. 3137 - “A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to accelerating the conversion of the state excise tax on the privilege of

transferring real property into a county excise tax”; to the Committee on Finance.

By Delegates Foster, Riley, Paynter, Phillips, Steele and McGeehan:

H. B. 3138 - “A Bill to amend and reenact §16-3-1, §16-3-2, and §16-3-3 of the Code of West Virginia, 1931, as amended, all relating to authority and powers of the state director of health; removing the director’s ability to arrest and detain persons; removing the conditions requiring the county or municipality to pay expenses relating to communicable diseases; removing the penalties for violations; and establishing penalties for persons who fail to stop to have goods inspected for communicable diseases”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Maynard, Steele, J. Jeffries, Statler, Booth, Sypolt, Holstein, Queen, Dean and Paynter:

H. B. 3139 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-15-4a, relating to allowing full-time paid employees of a Volunteer Fire Company to participate in the West Virginia Public Employee Retirement System”; to the Committee on Pensions and Retirement then Finance.

By Delegates Walker, Evans, Thompson, Pushkin, Bates, Rowe, Boggs and Doyle:

H. B. 3140 - “A Bill to amend and reenact §20-5-3 of the Code of West Virginia, 1931 as amended, relating to allowing disabled persons to operate small electric vehicles on the Greenbrier Trail”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Rowe, Hansen, Doyle, Walker, Hornbuckle, Pushkin and Fleischauer:

H. B. 3141 - “A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to declaring February 3 as a special memorial day to be known as Freedom Day to memorialize the February 3, 1865 Act by the Legislature that

abolished slavery in West Virginia”; to the Committee on Government Organization.

By Delegate Barnhart:

H. B. 3142 - “A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-11-8 of said code, all relating to electric bicycles; defining terms; providing for electric bikes which propel without pedaling, provided they meet the requirements otherwise outlined”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Pritt:

H. B. 3143 - “A Bill to amend and reenact §59-1-10 of the Code of West Virginia, 1931, as amended, to prohibit the clerk of the county commission from changing fees to the public to photograph public records; providing injunctive relief for violations of the prohibition; and providing an award of attorney’s fees to a prevailing plaintiff”; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3144 - “A Bill to repeal §51-2A-2 of the Code of West Virginia, 1931, as amended, relating to family court jurisdiction, exceptions, and limitations”; to the Committee on the Judiciary.

By Delegate Pushkin:

H. B. 3145 - “A Bill to amend and reenact §16-59-2, of the Code of West Virginia, 1931, as amended, relating to recovery residences; providing certain exemptions from recovery residence standards for group housing facilities of 50 beds or more”; to the Committee on Health and Human Resources.

By Delegates Barnhart, Keaton, G. Ward, Ferrell, McGeehan, Phillips, D. Jeffries and J. Kelly:

H. B. 3146 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-8-1, relating to the review of executive orders issued by the President of the United States, federal agency rules or federal congressional action; providing for legislative review of executive orders, federal agency rules, or federal congressional action for the legality and constitutionality; providing for a vote on constitutionality of such

measures if the attorney general declines to take action”; to the Committee on the Judiciary.

By Delegates Doyle and Evans:

H. B. 3147 - “A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, relating to increasing the tax on the privilege of severing natural gas and oil”; to the Committee on Energy and Manufacturing then Finance.

By Delegate Holstein:

H. B. 3148 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-130, relating to creating a renewable two-year state level grant for the purposes of foster parent screening; for combating abuse and institutional crimes; for abuse and trauma therapists; and for sex trafficking”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Statler and Kessinger:

H. B. 3149 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, §55-7L-2, and §55-7L-3, all relating to standards of proof in civil actions where business structure sought to be disregarded; making findings; establishing clear and convincing evidence as standard for personal liability of business debts; adopting standards for determining personal liability for business debts; defining terms; and establishing safe harbor requirements”; to the Committee on the Judiciary.

By Delegate Barrett:

H. B. 3150 - “A Bill to amend and reenact §18B-10-1 of the Code of West Virginia, 1931, as amended, relating to tuition and fees of state institutions of higher education”; to the Committee on Education then Finance.

By Delegate Barrett:

H. B. 3151 - “A Bill to amend and reenact §7-2-2 of the Code of West Virginia, 1931, as amended, relating to phasing out magisterial districts by the year 2024”; to the Committee on the Judiciary.

By Delegate Riley:

H. B. 3152 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2I-1, relating to exempting interest payments by public utilities on deposits that are held for less than 18 months”; to the Committee on the Judiciary.

By Delegate McGeehan:

H. B. 3153 - “A Bill to repeal §15A-12-1, §15A-12-2, §15A-12-3, §15A-12-4, §15A-12-5, §15A-12-6, §15A-12-7, and §15A-12-8 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Fusion Center”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

By Delegate Barrett:

H. B. 3154 - “A Bill to amend and reenact §3-8-10 of the Code of West Virginia, 1931, as amended, relating to prohibiting the contribution of excess political contributions to a charitable organization that is either owned by the candidate, or on which the candidate is an officer or board member”; to the Committee on the Judiciary.

By Delegates Fast, Householder, Criss, Mazzocchi, Lovejoy, Nestor and Bruce:

H. B. 3155 - “A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, relating to increasing the hourly rate of investigators working for Public Defender Services from \$30 to \$65”; to the Committee on Finance.

By Delegate Holstein:

H. B. 3156 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-12, relating to defining ‘Confucius Institute’ and placing restrictions on a Confucius Institute relating to funding to students”; to the Committee on Education then the Judiciary.

By Delegates Kimble, Holstein, Hanna, Keaton, Kessinger, Mazzocchi, Summers, Cooper, McGeehan, Phillips and Horst:

H. B. 3157 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1,

§18-34-2, §18-34-3, §18-34-4, §18-34-5, §18-34-6, §18-34-7, §18-34-8, §18-34-9, §18-34-10, §18-34-11, §18-34-12, §18-34-13, and §18-34-14, all relating to the Forming Open and Robust University Minds (FORUM) Act; providing for legislative findings regarding the exercise of First Amendment rights on public university campuses in this state as being critical components of the education experience for students; providing for definitions; defining protected expressive activities; defining public forums and prohibiting ‘free speech zones;’ establishing reasonable time, place, and manner restrictions; providing for the freedom of association; developing policies and procedures for the implementation of this article; providing for accountability to the public and remedies for violation of this article; giving immunity and providing for severability; and providing for an effective date”; to the Committee on Education then the Judiciary.

By Delegate Holstein:

H. B. 3158 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, and §5-30-4, all relating to ensuring protections for religious freedom in the State of West Virginia; providing generally a means by which to respect religious and political speech; creating conscientious protections for the preventive care mandate; and creating religious liberty guidance”; to the Committee on the Judiciary.

By Delegates Hamrick, Howell, Linville, Summers, Kimble, Smith, Ferrell, Reynolds, J. Kelly, Anderson and Steele:

H. B. 3159 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1, §46A-9-2, §46A-9-3, §46A-9-4, §46A-9-5, §46A-9-6, §46A-9-7, §46A-9-8, §46A-9-9, §46A-9-10, and §46A-9-11, all relating to consumer data privacy; defining terms, requiring privacy for certain identifying personal information; establishing a consumer right to request copy of personal data collected; establishing a consumer right to have personal information deleted or corrected; establishing a consumer right to request personal data sold or shared; establishing a consumer right to opt-out of the sale or sharing of personal information to third parties; prohibiting discrimination against consumers who exercise their right under

this article; establishing procedures for requests for personal information under this article; establish a form to opt-out of sale or sharing of personal information; creating a private cause of action; empowering the West Virginia Division of Consumer Protection to establish rules under this article for enforcement; and empowering the West Virginia Division of Consumer Protection to bring suit for violation of this article”; to the Committee on the Judiciary.

By Delegates Young and Griffith:

H. B. 3160 - “A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to creating an online voters’ guide; requiring all information in the certificate of announcement; permitting candidates running for statewide office to submit a personal statement; directing the State Election Committee to create the guide; and requiring the Secretary of State post the voters’ guide on its website”; to the Committee on the Judiciary.

By Delegates Young and Griffith:

H. B. 3161 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3F-1, §61-3F-2, and §61-3F-3, all relating to online privacy protection for children; prohibiting the marketing or advertising of certain products or services to minors; specifying prohibited good and services; prohibiting the collection of information about minor users for marketing purposes; requiring operators of website, online services, or applications to remove personal information about a minor when the information is visible to others; and specifying limited exceptions”; to the Committee on the Judiciary.

By Delegates Young, Hansen and Doyle:

H. B. 3162 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-1-1c; to amend and reenact §24-1-2 of said code; and to amend and reenact §24-2-1 of said code, all relating to permitting third-party ownership of all renewable and alternative generating facilities; making legislative findings; defining terms; and creating exceptions”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Young, Pushkin, Fluharty, Walker and Thompson:

H. B. 3163 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-11A-1b, relating to providing a procedure for modification of a prison sentence when a person has served at least 10 years of a sentence”; to the Committee on the Judiciary.

By Delegates Young, Thompson, Griffith and Lovejoy:

H. B. 3164 - “A Bill to amend and reenact §61-2-14a of the Code of West Virginia, 1931, as amended, relating to the offense of kidnapping generally; and clarifying elements of the offense”; to the Committee on the Judiciary.

By Delegates Young, Thompson, Diserio and Boggs:

H. B. 3165 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, §11-13KK-4, §11-13KK-5, §11-13KK-6, and, §11-13KK-7, all relating generally to creating a personal income tax credit for volunteer firefighters in West Virginia; providing for definitions; providing for a tax credit for a volunteer firefighter for personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns jointly under certain conditions; providing that the tax credit for volunteer firefighters must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing for required contents of the documentation evidencing eligibility for the tax credit; providing that the form must be sent to the Tax Commissioner to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date”; to the Committee on Finance.

By Delegates Young, Pushkin, Garcia, Fluharty, Zukoff, Walker, Thompson and Lovejoy:

H. B. 3166 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §25-8-1, relating to inmate medical or dental copayments”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Young, Pushkin, Fluharty, Zukoff, Walker, Thompson and Lovejoy:

H. B. 3167 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §25-8-1, relating to inmate cost for reading material”; to the Committee on Finance.

By Delegates Young, Thompson, Barach, Griffith and Lovejoy:

H. B. 3168 - “A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a small business and minority populations economic and workforce development taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegates Young, Thompson, Barach, Griffith and Lovejoy:

H. B. 3169 - “A Bill to amend the Code of West Virginia, 1931, as amended, by enacting a new section, designated §61-8B-19, relating to creating a criminal offense of sexual extortion, and relating to creating a criminal offense of sexual extortion by a person holding a position of trust, supervisory authority, or disciplinary power of another person”; to the Committee on the Judiciary.

By Delegates Young, Fleischauer, Bates, Walker, Griffith, Barach, Thompson, Lovejoy and Hansen:

H. B. 3170 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, §9-11-4, and §9-11-5, all relating to the wholesale importation of prescription drugs”; to the Committee on Health and Human Resources.

By Delegates Young, Thompson, Barach, Griffith, Diserio and Boggs:

H. B. 3171 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to providing West Virginia Veterans a 50 percent reduction in fees and charges at state parks”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Young, Thompson, Barach, Griffith and Lovejoy:

H. B. 3172 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5B-20, relating to sexual assault forensic exams (rape kits), requiring hospitals to staff qualified health care providers to conduct sexual assault forensic examinations and to collect sexual assault forensic examination kits”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Young, Thompson, Barach, Griffith and Lovejoy:

H. B. 3173 - “A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating to stalking; adding the word stalking in a previously defined offense”; to the Committee on the Judiciary.

By Delegate Young:

H. B. 3174 - “A Bill to amend and reenact §15A-4-13 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §28-5C-3; and to amend and reenact §49-2-906 of said code, all relating to requiring that free feminine hygiene products be provided to female prisoners in jails, regional jails or state correctional facilities and female juveniles in juvenile detention”; to the Committee on the Judiciary then Finance.

Special Calendar

Unfinished Business

S. C. R. 4, Recognizing June 19 as Juneteenth Day; coming up in regular order, as unfinished business, was reported by the Clerk.

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

The yeas and nays having been ordered, they were taken (**Roll No. 153**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Ellington, Hamrick, Hardy and Hornbuckle.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (S. C. R. 4) adopted.

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

H. C. R. 9, Urging Congress to call a convention of states to limit terms of office of the US House of Representatives; coming up in regular order, as unfinished business, was reported by the Clerk.

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

The yeas and nays having been ordered, they were taken (**Roll No. 154**), and there were—yeas 76, nays 20, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, J. Kelly, Lovejoy, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Ellington, Hamrick, Hardy and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 9) adopted.

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

H. C. R. 35, Requesting the Department of Health and Human Resources to continuously evaluate the child welfare system; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. R. 14, Resolution on West Virginia's Energy Future; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

Third Reading

Com. Sub. for H. B. 2688, Allow county political parties to have building funds in a similar manner that state parties are allowed; 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. 155**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Pack and Pushkin.

Absent and Not Voting: Ellington, Hamrick and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2688) passed.

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

Com. Sub. for H. B. 2705, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; 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. 156**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Ellington, Hamrick and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2705) passed.

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

Com. Sub. for H. B. 2797, Declaring certain claims to be moral obligations of the State; 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. 157**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Ellington, Hamrick and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2797) passed.

Com. Sub. for H. B. 2834, Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio

voting member of the commission; 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. 158**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Fast, Kimes, Walker and Young.

Absent and Not Voting: Ellington, Hamrick and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2834) passed.

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

Com. Sub. for H. B. 2834 – “A Bill to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, related to the Commission on the Arts; to add the Curator of the West Virginia Department of Arts, Culture and History as an ex officio voting member of the commission; other technical updates.”

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

Com. Sub. for H. B. 2877, Expand direct health care agreements beyond primary care to include more medical care services; 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. 159**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Ellington and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2877) passed.

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

In the absence of objection, **Com. Sub. for H. B. 2797**, Declaring certain claims to be moral obligations of the State, was taken up for further consideration.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 160**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Ellington and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2797) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2891, Creating minimum statutory standards for law-enforcement officers; 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. 161**), and there were—yeas 89, nays 9, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bruce, Foster, Hanna, J. Jeffries, Kimble, Martin, McGeehan, Riley and Walker.

Absent and Not Voting: Ellington and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2891) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2969, To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility; 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. 162**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bridges, Fluharty, Kimes, Maynard, McGeehan, Pack and Paynter.

Absent and Not Voting: Ellington and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2969) passed.

On motion of Delegate Steele, the title of the bill was amended to read as follows:

H. B. 2969 - “A Bill to amend and reenact §17-16D-6 and §17-16D-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-17-10, §17-17-11, §17-17-12, §17-17-21, §17-17-22 and §17-17-37; to amend said code by adding thereto a new section, designated §17-17-38; to amend and reenact §17A-2A-9; and to amend and reenact §24-2-1 of said code, all relating to privately owned toll bridges; providing for the sale of a municipally owned toll bridge to a private toll transportation facility under certain circumstances; defining the term “private toll transportation facility”; authorizing the retention and collection of tolls on a

privately owned toll bridge; clarifying procedures for the electronic collection of tolls by a private toll transportation facility; clarifying the tax treatment of toll bridges sold by a municipality to a private toll transportation facility; providing for the imposition of liability and nonrenewal of vehicle registration for failure to pay tolls on a privately owned toll bridge; clarifying the application of provisions of code to state owned and privately owned toll bridges; and clarifying the jurisdiction of the Public Service Commission over toll bridges.”

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 163**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kimes and Paynter.

Absent and Not Voting: Ellington and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2969) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2972, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption; 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. 164**), and there were—yeas 78, nays 19, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bruce, Burkhammer, Conley, Fast, Hanna, Jeffries, Jennings, Longanacre, Mandt, Mazzocchi, Pack, Pack, Pinson, Skaff, Toney, B. Ward, G. Ward and Worrell.

Absent and Not Voting: Ellington, Graves and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2972) passed.

Delegate Steele moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 165**), and there were—yeas 80, nays 18, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bruce, Burkhammer, Conley, Fast, Hanna, D. Jeffries, Jennings, Longanacre, Mandt, Mazzocchi, Pack, Pinson, Rohrbach, Toney, B. Ward, G. Ward and Worrell.

Absent and Not Voting: Ellington and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2972) 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.

Second Reading

H. B. 2379, Make criminal invasion of privacy a felony; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2493, Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2776, Creating the Air Ambulance Patient Protection Act; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page 1, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 11B. WEST VIRGINIA AIR AMBULANCE PATIENT PROTECTION ACT.

§33-11B-1. Declaration of air ambulance membership products as insurance.

(a) An air ambulance membership agreement or subscription for air ambulance services for which a fee is collected from a member or member entity and which a fee is received by an air ambulance provider or air ambulance network is insurance and may be considered secondary insurance coverage or a supplement to any insurance coverage, and shall be subject to regulation by the commissioner pursuant to the provisions of this chapter.

(b) No person or entity, whether directly or indirectly through an affiliated entity, agreement with a third party entity, or otherwise, may solicit or sell air ambulance membership agreements or subscriptions, accept membership applications, or charge membership fees except as authorized by a valid license or licenses issued by the commissioner pursuant to the provisions of this chapter.

(c) The commissioner may promulgate rules in accordance with chapter twenty-nine-a of this code to effectuate the provisions of this article.

(d) Except as otherwise expressly stated herein, the provisions of this section shall become effective on July 1, 2021.”

The bill was then ordered to engrossment and third reading.

H. B. 2888, Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

S. B. 404, Modifying well work permits issued by DEP Office of Oil and Gas,

Com. Sub. for H. B. 2400, Authorizing the Department of Transportation to promulgate legislative rules,

Com. Sub. for H. B. 2634, Coverage for the treatment of chronic pain,

Com. Sub. for H. B. 2794, To extend the Neighborhood Investment Program Act to July 1, 2026 and to increase the allowable tax credit from \$3,000,000 to \$5,000,000,

Com. Sub. for H. B. 2817, Donated Drug Repository Program,

H. B. 3078, Relating to powers and duties of the parole board,

H. B. 3081, Updating the West Virginia Business Corporations Act,

H. B. 3128, Relating to carrier fees on 911 fee revenues,

H. B. 3131, Relating to correcting internal code references and citations,

And,

H. B. 3133, Relating to motor carrier rates.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving a committee report.

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. 8, U.S. Army SFC Guy Hively Memorial Bridge,

H. C. R. 13, TEC 5 U. S. Army Donald “Tiny” Lucas Memorial Bridge,

H. C. R. 16, PFC Franklin D. Frazier Memorial Road,

H. C. R. 32, To name Gatewood Road in Fayette County as the “Senator Shirley Love Memorial Road”,

And,

S. C. R. 15, Extending certain leases between US Army Corps of Engineers and Nicholas County Airport Authority,

And reports the same back with the recommendation that they each be adopted.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington and Hardy.

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following in the Appendix to the Journal:

- Delegate Griffith regarding Jim McCallister

Pursuant to House Rule 94b, forms were filed with the Clerk’s Office to be added as a cosponsor of the following:

H. B. 2174: Delegate Hanna;

H. B. 2354: Delegates Hanshaw, J. Pack and Rohrbach;

H. B. 2496: Delegate L. Pack;

And,

H. B. 3060: Delegates Rowan and B. Ward.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

H. B. 2783: Delegate Toney.

At 11:50 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, March 16, 2021.

Tuesday, March 16, 2021

THIRTY-FIFTH DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Monday, March 15, 2021, 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 H. B. 3131, on Second reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 2770, on Third reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

Delegate Steele, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 2174, West Virginia Monument and Memorial Protection Act of 2021,

And reports back a committee substitute therefor, with the new title, as follows:

Com. Sub. for H. B. 2174 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2020; prohibiting the relocation, removal, alteration, renaming, rededication, or other disturbance of any statue, monument, memorial, nameplate, or plaque which is located on public property and has been erected for, or named, or dedicated in honor of certain historical military, civil rights, natural disasters or accidents, and Native American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances,”

H. B. 2633, Creating the 2021 Farm Bill,

And reports back a committee substitute therefor, with the new title, as follows:

Com. Sub. for H. B. 2633 - “A Bill to amend and reenact §19-1-2, §19-1-3a, and §19-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1C-2, §19-1C-3, and §19-1C-4 of said code; to amend said code by adding thereto a new section, designated §19-1C-7; to amend and reenact §19-9A-2 of said code; to amend and reenact §19-12A-5 of said code; to amend and reenact §19-14-1, §19-14-2, §19-14-3, §19-14-5, §19-14-6, §19-14-7, §19-14-8, §19-14-9, §19-14-10, §19-14-11, §19-14-12, and §19-14-14 of said code; to amend said code by adding thereto a new section, designated §19-14-16; to amend and reenact §19-21A-1, §19-21A-3, §19-21A-4, and §19-21A-8 of said code; to amend and reenact §19-25-1, §19-25-2, and §19-25-5 of said code; to amend and reenact §19-31-1 of said code; to amend and reenact §19-35-1, §19-35-2, §19-35-3, §19-35-4, §19-35-5, and §19-35-6 of said code; to amend said code by adding thereto two new sections, designated §19-35-3a and §19-35-3b; to amend and reenact §19-37-2 of said code; and to amend said code by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, and §19-38-5, all relating to the 2021 Farm Bill; eliminating the requirement that the commissioner must be a farmer; eliminating requirement that certain duties of the

department rest in a particular division; classifying materials received by the department in furtherance of its economic development duties and for the purpose of furnishing assistance to a new or existing business as confidential and exempt from disclosure under the Freedom of Information Act; clarifying role of department in economic development; clarifying that raw milk can be sold for purposes other than human consumption; defining terms related to the care of livestock; providing that commissioner of agriculture appoint members of Livestock Care Standards Board; directing commissioner to select members for board; modifying membership of board; granting commissioner authority to promulgate certain legislative rules in consultation with board; classifying complaints and related communications regarding inhumane treatment of livestock as confidential and exempt from disclosure under the Freedom of Information Act; directing board to review proposed rules on livestock care standards and provide recommendation to legislative rule-making review committee; directing commissioner of agriculture to administer and enforce established standards; defining scope of said administration and enforcement authority; authorizing commissioner to provide opinions to law-enforcement officers about application of livestock care standards; directing law-enforcement officers to notify commissioner of certain complaints and investigations; authorizing law-enforcement officers to seek advice of commissioner concerning application of livestock care standards; requiring commissioner to notify law-enforcement officers of changes made during 2021 Regular Legislative session; eliminating fee for permit to feed untreated garbage to swine; removing outdated language regarding procedures for leasing of farmland; authorizing the cancellation of certain leases; amending name of West Virginia Commercial Feed Law; defining and amending terms related to commercial feed; modifying powers and duties of commissioner; eliminating requirement to publish annual composite report; eliminating specific fee amounts in statute; modifying application deadlines, timelines and permit expiration dates; setting forth requirements for individuals to possess Commercial Feed Manufacturing Permit, Commercial Feed Distributor Permit, and Commercial Feed Guarantor Permit; eliminating requirement to register commercial feed products; establishing registration

requirements for pet food and specialty pet food; requiring new application for registration in certain circumstances; identifying situations in which commissioner may refuse to grant, suspend, or revoke permits or registrations; providing opportunities and procedures for applicants, permittees or registrants to amend application and appeal adverse determinations; providing for review of commissioner's decisions; establishing labeling requirements; modifying requirements for tonnage reports and inspection fees; authorizing commissioner to inspect certain tonnage records; defining adulteration of commercial feed or feed ingredients; defining misbranding of commercial feed; make technical modifications; defining additional prohibited acts; establishing requirements for distribution of raw milk as commercial feed; authorizing establishment of analytical variation regulations; authorizing penalties for excessive deviations; providing for penalties to be returned to purchasers where possible; authorizing late payment penalties; expanding scope of authority for West Virginia Conservation Agency and State Conservation Committee to address water quality issues; modifying legislative determinations; defining terms related to conservation; expanding duties and powers of State Conservation Committee; eliminating outdated language; expanding scope of authority for conservation districts; limiting liability of landowner who invites or permits persons to enter for agricultural purposes; defining agricultural purposes; clarifying ownership of Guthrie Center; stating legislative findings and purpose related to farmers markets and cottage foods; defining terms related to farmers markets and cottage foods; eliminating certain definitions; establishing requirements for farmers market registration; providing that registration be conspicuously displayed; clarifying that certain farmers markets are not required to obtain food establishment permit; providing for department to establish sampling regulations; authorizing penalties against non-compliant farmers markets; requiring farmers market vendors to obtain vendor permit from department; providing that farmers market vendor permit is valid in all counties; establishing requirements for farmers market vendor permits; clarifying that farmers market vendors are not required to obtain food establishment permit; exempting certain vendors from obtaining vendor permit; directing department to

establish conditions and procedures for issuance of vendor permits; authorizing inspections and additional license or certifications as condition of issuing vendor permits; requiring vendor permits be displayed in a conspicuous manner; authorizing penalties against non-compliant farmers market vendors; clarifying role of local health departments in farmers markets; prohibiting local health department from requiring food establishment permits for farmers markets or vendors except for consignment farmers markets; authorizing certain actions by local health departments at farmers markets; requiring all actions by local health departments at farmers markets to be done in consultation with department of agriculture; directing department to promulgate rules; eliminating certain requirements for promulgation of legislative rules; establishing requirements for regulation of potentially hazardous foods; requiring vendors of potentially hazardous foods to obtain vendor permit; directing department to establish requirements for obtaining vendor permits; eliminating certain labeling requirements; establishing requirements for sale of nonpotentially hazardous foods; expanding permissible kitchens for nonpotentially hazardous foods; expanding West Virginia Fresh Food Act to include milk and other dairy products, expanding West Virginia Fresh Food Act to include other foods grown, produced, or processed by in-state producers; directing commissioner to establish criteria for food or food products to satisfy in-state requirement; directing commissioner to establish criteria for determining when exception or exemption should be granted to state institutions; requiring contracting entity to ensure that all contracts related to the purchase of food include provisions to ensure compliance with Fresh Food Act; establishing Agriculture Investment Program; setting forth legislative findings and purpose; defining terms related to the Agriculture Investment Fund; establishing fund in State Treasury; defining source of funds and permissible expenditures from fund; authorizing West Virginia Agriculture Investment Program; providing for program administration; authorizing either grants or loans from the fund; establishing certain criteria for awarding grants or loans; authorizing commissioner to establish committee to assist in program administration; and directing commissioner to propose legislative rules for program.”

And,

H. B. 2823, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2823 - “A Bill to amend and reenact §15A-11-3 and §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to exempting buildings or structures utilized primarily for agricultural purposes from the provisions of the State Building Code and State Fire Code; exempting buildings or structures used exclusively for agricultural purposes from any county or municipal building code or ordinance that is adopted or may be adopted; defining the term “agricultural purposes”; requiring any county or municipality that adopts a property maintenance code or ordinance to exempt all property used primarily for agricultural purposes,”

With the recommendation that the committee substitutes each do pass.

Delegate Steele, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 2742, Providing explicit authority to process an online driver’s license or identification renewal or reissuance when the applicant needs to update the address,

And,

H. B. 2914, To remove certain ex officio, voting members from the Archives and History Commission and update formatting,

And reports the same back with the recommendation that they each do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2496, Relating to assessments of real property,

And,

Com. Sub. for S. B. 469, Permitting and establishing requirements for appearance by video for purpose of notarial acts,

And reports the same back with the recommendation that they each do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. J. R. 15, Disabled Veteran's Property Tax Exemption Amendment,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the resolution (H. J. R. 15) was referred to the Committee on the Judiciary.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2777, Repeal municipal amusement tax,

H. B. 2782, Repeal domestic animal tax,

And,

H. B. 2808, Remove salt from list and definition of “mineral” for severance tax purposes,

And reports the same back with the recommendation that they each do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2630, Requiring DEP to reimburse fines paid by towns, villages and communities in certain instances,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2630 - “A Bill to amend and reenact §22-1-16 of the Code of West Virginia, 1931, as amended, relating to the payment of fines assessed by the West Virginia Department of Environmental Protection against a political subdivision of the state; and authorizing certain forgiveness of a fine under certain circumstances,”

With the recommendation that the committee substitute do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2499, Tax reduction for arms and ammo manufacturing,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2499 - “A Bill to amend and reenact §11-6F-2 and §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, §11-13KK-4, §11-13KK-5, §11-13KK-6, §11-13KK-7, §11-13KK-8, §11-

13KK-9, §11-13KK-10, §11-13KK-11, §11-13KK-12, §11-13KK-13, §11-13KK-14, §11-13KK-15, §11-13KK-16, §11-13KK-17, and adding thereto a new section designated §11-15-9t, all relating generally to taxation for the manufacturing, sale, and use of certain defined products to encourage economic growth; amending the definition of qualified capital addition to a manufacturing facility for purposes of special method for appraising qualified capital additions for property tax purposes; amending the formula for calculating the manufacturing investment tax credit amount allowed for manufacturing investment to include small arms ammunition manufacturing and small arms, ordinance and ordinance accessories manufacturing; increasing the amount of such allowable credit for said industries; creating the West Virginia Tax Credit For Federal Excise Tax Imposed Upon Small Arms And Ammunition Manufacturers; providing for administration and enforcement of the tax credit; making legislative findings; stating legislative purpose; defining terms; specifying an amount of credit allowable based upon the amount of federal excise tax paid, providing limitations based upon qualified investment amount; providing conditions for qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for carry over and forfeiture of unused tax credits; providing limitations for credits being carried over; allowing transfer of qualified investment property without forfeiture under certain circumstances; requiring identification of qualified investment property and record keeping; providing civil and criminal penalties for failure to keep required records; providing for interpretation and construction; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing for severability; and exempting sales of certain defined small arms and small arms ammunition from state sales and use taxes and providing effective dates, and removing obsolete code concerning the business franchise tax,”

With the recommendation that the committee substitute do pass.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 15th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 2001, Relating generally to creating the West Virginia Jumpstart Savings Program.

Delegate D. Jeffries, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 15th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 216, Authorizing Department of Commerce to promulgate legislative rules,

Com. Sub. for S. B. 272, Relating to WV Employment Law Worker Classification Act,

S. B. 296, Relating generally to repealing certain rules,

S. B. 338, Creating Fire Service Equipment and Training Fund,

And,

S. B. 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training.

Delegate D. Jeffries, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 15th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 126, Authorizing Department of Administration to promulgate legislative rules,

And,

Com. Sub. for S. B. 277, Creating COVID-19 Jobs Protection Act.

Delegate Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2982, Relating to the Second Chances at Life Act of 2021,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2982) was referred to the Committee on the Judiciary.

Messages from the Senate

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. 2011, Eliminating any time requirements for part time personnel to work during a working year.

On motion of Delegate Summers, the House of Delegates 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 6. CIVIL SERVICE SYSTEM.

§29-6-4. Classified-exempt service; additions to classified service; exemptions.

(a) The classified-exempt service includes all positions included in the classified-exempt service on the effective date of this article.

(b) Except for the period commencing on July 1, 1992, and ending on the first Monday after the second Wednesday of the following January and except for the same periods commencing in the year 1996, and in each fourth year thereafter, the Governor may, by executive order, with the written consent of the State Personnel Board and the appointing authority concerned, add to the list of positions in the classified service, but the additions may not include any positions specifically exempted from coverage as provided in this section.

(c) The following offices and positions are exempt from coverage under the classified service:

- (1) All judges, officers, and employees of the judiciary;
- (2) All members, officers, and employees of the Legislature;
- (3) All officers elected by popular vote and employees of the officer;
- (4) All secretaries of departments and employees within the office of a secretary;
- (5) Members of boards and commissions and heads of departments appointed by the Governor or heads of departments selected by commissions or boards when expressly exempt by law or board order;
- (6) Excluding the policy-making positions in an agency, one principal assistant or deputy and one private secretary for each

board or commission or head of a department elected or appointed by the Governor or Legislature;

(7) All policy-making positions;

(8) Patients or inmates employed in state institutions;

(9) Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Legislature or a committee thereof, an executive department, or by authority of the Governor;

(10) All employees of the office of the Governor, including all employees assigned to the executive mansion;

(11) Part-time professional personnel engaged in professional services without administrative duties; ~~and personnel employed for 1,000 hours or less during a working year~~

(12) Temporary employees;

~~(12)~~(13) Members and employees of the board of trustees and board of directors or their successor agencies;

~~(13)~~(14) Uniformed personnel of the State Police; and

~~(14)~~(15) ~~Seasonal~~ Temporary employees in the state forests, parks, and recreational areas ~~working less than 1,733 hours per calendar year. Notwithstanding any provision of law to the contrary, seasonal employees are not considered full time employees.~~

(d) The Legislature finds that the holding of political beliefs and party commitments consistent or compatible with those of the Governor contributes in an essential way to the effective performance of and is an appropriate requirement for occupying certain offices or positions in state government, such as the secretaries of departments and the employees within their offices, the heads of agencies appointed by the Governor and, for each such head of agency, a private secretary and one principal assistant or deputy, all employees of the office of the Governor including all

employees assigned to the executive mansion, as well as any persons appointed by the Governor to fill policy-making positions, in that those offices or positions are confidential in character and require their holders to act as advisors to the Governor or the Governor's appointees, to formulate and implement the policies and goals of the Governor or the Governor's appointees, or to help the Governor or the Governor's appointees communicate with and explain their policies and views to the public, the Legislature, and the press.

(e) All county road supervisor positions are covered under the classified service effective July 1, 1999. A person employed as a county road supervisor on the effective date of this section is not required to take or pass a qualifying or competitive examination upon, or as a condition of, becoming a classified service employee. All county road supervisors who become classified service employees pursuant to this subsection who are severed, removed, or terminated in his or her employment must be severed, removed, or terminated as if the person was a classified service employee."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2011 – "A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to eliminating any time requirements for temporary employees to work during a working year to be exempt from classified service; and exempting temporary employees in state forests, parks, and recreational areas from classified service."

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. 166**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Hamrick, Hardy and Linville.

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. 2011) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 167**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Hamrick and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2011) 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 concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 295, Relating generally to economic development loans and loan insurance issued by state.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 346 - “A Bill to amend and reenact §17A-2-19 of the Code of West Virginia, 1931, as amended, relating to the use by the Division of Motor Vehicles of electronic means and other alternate means when providing notice”; which was referred to the Committee on Technology and Infrastructure then Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 472 - “A Bill to amend and reenact §30-1A-1, §30-1A-2, §30-1A-3, §30-1A-4, §30-1A-5, and §30-1A-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-1A-1a, all relating to regulation of occupations and professions; establishing legislative policy; providing definitions; providing criteria to analyze a required application to regulate an occupation or profession; requiring Performance Evaluation and Research Division to conduct an analysis of application; establishing rebuttable presumption against regulating an occupation or profession absent certain conditions; setting out criteria to assess harms to consumers and possible recommendations that may be instituted against an occupation or profession; providing for an economic study of the recommendations made; setting time frame for the Performance Evaluation and Research Division to conduct analysis and return report; providing for recommendations based on the assessed harm to consumers in the Performance Evaluation and Research Division’s report; authorizing additional recommendations and findings by the Joint Standing Committee on Government Organization; requiring additional findings by the Joint Standing Committee on Government Organization be made public; mandating committee’s findings and recommendations along with any report be submitted to any committee considering legislation prior to voting; requiring Performance Evaluation and Research Division begin review of existing licenses under certain criteria; providing effective date for licensure review; mandating review of certain licenses annually; requiring annual licensing review to be set by the chairs of the Joint Standing Committee on Government Organization; setting eight-year review schedule; requiring Performance Evaluation and Research Division to report its findings and recommendations to the committee relating to licensing review; establishing effective date for the Performance Evaluation and Research Division to begin reporting its findings and recommendations to the committee; and establishing standards

of statutory interpretation relating to government regulation of occupations or professions”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 523 - “A Bill to amend and reenact §24-2H-3, §24-2H-5, and §24-2H-8 of the Code of West Virginia, 1931, as amended, all relating to correcting certain code references.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 523) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 529 - “A Bill to amend and reenact §17A-6-6 of the Code of West Virginia, 1931, as amended, relating to refusal or issuance of a license certificate; and correcting an erroneous code citation”; which was referred to the Committee on Technology and Infrastructure then Government Organization.

Resolutions Introduced

Delegates Cooper, J. Pack and Longanacre offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 51 - “Requesting the Division of Highways name a portion of County Route 19/1, Ballangee Road, from its intersection with County Route 17/1, known as War Ridge Road, to its intersection with County Route 19/3, known as Big Stony Creek Road, in Summers County, the ‘U.S. Army PVT Lomer Elmo Davis Memorial Road’.”

Whereas, Lomer Elmo Davis, born November 29, 1921, at Ballengee, in Summers County, was a son of the late Lomer A. and Allie Lyons Davis; and

Whereas, Lomer Elmo Davis volunteered his service to the Army in early 1942 during WWII; he trained and deployed as an infantryman with the 85th infantry division. He fought with the 85th in Patton's Campaign in Sicily during the summer of 1943 along with his brother, Thomas who was assigned to the 3rd Infantry Division; and

Whereas, At the battle of Messina, U.S. Army PVT Lomer Elmo Davis was severely wounded and eventually evacuated back to the U.S.; he was awarded the three signature awards of a WWII warrior for his bravery; the Combat Infantryman's Badge, the Bronze Star and the Purple Heart. His wounds troubled him the remainder of his adult life; and

Whereas, U.S. Army PVT Lomer Elmo Davis was a truck driver for Shanklin's Trucking and later purchased his own truck and began hauling miscellaneous goods for local residents and neighbors. Mr. Davis owned and operated Davis Grocery at Ballengee from 1963-1980; and

Whereas, U. S. Army PVT Lomer Elmo Davis was a member of the Ballengee Farm Club and a trustee of the Oak Grove Cemetery; and

Whereas, U.S. Army PVT Lomer Elmo Davis passed away on Saturday, May 31, 2014, at Main Street Care in Hinton following a short illness; and

Whereas, U.S. Army PVT Lomer Elmo Davis was preceded in death by one brother, Thomas "Verdo" Davis and three sisters, Winnie McMillion, Ruby Riffe and Lena Clair Hedrick; those left to cherish his memory include his daughter, Anita Tabor and husband Dean of Marie; step-son, Floyd Light and wife Audra of Leesburg, Va.; four step-grandchildren; five step-great grandchildren; many loved nieces and nephews; and

Whereas, It is fitting that an enduring memorial be established to commemorate U S. Army PVT Lomer Elmo Davis 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 County Route 19/1, Ballangee Road, from its intersection with County Route 17/1, known as War Ridge Road, to its intersection with County Route 19/3, known as Big Stony Creek Road, in Summers County, the “U.S. Army PVT Lomer Elmo Davis 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. Army PVT Lomer Elmo Davis Memorial Road”; and, be it

Further Resolved, That the Clerk of the House is hereby directed to forward a copy of this resolution to the commissioner of the Division of Highways.

Delegates G. Ward, Mallow and Garcia offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 52 - “Requesting the Division of Highways name bridge number: 25-001/00-010.40 (25A004), (39.53091, -80.34410) locally known as Mannington Arch, carrying CR 1 over Pyles Fork in Marion County, the WW II Veterans Toothman Brothers Memorial Bridge’.”

Whereas, The Toothman family of Mannington, West Virginia had five brothers who served in the military during World War II; and

Whereas, Osborne Dale Toothman, age 95, died on October 14, 2016, at his home in Charlottesville, Virginia. Born on March 5, 1921, he was one of nine sons born to Charles and Mae Toothman in Mannington, West Virginia. He served in World War II as a Marine from 1938 to 1946; and

Whereas, Rupert Clyde Toothman served in the U. S. Army. He was seriously injured in Germany and discharged in 1945. He died in Page, Arizona in 1986; and

Whereas, Harold Herman Toothman served in the U. S. Army, discharged in 1945. He died in Mesa, Arizona in 1987; and

Whereas, Lawrence Reid Toothman was a U. S. Army Air Force B-24 pilot. He was shot down over Linz, Austria during his eighth mission, parachuted from the plane and captured by the Germans. He was freed from a POW hospital by Russians. He was discharged in 1946. He died in Orlando, Florida in 1984; and

Whereas, Hubert Earl Toothman served in the U. S. Army, was wounded in France near the Germany border. He was discharged in 1945 and died in Waycross, Georgia in 1972; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Toothman 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 25-001/00-010.40 (25A004), (39.53091, - 80.34410) locally known as Mannington Arch, carrying CR 1 over Pyles Fork in Marion County, the “WW II Veterans Toothman Brothers 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 “WW II Veterans Toothman Brothers Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Howell, Burkhammer, Cooper, Criss, Fast, Gearheart, Hamrick, Hanna, Hardy, Haynes, Hott, Householder, Jennings, Keaton, D. Kelly, J. Kelly, Linville, Martin, Maynard, J.

Pack, Paynter, Phillips, Pinson, Pritt, Riley, Summers, Tully and Wamsley offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 53 - “Requesting the Division of Highways name a portion of Interstate 68 from the Maryland State line to the intersection of Interstate 79 in Monongalia County, the ‘President Donald J. Trump Highway’.”

Whereas, West Virginia thrived under President Trump’s leadership; and

Whereas, President Trump strongly supported West Virginia’s energy production; and

Whereas, President Trump deserves enormous credit for his inspiring leadership of Operation Warp Speed that has given us multiple Covid 19 vaccines, now saving West Virginia lives; and

Whereas, For the first time in a quarter-century, Arab nations agreed to normalized relations with Israel with President Trump’s Abraham Accords, created the Afghan Peace Deal, and ended Isis’s reign, ending the need for the West Virginia National Guard to go into harm’s way; and

Whereas, President Trump built some 423 new miles of impressive border wall now standing guard at our southern border protecting Americans for the massive influx of Illegal Aliens that were making it harder for West Virginians to find jobs; and

Whereas, President Trump in 2020 signed the USMCA pact with our neighbors Mexico and Canada, a material improvement over the outdated and unfair NAFTA that destroyed West Virginia jobs; and

Whereas, It is fitting that West Virginia honors Donald J. Trump’s commitment to West Virginia by naming Interstate 68 in his honor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Interstate 68 from the Maryland State line to the intersection of Interstate 79 in Monongalia County, the “President Donald J. Trump Highway”; 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 “President Donald J. Trump Highway”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Sypolt, Hansen, Fleischauer, Walker, Statler and Williams offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 54 - “Requesting the Division of Highways name a portion of Old Route 73 (39.659317, -79.772097 to 39.658476, -79.645041), in Preston County, West Virginia, the ‘Robin W. Ames Memorial Road’.”

Whereas, Robin Wendell Ames was tragically killed by the careless actions of a distracted driver who was texting on her phone and hit and killed him while he rode his bike along Old Route 73 in Bruceton Mills on the day of February 17, 2020; and

Whereas, Robin Wendell Ames was married to Karrah Ames and had two young children: Charlotte Ames and Elliette Ames; and

Whereas, Mr. Ames was 37 years old when the negligent actions of another forever altered the lives of his family; and

Whereas, The driver was sentenced to home confinement for 30 days and served no time in jail as her actions were only deemed a misdemeanor offense, and has continued her life without significant consequence, while to this day his family is still trying to adjust to their lives without a father and husband; and

Whereas, Mr. Ames was educated at West Virginia University as a mechanical engineer and had launched a successful and promising career, where at the time of his death he was employed at the National Energy and Technology Laboratories of the United States Department of Energy in Morgantown, quickly rising through the ranks to become Project Manager; and

Whereas, Programs he managed were of vital importance to regional coal and natural gas industries such as the supercritical Carbon Dioxide Power Cycle Program; and

Whereas, He was an active and respected member of outdoor sports and recreation communities, volunteered for and donated to the Cooper's Rock Foundation, Friends of Decker's Creek, and Heartwood in the Hills, resulting in the loss of his life not only irreparably harming his family, but his community and the State of West Virginia; and.

Whereas, It is fitting that an enduring memorial be established to commemorate his loss, to honor his memory for his family and friends, to recognize his importance to his community, and to promote awareness of the dangers of texting and driving; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Old Route 73 (39.659317, -79.772097 to 39.658476, -79.645041), in Preston County, West Virginia, the "Robin W. Ames 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 "Robin W. Ames Memorial Road" include the words "Don't text and drive."; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Hamrick and Ferrell offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

H. C. R. 55 - "Requesting the Higher Education Policy Commission to study the feasibility of creating an accredited school of veterinary medicine with coordination between Fairmont State University, Glenville State College and/or the West Virginia School of Osteopathic Medicine."

Whereas, West Virginia residents and college students will benefit from the creation of a formal, nationally accredited school of veterinary medicine; and

Whereas, Current student enrollment and interest in animal and nutritional science programs at state colleges and universities is indicative of the need for a formal program and school of veterinary medicine within the state; and

Whereas, West Virginia has a rich history of agriculture and the state is intent on developing a sustainable plan to maximize the agricultural sector for economic growth and prosperity, including the development and retention of large animal veterinarians to service our state's growing cattle industry; and

Whereas, One strategy identified by the West Virginia Agriculture Advisory Board in its 2018 Strategic Plan for long-term growth of this industry is the need for enhanced collaboration between academic agencies and groups involved in agriculture; and

Whereas, There exists a need for educated and experienced professionals within the state to support the long-term prosperity of the agricultural industry; and

Whereas, Fairmont State University, Glenville State College, and/or the West Virginia School of Osteopathic Medicine could move forward with a single school of veterinary medicine to increase educational opportunities within the state and attract students from outside the state for purposes of a specialized program of study; therefore, be it

Resolved by the Legislature of West Virginia:

That the Higher Education Policy Commission study the feasibility of creating an accredited school of veterinary medicine with coordination between Fairmont State University, Glenville State College, and/or the West Virginia School of Osteopathic Medicine, or any combination of these institutions in collaboration; and, be it

Further Resolved, That any such study focus on the most efficient and practical use of existing programs of study at Fairmont State University, Glenville State College, and/or the West Virginia School of Osteopathic Medicine and the opportunity to develop and retain large animal veterinarians within the state; and, be it

Further Resolved, That such study include a report on all barriers and/or impediments to creating an accredited school of veterinary medicine; and, be it

Further Resolved, That the final report of such study be presented to the Joint Committee on Government and Finance of the West Virginia Legislature on or before January 1, 2022.

Delegates Hamrick and Kimble offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 56 - “Urging the FDA to not pass proposed new rules which would hurt and unfairly burden West Virginia farmers.”

Whereas, Congress recognized in the 2002 Bioterrorism Act that foods can be traced without imposing requirements on the very first or last links in the chain – the farmer/rancher and the entity that sells or serves the food to the consumer (grocers, restaurants, and other “retail food establishments”); and

Whereas, Congress re-affirmed that approach to traceability in the Food Safety Modernization Act in 2010; and

Whereas, Moreover, Congress recognized the importance of protecting small food businesses from expensive regulations that are not needed for small operations; and

Whereas, In adopting the initial regulations under FSMA, the FDA identified that food businesses grossing less than \$1 million annually were “very small businesses” in the context of our food system; and

Whereas, In these newest proposed regulations, the FDA is contradicting all these principles and imposing costly, burdensome requirements on farms, retail food establishments, and very small businesses; and

Whereas, If FDA’s Additional Traceability Records for Certain Foods Proposed Rule (“Traceability Proposed Rule”) is implemented, it will hurt West Virginia farmers, the entire farming community, West Virginia food sources, and others; therefore, be it,

Resolved by the Legislature of West Virginia:

That the FDA make the following changes:

(a) Limit the scope of the rule to “facilities”, as that term is used in the other FSMA regulations;

(b) Exclude farms, unless they conduct activities that would classify them as “farm mixed type facilities”;

(c) Exclude retail food establishments, whose primary purpose is to sell or serve food directly to consumers;

(d) Exempt very small businesses, defined consistent with other FSMA rules and the Small Business Administration’s classifications;

(e) Exempt foods that are “identity preserved” from farm to consumer, without requiring that individual items be in sealed plastic packaging;

(f) Remove the electronic spreadsheet requirement;

(g) If farms are included, remove the requirement for GPS coordinates for where the crops are grown; and

(h) Modify the requirements for “first receivers”, so that they are not required to keep records that go beyond the underlying requirements for the farms and food manufacturers they receive items from.

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the office of the FDA, and to each member of West Virginia’s congressional delegation.

Petitions

Delegate Boggs presented a petition signed by residents and community members of Riley Run Road, requesting a bridge to provide passage from Gassaway Road to Riley Run Road; which was referred to the Committee on Technology and Infrastructure.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

By Delegate Walker:

H. B. 3176 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-7-18, relating to requiring sharps containers in all state buildings and facilities where the public is allowed”; to the Committee on Health and Human Resources then Finance.

By Delegates Ellington, Hanna, Higginbotham, Hamrick, Kessinger, Smith, Toney, Mazzocchi, Horst, Holstein and Mandt:

H. B. 3177 - “A Bill to repeal §18-2-5d, §18-2-13b, §18-2-24, §18-2-29, and §18-2-35 of the Code of West Virginia, 1931, as amended; to repeal §18-2E-4a of said code; to repeal §18-3-9b of said code; to repeal §18-4-12 of said code; to repeal §18-5-18e, and §18-5-43 of said code; to repeal §18-7A-36 of said code; to repeal

§18-9A-8a of said code; to repeal §18-9B-11a of said code; to repeal §18-10H-4 of said code; to amend and reenact §18-9A-6a, §18-9A-7, and §18-9A-16 of said code; and to amend and reenact §18-9B-1, §18-9B-2, §18-9B-3, §18-9B-4, §18-9B-5, §18-9B-6, §18-9B-6a, §18-9B-7, §18-9B-8, §18-9B-9, §18-9B-10, §18-9B-12, §18-9B-13, §18-9B-14, §18-9B-15, §18-9B-17, §18-9B-18, §18-9B-19, §18-9B-20 and §18-9B-21 of said code, all relating to removing expired, outdated, inoperative and antiquated provisions and report requirements in education code; updating references; repealing expired report requirement related to productive and safe schools; repealing authorization of state board respecting use of revenues from dormitories, home or refectories; repealing outdated structure for collaboration on professional development delivery among state universities, regional education service agencies and center for professional development; repealing unused competitive grant program for selected schools and school districts; repealing unused requirement for state board rule on school uniforms for students; repealing outdated exception to mailing school report cards; repealing outdated mandated reduction in budgeted amount for personal services in certain fiscal year; repealing outdated exception for county board meeting related to fixing salaries of county superintendent; repealing expired study and report on pupils per teacher; repealing expired report requirement relating to county-wide council on productive and safe schools; repealing expired report requirement relating to joint study of retirement systems; removing reference to repealed allocation to teachers retirement fund; removing expired provisions related to additional funding bus system using bio-diesel alternative fuel; repealing expired allowance for regional education service agencies; replacing reference to state board of school finance with state superintendent; removing expired provision prohibiting salary reduction of certain persons due to passage of school finance article; correcting references to tax commissioner for functions previously transferred to state auditor; deleting outdated references to employment term and instructional term; and removing outdated provisions creating state board of school finance and requiring state superintendent to exercise powers and perform duties; repealing outdated authorization for adjustments to average daily attendance; and repealing mandate for establishment of certain interdisciplinary doctoral program”; to the Committee on Education.

By Delegate Pritt:

H. B. 3178 - “A Bill to amend and reenact §5-1-30 of the Code of West Virginia, 1931, as amended, relating to halting payment of salaries of all employees of state government, during periods of a pandemic, if private businesses are ordered closed; and exceptions for emergency personnel”; to the Committee on Government Organization then Finance.

By Delegates Mallow, Conley, Mandt and Forsht:

H. B. 3179 - “A Bill to amend and reenact § 11-6B-3 of the Code of West Virginia, 1931, as amended, relating to property tax exemptions; providing for an exemption from increasing property tax for eligible individuals”; to the Committee on Finance.

By Delegates Mallow, Conley, Mandt and Forsht:

H. B. 3180 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-2C-9a, relating to fair and equitable assessment of real property; providing Legislative findings; providing that it is unlawful to increase the assessed value of real property for no apparent reason than to establish a new or additional source of revenue; and providing that increased assessments may be made only upon the periodic evaluation of the property”; to the Committee on Finance.

By Delegate Riley:

H. B. 3181 - “A Bill to amend and reenact §24-2-2 of the Code of West Virginia, 1931, as amended, relating to giving water and/or sewer utilities that are political subdivisions the same authority as is currently experienced by water and/or sewer providers that exceed 4500 customers and \$3 million in revenue; and, to provide that the proper place for compelling action by a utility is with the Public Service Commission or Supreme Court, not the circuit court”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Rowe:

H. B. 3182 - “A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-23; to amend said code by adding thereto a new section, designated §33-24-46; to amend said code by adding thereto a new section,

designated §33-16-19; and to amend said code by adding thereto a new section, designated §33-25-23; all relating to requiring insurers to provide benefits for telemedicine treatment and evaluation services at the same rate for the same in person medical services”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates J. Pack, Householder, Summers and Steele:

H. B. 3183 - “A Bill to amend and reenact §6B-3-1, §6B-3-3b, §6B-3-7, and §6B-3-9 of the Code of West Virginia, 1931, as amended, all relating to lobbyist; requiring notification of potential conflict of interests; and providing penalties”; to the Committee on the Judiciary.

By Delegate Bates:

H. B. 3184 - “A Bill to amend and reenact §5-16-7f of the Code of West Virginia, 1931, as amended; to amend and reenact §23-4-3 of said code; to amend and reenact §33-15-4s of said code; to amend and reenact §33-16-3dd of said code; to amend and reenact §33-24-7s of said code; to amend and reenact §33-25-8p of said code; and to amend and reenact §33-25A-8s of said code, all relating to ensuring that sections of the code that were modified during the 2019 legislative to include workers’ compensation providers in the insurance prior authorization process”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Dean:

H. B. 3185 - “A Bill to amend and reenact §20-2-5g of the Code of West Virginia, 1931, as amended, relating to allowing the use of a crossbow to hunt in counties that have no big game firearms season by residents age 65 or older”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Bates:

H. B. 3186 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-30; relating to PEIA hospital inpatient rates, and requiring the plan to reimburse any hospital that provides inpatient care to a beneficiary covered by the plan no less than 90 percent of the Inpatient Prospective Payment System Diagnostic Related Group assigned

amount then in effect for the federal fee for service component of the Medicare program by July 1, 2023; and requiring the plant to reimburse the Inpatient Prospective Payment System Diagnostic Related Group assigned amount then in effect for the federal fee for service component of the Medicare program by July 1, 2024”; to the Committee on Banking and Insurance then Finance.

By Delegate Pritt:

H. B. 3187 - “A Bill to amend and reenact §18-5F-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting county boards of education from restricting parents from monitoring virtual instruction programs; and providing for injunctive relief”; to the Committee on Education then the Judiciary.

By Delegates Walker, Pushkin, Fleischauer, Fluharty, Young and Hansen:

H. B. 3188 - “A Bill to amend and reenact §61-11-25 of the Code of West Virginia, 1931, as amended, relating to expungement of criminal records; making expungement of records for certain defendants found not guilty or have had charges dismissed to occur without petitioning the court; and allowing the prosecutor to petition the court to object because of lack of eligibility for expungement”; to the Committee on the Judiciary.

By Delegates Walker, Evans, Thompson, Pushkin, Fluharty and Young:

H. B. 3189 - “A Bill to amend and reenact §49-2-1003 of the Code of West Virginia, 1931, as amended; and to amend §49-4-721 of the said code, all relating to establishing requirements for confining juveniles in juvenile facilities; placing limitations on when in room confinement; providing requirements for confinement rooms; providing what services juveniles in confinement shall have along with further limitations and conditions; and providing these provisions do not mandate fencing or similar structures at any juvenile facility”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates Dean, Paynter, Cooper, Kimes, Maynard, Booth, Haynes, G. Ward, Hanna, Ferrell and Wamsley:

H. B. 3190 - “A Bill to amend and reenact §30-2-1 of the Code of West Virginia, 1931, as amended, relating to permitting persons with master’s degrees, regardless of the course of study, to take an examination for admission to practice law in the courts of this state”; to the Committee on Education then the Judiciary.

By Delegates Boggs, Storch, Pethtel, Householder and Westfall:

H. B. 3191 - “A Bill to amend and reenact §5-10-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7A-13a of said code, all relating to requiring employers to send certain notifications when retirants are hired as temporary, part-time employees”; to the Committee on Finance.

By Delegate Graves:

H. B. 3192 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, §19-38-5, §19-38-6, §19-38-7, and §19-38-8 relating to agriculture; creating the West Virginia Farm Fresh Dairy Act; exempting certain sales from licensure and certification; providing definitions; providing conforming amendments; and providing for an effective date”; to the Committee on Agriculture and Natural Resources then Health and Human Resources.

By Delegates Walker, Young, Thompson, Rowe and Hansen:

H. B. 3193 - “A Bill to amend and reenact §16-5-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-8 of said code; to amend and reenact §17B-2-13 of said code; and to amend said code by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, and §55-19-5, all relating to obtaining an appropriate gender marker for state documents; to providing an avenue by which persons may petition the courts to change their gender; providing for an objection process; providing guidelines for when judges may or may not grant the request; and providing for a joint petition process”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Smith, Gearheart, Clark, Keaton, Barnhart, Hanna, Hamrick, Foster and Steele:

H. B. 3194 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11A-3-5a and §11A-3-6a; and to amend and reenact §11A-3-42 of said code, all relating to sales of tax liens, delinquent properties, and nonentered lands; prohibiting delinquent entities from bidding on or purchasing properties at public auction; providing for rescission of sale and forfeiture of property when a delinquent entity bids on or purchases properties at public auction; requiring registration for public auctions requiring signed statement of bidders; and providing that sales of lands by the deputy commissioner of delinquent and nonentered lands be conducted as provided under this bill”; to the Committee on the Judiciary.

By Delegates Hamrick and Hanna:

H. B. 3195 - “A Bill to repeal §17A-10-3C of the Code of West Virginia, 1931, as amended, relating to removing the \$200 fee for electric vehicle registration and the \$100 fee for hybrid vehicle registration”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Hamrick, Hornbuckle and Higginbotham:

H. B. 3196 - “A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to automating the expungement of criminal records”; to the Committee on the Judiciary.

By Delegates Kimble, Sypolt, Steele, Foster, Kimes, Pritt, Horst, Fast, G. Ward, Mazzocchi and McGeehan:

H. B. 3197 - “A Bill to amend and reenact §5A-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-3-4 of said code; and to amend said code by adding thereto a new section, designated §18B-1-12, all relating to exemptions from mandated immunizations for religious reasons”; to the Committee on Health and Human Resources.

By Delegates Hansen, Queen, Evans, Anderson, Hornbuckle and Skaff:

H. B. 3198 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2K-

1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, §5B-2K-6, and §5B-2K-7, all relating to establishing a program to facilitate the recovery of areas of the state that have been impacted by the reduction of coal production and consumption; providing legislative findings; authorizing the Department of Commerce to administer the program; providing for a Just Transition Advisory Committee to study and advise the department; defining terms; requiring submission of plans to the Legislature; providing that certain coal operations and electric utilities provide information to the department relating to job losses when a facility is closing; and providing for expiration of the article”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate Phillips:

H. B. 3199 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9-9, relating to ensuring that students use the bathroom or restroom that correlates with their biological sex”; to the Committee on Education then the Judiciary.

By Delegate Sypolt:

H. B. 3200 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6b; to amend said code by adding thereto a new section, designated §17-3-11; and to amend said code by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating generally to enhancing maintenance and repair of the state’s roads and highways; establishing roads accountability and transparency; directing the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating to state and public roads; setting forth the minimum content to be contained in the website; directing the commissioner of Highways to provide information and data to the State Auditor; requiring an annual update to the Joint Committee on Government and Finance; creating the Special Road Repair Fund as a subaccount of the State Road Fund; authorizing the commissioner to transfer certain funds into the subaccount for certain purposes; creating the Enhanced Road Repair and Maintenance Program; stating legislative findings and purpose of program; requiring Division of Highways county

supervisors consult with county commissions and legislators to submit project requests to the Division of Highways; setting forth a funding formula; setting forth requirements concerning bidding, vendors, and contracts with private vendors; specifying uses of Special Road Repair Fund; defining terms; providing requirements for commissioner of Highways and districts; requiring for rulemaking; and requiring reporting by Division of Highways and Legislative Auditor”; to the Committee on Technology and Infrastructure then Finance.

By Delegate Young:

H. B. 3201 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-10-1, §5B-10-2, §5B-10-3, and §5B-10-4, all relating to creating the ‘Food Pantry Assistance Grant Program;’ providing legislative findings and definitions; and, in connection therewith, authorizing an allocation of money the state receives from the federal coronavirus relief fund”; to the Committee on Health and Human Resources then Finance.

By Delegate Barnhart:

H. B. 3202 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to ensuring that allowing public high schools to have full-time athletic trainers”; to the Committee on Education then Finance.

By Delegate Hornbuckle:

H. B. 3203 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-10, relating to creating the West Virginia Small Business COVID Relief Act to be established under the West Virginia Department of Commerce; providing legislative findings; creating the act and providing qualifications for relief; and providing an effective date”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate Steele:

H. B. 3204 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section designated §62-1A-

12; relating to custodial interrogation of a child; requiring the child have contact with legal counsel by certain means; requiring the child have contact with a parent, guardian, legal custodian, or other legally recognized equivalent by certain means; permitting a law-enforcement officer to ask questions reasonably believed to be necessary to protect life or property without requiring contact with counsel, parents, guardians, or other recognized persons; and requiring questions of a child be limited to obtaining such information reasonably believed to be necessary to protect life or property”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 3205 - “A Bill to amend and reenact §16A-15-4 of the Code of West Virginia, 1931, as amended, relating to medical marijuana; clarifying certain provisions relating to employment of individuals using medical marijuana that would otherwise be denied employment due to the use of marijuana; clarifying federal provisions for employers to prohibit the use of medical marijuana; preserving an employer’s right to continue or establish a drug-free workplace program or policy; and prohibiting a cause of action be brought against an employer for wrongful termination or discrimination due to an employee’s use of medical marijuana”; to the Committee on Workforce Development then the Judiciary.

By Delegates Hornbuckle, Lovejoy, Rohrbach, Barach, Hansen, Pushkin, Williams and Worrell:

H. B. 3206 - “A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-15-24, all relating to the development and implementation of a program to regulate source-separated organic material waste; requiring permits for the facilities and general operation; providing for general handling of organic material waste; authorizing the secretary to promulgate rules; authorizing the secretary to provide exemptions; and to provide for curb-side pickup of composting”; to the Committee on Health and Human Resources then Government Organization.

By Delegates Thompson and Barach:

H. B. 3207 - “A Bill to amend and reenact §18-2-5 of the Code of West Virginia, 1931, as amended, relating to providing that

teachers using in-person teaching, distance learning, and virtual teaching may not be required to teach these modes at the same time”; to the Committee on Education.

By Delegates Graves, Cooper, Dean, Maynard, Ferrell, Storch, J. Pack, Toney and L. Pack:

H. B. 3208 - “A Bill to amend and reenact §5-10-221 of the Code of West Virginia, 1931, as amended, and to amend and reenact §18-7A-26W of said code, as amended, relating to modifying the minimum amount of monthly retirement annuity for certain retirants with 25 or more years of credited service”; to the Committee on Pensions and Retirement then Finance.

By Delegates Barach, Young, Linville, Rowe, Ferrell, Pritt, Skaff, Pushkin, L. Pack, Graves and Griffith:

H. B. 3209 - “A Bill to amend and reenact §39-4-20 of the Code of West Virginia, 1931, as amended, relating to excepting persons previously commissioned as a notary public from the requirement that notary publics have a high school diploma or its equivalent in order to be recommissioned as a notary public”; to the Committee on the Judiciary.

By Delegates Doyle, Hansen, Evans, Hornbuckle and Fleischauer:

H. B. 3210 - “A Bill to amend and reenact §5B-1-9 of the Code of West Virginia, 1931, as amended, relating to providing authority to the county commission to hold a referendum to approve tourism development projects; requiring developer to have sought a building permit for the project at least 5 years prior; and providing that amendments to the section are prospective”; to the Committee on Political Subdivisions then Government Organization then the Judiciary.

By Delegates Doyle, Walker, Hornbuckle, Barach, Young, Griffith and Fleischauer:

H. B. 3211 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-2F-1, §15-2F-2, §15-2F-3, §15-2F-4 §15-2F-5, §15-2F-6, §15-2F-7 §15-2F-8, §15-2F-9 and §15-2F-10; creating an Independent Police Review and Accountability Board; establishing membership of

board; providing complaint procedures; establishing jurisdiction of the board; providing for the disposition of complaints; establishing requirements for final action; providing that board process does not abrogate rights; establishing procedures for suspension and dismissal; establishing procedural requirements; creating rules of procedure; authorizing rulemaking; and establishing reporting of the board”; to the Committee on the Judiciary then Finance.

By Delegate Thompson:

H. B. 3212 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, and §9-11-4, all relating to establishing a Child Care Assistance for Essential Employees Program; reciting legislative findings; defining ‘essential employee’ and detailing categories of essential businesses and operations; establishing program; defining eligibility criteria; specifying the scope of the program benefit; and requiring the Department of Health and Human Resources to conduct a study and submit a report”; to the Committee on Workforce Development then Finance.

By Delegates Barach, Griffith, Zukoff, Diserio, Ferrell, Doyle, Walker, Hansen, Evans, Fleischauer and Hornbuckle:

H. B. 3213 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18; and to amend said code by adding thereto a new section, designated §11-15-3d, all relating to assessing an impact fee on internet sales originating or ending in the state; establishing a special revenue account administered by the West Virginia Development Office; providing legislative findings relating to the need to preserve retail businesses; authorizing investment of funds and use of their proceeds; assessing a two percent internet impact fee; providing for the use of the fund to promote and assist retail storefronts in the state; defining terms; and authorizing legislative rules by the Department of Revenue”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Storch, Queen, Riley, D. Kelly, Barnhart, Reynolds, Fluharty and Zukoff:

H. B. 3214 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5c, relating to reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil and gas producing counties of origin and their respective municipalities; establishing state and local oil and gas county reallocated severance tax funds and providing for distribution of the moneys to the county commissions and governing bodies of the municipalities by the State Treasurer; establishing amounts each oil and gas producing county and their respective municipalities are to receive; requiring the creation of local funds into which moneys are to be deposited; requiring moneys be expended solely for economic development projects and infrastructure projects; providing definitions; providing restrictions on the expenditure of moneys; providing duties of State Tax Commissioner; requiring report of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; and authorizing legislative and emergency rules”; to the Committee on Energy and Manufacturing then Finance.

By Delegate Brown:

H. B. 3215 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-4-1a, relating to the requirements of a prosecuting attorney”; to the Committee on the Judiciary.

By Delegate Thompson:

H. B. 3216 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-22, relating to establishment of an excess executive compensation tax; defining terms; levying tax on corporations based upon employee salary ratios; setting rate of the tax; and specifying when the tax is to be paid”; to the Committee on Workforce Development then the Judiciary then Finance.

By Delegates Hornbuckle, Thompson, Dean, Lovejoy, Ferrell, Zukoff, Griffith and Kessinger:

H. B. 3217 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to the establishment of the ‘Student Rescue Act;’ allowing for students of all grades in West Virginia to be able to attend these courses if they so desire, and if there is enough interest, in order to make up instructional time or educational opportunities lost for a pandemic, natural disaster, or other singular event lasting more than 21 days; providing for a source of funding; and providing an effective date”; to the Committee on Education then Finance.

By Delegates Hott and Westfall:

H. B. 3218 - “A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended, relating to eliminating the cause of action for deliberate intent for injuries that arise during the course of employment”; to the Committee on the Judiciary.

By Delegate Graves:

H. B. 3219 - “A Bill to amend and reenact §19-23-3, §19-23-7, §19-23-10, §19-23-12b, §19-23-13, and §19-23-13c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a, to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e, and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27, and §29-22C-27a of said code, all relating to dog racing requirements; modifying certain definitions; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such a license; establishing procedure for licensee to discontinue live dog racing; discontinuing West Virginia Greyhound Breeding Development Fund; requiring that funds deposited in the West Virginia Greyhound Breeding development fund be paid out to licensees; requiring \$1 million from the fund be withheld and used for certain programs to care for and assist in adoption of greyhounds; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates

to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring that horse racetrack owners applying for video lottery license show agreement of proceeds from video lottery and representative of horse breeders association; establishing amounts, effective July 1, 2021, of net terminal income for both the West Virginia Thoroughbred Development Fund and licensees who discontinued greyhound racing at their respective racetracks; removing requirement that net terminal income be paid into the Workers' Compensation Debt Reduction Fund; providing that distribution to special funds established by licensees limited to amounts designated as either thoroughbred racetrack video lottery licensees or greyhound racetrack licensees; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted; providing for and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates"; to the Committee on Government Organization then Finance.

By Delegates L. Pack, Keaton, Mallow, Conley, Forsht, Longanacre, Haynes, Kimble, Burkhammer, Hanna and Pritt:

H. B. 3220 - "A Bill to amend and reenact §6D-1-2 of the Code of West Virginia, 1931, as amended, relating to require disclosure of information from state agencies, municipalities, counties, or county school districts that have contracted with a state agency for consulting services related to lobbying"; to the Committee on Government Organization.

By Delegate Howell:

H. B. 3221 - "A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Education to calculate and assume the full costs associated with wards of the state who are placed in out-of-state

mental health facilities, residential institutions, private schools or correctional facilities before calculating and disbursing a county board of education's allocation of available appropriated funds; and removing from the county board of education all financial responsibility for the costs associated with out-of-state placement for such children"; to the Committee on Education then Finance.

By Delegates Mallow, Conley, Mandt and Forsht:

H. B. 3222 - "A Bill to amend and reenact §24-2A-5 of the Code of West Virginia, 1931, as amended, relating to authorizing reduced rates for residential utility customers who are residents of a small community with fewer than 1000 residents"; to the Committee on the Judiciary then Finance.

By Delegate L. Pack:

H. B. 3223 - "A Bill to amend and reenact §5-6-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §7-3-19; and to amend said code by adding thereto a new section, designated §8-12-22, all relating to prohibiting the dedication or naming any state, county, or municipal building or public structure for a public official who is holding office at the time of the proposed dedication or naming"; to the Committee on Government Organization.

By Delegate Young:

H. B. 3224 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, establishing the food desert program under the Department of Agriculture"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Young:

H. B. 3225 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-20-1, §18B-20-2, §18B-20-3, §18B-20-4, §18B-20-5, and §18B-20-6, all relating to creating the Hunger Free Campus Act; providing for a short title; enacting the act and providing for a legislative purpose; providing qualifications for campuses to be designated as 'Hunger-Free' zones; giving a reporting requirement;

appropriating money; and providing for an effective date”; to the Committee on Education then Finance.

By Delegate Holstein:

H. B. 3226 - “A Bill to amend and reenact §19-20-8 of the Code of West Virginia, 1931, as amended, relating to providing a fee waiver for veterans who adopt a dog or cat from a public animal shelter or humane society; and providing limitations”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

By Delegate Griffith:

H. B. 3227 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-5A-1, relating to requiring medication status information be provided to a patient’s pharmacy when updating prescriptions or changing medications; and authorizing the Board of Pharmacy to propose a legislative rule”; to the Committee on Health and Human Resources.

By Delegate Griffith:

H. B. 3228 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-5A-1, relating to requiring documentation of changes to patient prescriptions and notification to patient’s pharmacy”; to the Committee on Health and Human Resources.

By Delegate Griffith:

H. B. 3229 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-5A-1, relating to requiring the purpose of a prescription to be clearly stated on the label”; to the Committee on Health and Human Resources.

By Delegate Pethtel:

H. B. 3230 - “A Bill to amend and reenact §17C-14-11 of the Code of West Virginia, 1931, as amended, relating to prohibiting dangerous materials being placed on highways”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Conley:

H. B. 3231 - “A Bill to amend and reenact §24-3-8 of the Code of West Virginia, 1931, as amended, relating to public utility security deposits and interest thereon; prohibiting the charging of interest on security deposits held for up to five years; and updating reference to prior law”; to the Committee on the Judiciary.

By Delegate Hornbuckle:

H. B. 3232 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3-13, relating to teacher certification, requiring teachers attaining their initial licensure or renewing their license to participate in cultural competency training”; to the Committee on Education.

By Delegate Pritt:

H. B. 3233 - “A Bill to repeal §3-4A-1, §§3-4A-2, §3-4A-3, §3-4A-4, §3-4A-5, §3-4A-6, §3-4A-7, §3-4A-8, §3-4A-9, §3-4A-10, §3-4A-11, §3-4A-12, §3-4A-13, §3-4A-14, §3-4A-15, §3-4A-16, §3-4A-17, §3-4A-18, §3-4A-19, §3-4A-20, §3-4A-21, §3-4A-22, §3-4A-23, §3-4A-24, §3-4A-25, §3-4A-26, §3-4A-27, §3-4A-28, §3-4A-29, §3-4A-30, §3-4A-31, §3-4A-32, §3-4A-33, and §3-4A-34 of the Code of West Virginia, 1931, as amended, relating to electronic voting systems”; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3234 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-17-1, §62-17-2, §62-17-3, §62-17-4, §62-17-5, §62-17-6, §62-17-7, §62-17-8, §62-17-9, §62-17-10, §62-17-11, §62-17-12, §62-17-13, §62-17-14, §62-17-15, §62-17-16, §62-17-17, §62-17-18, §62-17-19, §62-17-20, §62-17-21, §62-17-22, §62-17-23, §62-17-24, §62-17-25, §62-17-26, §62-17-27, §62-17-28, §62-17-29, §62-17-30, and §62-17-31, all relating to criminal forfeiture process act; titling the act; defining terms; establishing the process for seizure; defining jurisdiction; establishing restraints and exceptions for seizure; establishing process for property owned by innocent parties; establishing process for property covered by a lien; establishing process for payment of fees and costs”; to the Committee on the Judiciary.

By Delegate Hamrick:

H. B. 3235 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, and §19-38-4, relating to vegetable garden protection; providing the protected right to cultivate vegetable gardens”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Toney:

H. B. 3236 - “A Bill to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to county board of education compensation; increasing compensation to \$250 per meeting”; to the Committee on Education then Finance.

By Delegate Pushkin:

H. B. 3237 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6, §55-19-7 and §55-19-8, all relating to the establishing of the West Virginia Public Participation Act; providing legislative findings and declarations; defining terms; authorizing litigants to petition for dismissal of strategic lawsuits against public participation; establishing procedures for dismissal; setting burdens of proof; providing for judicial review of any decision on a petition for dismissal; providing for the award of attorneys’ fees, costs and other relief; and providing for exceptions and limitations on the applicability of the West Virginia Public Participation Act”; to the Committee on the Judiciary.

By Delegate Young:

H. B. 3238 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, relating to establishing the food waste task force”; to the Committee on Health and Human Resources then Government Organization.

By Delegates Barach, Doyle, Walker, Hornbuckle, Griffith, Young, Pushkin, Fleischauer, Hansen, Diserio and Thompson:

H. B. 3239 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designating §24-2I-1,

§24-2I-2, §24-2I-3 §24-2I-4 and §24-2I-5, all relating to electric energy production; legislative findings and declarations; definitions; promoting the long-term development of a more diversified energy generation and production portfolio in this state; providing for the long term development of a diversified energy portfolio that includes additional renewable energy generating facilities; encouraging the development of cleaner burning fuel technologies that reduce our state's carbon footprint; establishing long-term goals which can be reasonably achieved for electric power generation diversification; creating an energy diversification study commission to review the status of the electric generation facilities located in our state; requiring the study commission to report its findings and recommendations on how the established goals can be achieved to the Joint Committee on Government and Finance, including recommendations for any additional legislation needed to meet the established goals; and requiring annual reporting requirements for each electric utility in this state advise the study commission, and in turn the Legislature, of their individual and collective progress toward meeting the established goals"; to the Committee on Energy and Manufacturing.

By Delegate Bates:

H. B. 3240 - "A Bill to amend and reenact §11-21-22, and §11-21-22b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-21-22c, all relating to providing an earned income tax credit against the personal income tax; and establishing a West Virginia Child Tax Credit"; to the Committee on Finance.

By Delegate Evans:

H. B. 3241 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-16-1, §4-16-2, §4-16-3, §4-16-4, §4-16-5 and §4-16-6, all relating to the formation of a legislative commission to study implementation of the development of Coalwood Way and related sites in Big Creek District of McDowell County as historical, cultural and recreational facilities"; to the Committee on Government Organization then Finance.

By Delegates Fluharty, Zukoff, Garcia, Young and Hornbuckle:

H. B. 3242 - “A Bill to amend and reenact §17-16A-6 of the Code of West Virginia, 1931, as amended, relating to exempting law enforcement and emergency vehicles from paying turnpike tolls”; to the Committee on Technology and Infrastructure then Finance.

By Delegate Steele:

H. B. 3243 - “A Bill to amend and reenact §7-14-9 of the Code of West Virginia, 1931, as amended, relating to deputies transferring to another department within the civil service system; permitting deputies to transfer without the need to retake a written examination; requiring a medical screening examination prior to transfer; and requiring a background screening prior to transfer”; to the Committee on the Judiciary.

By Delegate Toney:

H. B. 3244 - “A Bill to amend and reenact §12-1-1, §12-1-2, §12-1-3, §12-1-6, §12-1-7, §12-1-9, §12-1-10, §12-1-11, and §12-1-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §12-9-1, §12-9-2, §12-9-3, §12-9-4, §12-9-5, §12-9-6, §12-9-7, §12-9-8, §12-9-9, §12-9-10, §12-9-11, §12-9-12, §12-9-13, §12-9-14, §12-9-15, §12-9-16, §12-9-17, §12-9-18, §12-9-19, §12-9-20, §12-9-21, §12-9-22, §12-9-23, §12-9-24, and §12-9-25, all relating to creating the Bank of West Virginia as a state bank; transferring the banking authorities of the State Treasurer to the State Bank; designating the Bank of West Virginia be the depositor of all state funds; providing the Bank of West Virginia provide or contract for banking services; authorizing contracting with state and federal credit unions; establishing the mission of the Bank of West Virginia; providing for a Citizens Advisory Commission; providing for the selection of an Advisory Board of Directors; describing the authority of the board of directors; providing for a bank president; establishing powers of the bank; providing for partnering with local financial institutions to create access to capital loans for community development; requiring annual audits; requiring reporting; authorizing the electronic transfer of funds;

authorizing the bank to promulgate legislative rules; providing for the confidentiality of bank records; and prohibiting conflicts of interest”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Hamrick:

H. B. 3245 - “A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-1H-1, §62-1H-2, §62-1H-3, §62-1H-4, and §62-1H-5, all relating to creating the Protection of All Property from Warrantless Searches Act; providing a short title, legislative findings, and definitions; stating conditions for entry to homes or on land; defining illegal searches; and right to sue for damages”; to the Committee on the Judiciary.

By Delegate Hamrick:

H. B. 3246 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6, §55-19-7, §55-19-8, §55-19-9, §55-19-10, §55-19-11, and §55-19-12, all relating to protecting everyone’s constitutional rights; establishing findings, defining terms, establishing government is responsible for actions of its employees; providing a cause of action for individual against a government employee; describing judicial process; establishing jurisdiction in state court; providing that government may terminate contract, agreement or employment of employee found to have violated plaintiff’s rights; providing a statute of limitations; providing immunity; designating information available to public; and providing effective date”; to the Committee on the Judiciary.

By Delegates Fleischauer, Walker, Zukoff, Young, Storch, Rowan, Sypolt, Skaff, Lovejoy, Brown and Fluharty:

H. B. 3247 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4 and §21-5I-5, relating to the rights of applicants and employees to inquire about wages, benefits, and other compensation; and providing for a cause of action for violations”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 3248 - “A Bill to amend and reenact §16-2-16 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that a local county health department issue a food handler permit or card; and providing that food handlers shall follow United States Food and Drug Administration regulations applicable to food-handling operations”; to the Committee on Health and Human Resources.

By Delegate Foster:

H. B. 3249 - “A Bill to amend and reenact §11A-4-4 of the Code of West Virginia, 1931, as amended, relating to reducing to one year the deadline for right to set aside deed when one entitled to notice of tax sale was not notified”; to the Committee on the Judiciary.

By Delegate Hanshaw (Mr. Speaker):

H. B. 3250 - “A Bill to amend and reenact §24A-2-2b of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; restricting the Public Service Commission from promulgating rules or regulations requiring wrecker companies to permit the registered owner of a towed vehicle to access the vehicle without a fee to retrieve his or her personal property; restricting the Public Service Commission from promulgating rules requiring wrecker companies to destroy abandoned vehicles in lieu of selling such vehicles; and other technical corrections”; to the Committee on Government Organization.

By Delegates Fluharty, Zukoff, Garcia, Young, Hornbuckle and Bates:

H. B. 3251 - “A Bill to amend and reenact §17-16A-6 of the Code of West Virginia, 1931, as amended, relating to exempting school buses with students on board from paying turnpike tolls”; to the Committee on Education then Finance.

By Delegates Hornbuckle, Hanna, Fluharty, Griffith, Young, Doyle, Zukoff, Walker, Rowe and Fleischauer:

H. B. 3252 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-23-

9b, relating to establishing the Commission on American History Enrichment; providing legislative findings relating to evaluating history lessons and materials for history courses that are more inclusive of the history of historic minorities; providing for appointment and membership of the commission; requiring commission to meet and submit reports; and providing for pay and expenses of commission”; to the Committee on Education.

By Delegate Hamrick:

H. B. 3253 - “A Bill to amend and reenact §11A-1-3 and §11A-1-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §11A-2-13 of said code; and to amend and reenact §11A-3-2 of said code, all relating to limiting the amount of fees for late payment of property taxes; limiting the amount of charges that may be levied on delinquent property; providing that no penalty may exceed the lesser of \$1000 or the amount of actual tax due; limiting publication charges; and providing for a limitation of late fees”; to the Committee on Finance.

By Delegate Hanshaw (Mr. Speaker):

H. B. 3254 - “A Bill to amend and reenact §61-10-15 of the Code of West Virginia, 1931, as amended, relating to authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a voluntary basis”; to the Committee on the Judiciary.

By Delegate Steele:

H. B. 3255 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, and §5-30-6; all relating to establishing an Anti-Abuse of Power Act; providing for a legislative purpose; defining terms; prohibiting certain conduct of government employees, elected officials, and appointed officials; describing scope of act; restricting interpretations of provisions; and establishing criminal penalties”; to the Committee on the Judiciary.

By Delegate Holstein:

H. B. 3256 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-

10, relating to creating the West Virginia Safe House Act to be established; providing legislative findings; creating the act and providing for training; and providing an effective date”; to the Committee on Finance.

By Delegate Pritt:

H. B. 3257 - “A Bill to amend and reenact §3-1-14 of the Code of West Virginia, 1931, as amended, relating to prohibit presidential electors from voting for the presidential and vice presidential party that did not win the majority of votes; and creating a felony offense and penalty for violation of this provision”; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3258 - “A Bill to amend and reenact §18-5-1 and §18-5-1b of the Code of West Virginia, 1931, as amended, relating to modifying county school board elections to provide that the candidate’s party affiliation be displayed beside of the candidate’s name on the ballot”; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3259 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to public health; and prohibiting state funding of abortions”; to the Committee on the Judiciary then Finance.

By Delegates Rowe, Pushkin, Skaff, Barach, Young and Griffith:

H. B. 3260 - “A Bill to amend and reenact §11-13J-6, §11-13J-8, and §11-13J-12 of the Code of West Virginia, 1931, as amended, all relating to extending the Neighborhood Investment Program Act; increasing the aggregate limit for the tax credit authorized under the program; and extending duration of the program until July 1, 2031”; to the Committee on Finance.

By Delegate Pritt:

H. B. 3261 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-112a relating to adoption attorneys; allowing the direct payment of state adoption attorneys, prohibiting state payment of adoptive

parent's attorney fees, and providing for an attorney referral list rather than direct attorney referral for adoptive parents"; to the Committee on the Judiciary then Finance.

By Delegate Pritt:

H. B. 3262 - "A Bill to amend and reenact §48-18-205 of the Code of West Virginia, as amended, relating to expressly allowing for child support arrears agreements that a family court must accept"; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3263 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15A-1, §15-15A-2, §15-15A-3, §15-15A-4, and §15-15A-5, all relating to enacting the Refugee Information Act; including short title and definitions; requiring the state office within the Department of Health and Human Resources which deals with refugees to prepare and distribute fiscal impact assessment reports; and including administrative and severability provisions"; to the Committee on the Judiciary then Finance.

By Delegate Pritt:

H. B. 3264 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-31, relating to creating a misdemeanor offense for the impersonation of a nonpublic figure on social media"; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3265 - "A Bill to amend and reenact §16-2I-2 of the Code of West Virginia, 1931, as amended, relating to mandating an ultrasound imaging procedure prior to an abortion"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Statler:

H. B. 3266 - "A Bill to amend and reenact §18A-4-16 of the Code of West Virginia, 1931, as amended, relating to allowing teachers and service personnel to apply for, and contract for, extracurricular assignments after retirement"; to the Committee on Education.

By Delegates Wamsley, Booth, Haynes and Bruce:

H. B. 3267 - “A Bill to amend and reenact §11-3-30 of the Code of West Virginia, 1931, as amended, relating to exceptions to assessments generally; and changing the method of assessing inventory property for tax purposes”; to the Committee on Finance.

By Delegates Paynter, Gearheart, G. Ward, Dean, Bridges and Smith:

H. B. 3268 - “A Bill to amend and reenact §24-2-2 of the Code of West Virginia, 1931, as amended, relating to the powers of the Public Service Commission; and requiring independent third party audits of public utilities with 2000 or more customers”; to the Committee on the Judiciary.

By Delegate Worrell:

H. B. 3269 - “A Bill to amend and reenact §22-14-22 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Environmental Protection to assume all costs necessary to certify and permit a privately owned dam before the secretary may recover costs for repair or remediation”; to the Committee on the Judiciary then Finance.

By Delegates Paynter, Kessinger, Householder, Summers, Dean and Worrell:

H. B. 3270 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting from adjusted gross income the first \$35,000 of retirement income for individuals age 60 and over”; to the Committee on Pensions and Retirement then Finance.

By Delegate Haynes:

H. B. 3271 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25d, relating to requiring the secondary schools athletic commission to promulgate rules related to broadcasting interscholastic athletic events”; to the Committee on Education.

By Delegate Thompson:

H. B. 3272 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-4A-1,

§21-4A-2, §21-4A-3, §21-4A-4, §21-4A-5, §21-4A-6, §21-4A-7, §21-4A-8, §21-4A-9, §21-4A-10, §21-4A-11, §21-4A-12, §21-4A-13, §21-4A-14, §21-4A-15, and §21-4A-16, all relating to establish the Fair Workweek Act; defining purpose, legislative intent, and terms used; specifying covered employees and covered employers; requiring posting or publishing advance notice of work schedules; providing employee with right to decline additional, unscheduled work; providing acceptable methods of rescheduling employee work shifts; specifying exceptions and special circumstances; establishing a right to rest; specifying manner and forms of notice; providing for confidentiality of schedules in certain circumstances; authorizing rule-making; establishing monetary penalties and other sanctions for violations; providing for administrative resolution of complaints; providing for private cause of action; requiring employer retention of records; and providing for inspection and enforcement by the Division of Labor”; to the Committee on Workforce Development then the Judiciary.

By Delegate Haynes:

H. B. 3273 - “A Bill to amend and reenact §47-14-10 of the Code of West Virginia, 1931, as amended, relating to allowing telephone solicitation for preneed funeral services”; to the Committee on the Judiciary.

By Delegate L. Pack:

H. B. 3274 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-14a, relating to legislative pensions; prohibiting the use of other state employment to acquire credited time for legislative pensions”; to the Committee on Pensions and Retirement then Finance.

By Delegate Bates:

H. B. 3275 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31G-6-1, §31G-6-2, and §31G-6-3, all relating to broadband resiliency, public safety and quality act; authorizing rulemaking; making findings; defining terms; authorizing oversight of broadband and VoIP; authorizing council to audit; and providing reporting annual reporting”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Bates:

H. B. 3276 - “A Bill to amend the Code of West Virginia, 1931, as amended, to amend and reenact §9-5-22 of said code to require managed care organizations to report certain mental health parity information; to amend said code by adding thereto a new section, designated §9-5-29, requiring contracts between managed care organizations and the state Medicaid agency to contain certain provisions mandating such managed care organizations to provide mental health parity between behavioral health, mental health, substance use disorders, and medical and surgical procedures; providing definitions; providing for liquidated damages; and setting forth an effective date”; to the Committee on Health and Human Resources.

By Delegate Bates:

H. B. 3277 - “A Bill to amend and reenact §33-45-1 of the Code of West Virginia, 1931, as amended, relating to ethics and fairness in insurer business practices; modifying the definition of health plan under this section to include worker’s compensation”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Young:

H. B. 3278 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6, all relating to establishing the Intergenerational Poverty Task Force; giving criteria for members; establishing duties for the task force; providing for the power of the task force; creating a report to be submitted to the Joint Committee on Government and Finance; and creating a termination date”; to the Committee on Government Organization.

By Delegate Griffith:

H. B. 3279 - “A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of the Department of Health and Human Resources to implement a state-wide nutrition incentive program that encourages citizens who receive Supplemental Nutrition Assistance Program (SNAP) benefits to consume fresh, healthy, and locally grown food from eligible food items purchased at local

farmer's markets and participating grocers: and providing for an equal SNAP credit for the use of additional farmer market purchases up to \$40 a month"; to the Committee on Finance.

By Delegate Rowe:

H. B. 3280 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-10c, relating to creating a misdemeanor crime of assault upon a person with bodily fluid"; to the Committee on the Judiciary.

By Delegates J. Kelly, Steele, Reynolds, Booth, Riley, Bridges, Cooper, Barnhart and D. Kelly:

H. B. 3281 - "A Bill to repeal §24D-1-26 of the Code of West Virginia, 1931, as amended; to amend and reenact §24-2-1 of said code; to amend said code by adding thereto a new section, designated §24-2-1q; and to amend and reenact §24D-1-5 of said code, all relating to recognizing cable television as a utility; establishing jurisdiction of the Public Service Commission over cable television providers; requiring commission determine if effective competition for cable services exists throughout the state and setting rates in localities where it does not; repealing section regarding cable television's status as utility"; to the Committee on Government Organization.

By Delegates Thompson, Pushkin and Hornbuckle:

H. B. 3282 - "A Bill to amend and reenact §18-5-18a of the Code of West Virginia, as amended, relating to maximum classroom ratios of teacher to pupils; applying the maximum ratio to all grades; limiting exceptions to the maximum ratios; removing outdated language; providing exceptions for certain programs and activities; mandating compensation for teachers in classrooms exceeding maximum ratio; and requiring a new report from the West Virginia Department of Education"; to the Committee on Education.

By Delegates Fast, Householder and Criss:

H. B. 3283 - "A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to reallocation of the distribution of the net proceeds of the hotel occupancy tax; providing that not more than 40 percent of the proceeds be

distributed to convention and visitor's bureaus and for the promotion of tourism and travel"; to the Committee on Finance.

By Delegates Rowan, Miller, Toney, Dean, Paynter and Cooper:

H. B. 3284 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3C-1a, relating to school personnel; requiring school boards to staff distinct personnel for in-person and virtual instruction"; to the Committee on Education.

By Delegate Rowan:

H. B. 3285 - "A Bill to amend and reenact §18B-10-4b of the Code of West Virginia, as amended, relating to expanding availability of health science and technology programs throughout the state in order for high school students to have the opportunity to participate and receive a tuition waiver to certain state institutions of higher education"; to the Committee on Education.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order as unfinished business, were, at the request of Delegate Summers and by unanimous consent, considered en masse, and adopted:

S. C. R. 15, Extending certain leases between US Army Corps of Engineers and Nicholas County Airport Authority,

H. C. R. 8, U.S. Army SFC Guy Hively Memorial Bridge,

H. C. R. 13, TEC 5 U. S. Army Donald "Tiny" Lucas Memorial Bridge,

And,

H. C. R. 16, PFC Franklin D. Frazier Memorial Road.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein on those requiring the same.

H. C. R. 32, To name Gatewood Road in Fayette County as the “Senator Shirley Love Memorial Road”; coming up in regular order, as unfinished business, was reported by the Clerk.

Delegate Fast requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

The question being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 168**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Hardy and Maynard.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 32) adopted.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein

Third Reading

H. B. 2379, Make criminal invasion of privacy a 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. 169**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: J. Jeffries and McGeehan.

Absent and Not Voting: Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2379) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2493, Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers; on third reading, coming up in regular order, was read a third time.

Delegate Tully requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

At the request of Delegate Summers, and by unanimous consent, the bill (H. B. 2493) was recommitted to the Committee on Finance.

Com. Sub. for H. B. 2770, Including home confinement officers in definition of law-enforcement officers; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegate Barrett, the bill was amended on page 1, immediately following the enacting clause, by striking out the remainder of the bill in its entirety and inserting in lieu thereof the following:

“CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-1. Definitions.

For the purposes of this article, unless a different meaning clearly appears in the context:

(1) ‘Approved law-enforcement training academy’ means any training facility which is approved and authorized to conduct law-enforcement training as provided in this article;

(2) ‘Chief executive’ means the Superintendent of the State Police; the chief Natural Resources police officer of the Division of Natural Resources; the sheriff of any West Virginia county; any administrative deputy appointed by the chief Natural Resources police officer of the Division of Natural Resources; or the chief of any West Virginia municipal law-enforcement agency;

(3) ‘County’ means the 55 major political subdivisions of the state;

(4) ‘Exempt rank’ means any noncommissioned or commissioned rank of sergeant or above;

(5) ‘Governor’s Committee on Crime, Delinquency, and Correction’ or ‘Governor’s committee’ means the Governor’s Committee on Crime, Delinquency, and Correction established as a state planning agency pursuant to §15-9-1 of this code;

(6) ‘Law-enforcement officer’ means any duly authorized member of a law-enforcement agency, who is authorized to maintain public peace and order, prevent and detect crime, make arrests, and enforce the laws of the state or any county or municipality thereof, other than parking ordinances, and includes any home incarceration supervisor employed by the county commission authorized pursuant to §62-11B-7a of this code, those persons employed as campus police officers at state institutions of higher education in accordance with the provisions of §18B-4-5 of this code, persons employed as hospital police officers in accordance with the provisions of §16-5B-19 of this code, and persons employed by the Public Service Commission as ~~motor carrier inspectors~~ commercial vehicle enforcement officers and weight-enforcement officers charged with enforcing commercial motor vehicle safety and weight restriction laws, although those institutions and agencies may not be considered law-enforcement agencies. The term also includes those persons employed as county litter control officers charged with enforcing litter laws: *Provided*,

That those persons have been trained and certified as law-enforcement officers and that certification is currently active. The term also includes those persons employed as rangers by resort area districts in accordance with the provisions of §7-25-23 of this code, although no resort area district may be considered a law-enforcement agency: *Provided, however, That* the subject rangers shall pay the tuition and costs of training. As used in this article, the term ‘law-enforcement officer’ does not apply to the chief executive of any West Virginia law-enforcement agency or any watchman or special Natural Resources police officer;

(7) ‘Law-enforcement official’ means the duly appointed chief administrator of a designated law-enforcement agency or a duly authorized designee;

(8) ‘Municipality’ means any incorporated town or city whose boundaries lie within the geographic boundaries of the state;

(9) ‘Subcommittee’ or ‘law-enforcement professional standards subcommittee’ means the subcommittee of the Governor’s Committee on Crime, Delinquency, and Correction created by §30-29-2 of this code; and

(10) ‘West Virginia law-enforcement agency’ means any duly authorized state, county, or municipal organization employing one or more persons whose responsibility is the enforcement of laws of the state or any county or municipality thereof: *Provided, That* neither the Public Service Commission nor any state institution of higher education nor any hospital nor any resort area district is a law-enforcement agency.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver’s license; possessing deadly weapons on premises housing courts of law and family law courts.

(a) The Legislature finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that §61-7-11a(b), §61-7-11a(g), and §61-7-11a(h), of this code and §61-7-11a(b)(2)(I) of this code are enacted as a reasonable regulation of the manner in which citizens may exercise the rights accorded to them pursuant to section 22, article III of the Constitution of the State of West Virginia.

(b) (1) It is unlawful to possess a firearm or other deadly weapon:

(A) On a school bus as defined in §17A-1-1 of this code;

(B) In or on the grounds of any primary or secondary educational facility of any type: *Provided, That* it shall not be unlawful to possess a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds thereof;

(C) At a school-sponsored function that is taking place in a specific area that is owned, rented, or leased by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring.

(2) This subsection does not apply to:

(A) A law-enforcement officer employed by a federal, state, county, or municipal law-enforcement agency, including any home incarceration supervisor employed by the county commission authorized pursuant to §62-11B-7a of this code, in the performance of his or her duties;

(B) Any probation officer appointed pursuant to §62-12-5 or chapter 49 of this code in the performance of his or her duties;

(C) A retired law-enforcement officer who meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. §926C(c), carries that firearm in a concealed manner, and has on their person official identification in accordance with that act;

(D) A person, other than a student of a primary and secondary facility, specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

(E) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(F) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

(G) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity;

(H) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity; or

(I) Any person, 21 years old or older, who has a valid concealed handgun permit may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school: *Provided*, That:

(i) When he or she is occupying the vehicle the person stores the handgun out of view from persons outside the vehicle; or

(ii) When he or she is not occupying the vehicle the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other

interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle.

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of §61-7-11a(b) of this code shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the State Police, county sheriff, or municipal police agency.

(d) In addition to the methods of disposition provided by §49-5-1 *et seq.* of this code, a court which adjudicates a person who is 14 years of age or older as delinquent for a violation of §61-7-11a(b) of this code may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's 19th birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's 19th birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward to the Division of Motor Vehicles.

(e)(1) If a person 18 years of age or older is convicted of violating §61-7-11a(b) of this code and if the person does not act to appeal the conviction within the time periods described in §61-7-11a(e)(2) of this code, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in §61-7-11a(e)(1) of this code shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within 20 days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within 30 days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in §61-7-11a(e)(1) of this code, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's 20th birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of §17C-5A-2 of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within 10 days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present

evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(4) For the purposes of this subsection, a person is convicted when he or she enters a plea of guilty or is found guilty by a court or jury.

(f)(1) It is unlawful for a parent, guardian, or custodian of a person less than 18 years of age who knows that the person is in violation of §61-7-11a(b) of this code or has reasonable cause to believe that the person's violation of §61-7-11a(b) of this code is imminent to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

(2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(g)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts.

(2) This subsection does not apply to:

(A) A law-enforcement officer acting in his or her official capacity; and

(B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over the premises or offices.

(3) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(h)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts, with the intent to commit a crime.

(2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(i) Nothing in this section may be construed to be in conflict with the provisions of federal law.

CHAPTER 62. CRIMINAL PROCEDURE

ARTICLE 11B. HOME INCARCERATION ACT.

§62-11B-7a. Employment by county commission of home incarceration supervisors; authority of supervisors.

(a) The county commission may employ one or more persons with the approval of the circuit court and who shall be subject to the supervision of the sheriff as a home incarceration supervisor or may designate the county sheriff to supervise offenders ordered to undergo home incarceration and to administer the county's home incarceration program. Any person so supervising shall have authority, equivalent to that granted to a probation officer pursuant to §62-12-10 of this code, to arrest a home incarceration participant when reasonable cause exists to believe that such participant has violated the conditions of his or her home incarceration. Unless otherwise specified, the use of the term 'supervisor' in this article shall refer to a home incarceration supervisor.

(b) A home incarceration supervisor may carry a concealed firearm in the course of his or her employment, if the following criteria are met:

(1) The home incarceration program shall have a written policy authorizing home incarceration supervisors to carry a concealed firearm for self-defense purposes;

(2) There shall be in place in the home incarceration program a requirement that the home incarceration supervisors must regularly qualify in the use of a firearm with standards that are equal to or exceed those required of sheriff's deputies in the county in which the home incarceration supervisors are employed;

(3) The home incarceration program shall issue a photographic identification and certification card which identify the home incarceration supervisors as law-enforcement employees of the home incarceration program pursuant to the provisions of §30-29-12 of this code.

(c) Any policy instituted pursuant to subdivision (1), subsection (b) of this section shall include provisions which:

(1) Preclude or remove a person from participation in the concealed firearm program who is subject to any disciplinary or legal action which could result in the loss of the authority to participate in the program;

(2) Preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm; and

(3) Prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defined in §17C-5-2 of this code.

(d) Any home incarceration supervisor who participates in a program authorized by the provisions of this subsection shall be responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(e) The intent of the Legislature in enacting the amendments to this section during the 2021 regular session of the Legislature is to authorize home incarceration programs wishing to do so to allow home incarceration supervisors to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. §926B: *Provided, That* it is the intent of the Legislature in enacting this section during the 2021 regular session of the Legislature that home incarceration supervisors attend a course conducted by the Law Enforcement Professional Standards Program prior to such

certification, in order to give those home incarceration supervisors without prior law enforcement training the needed skills to fully qualify as law enforcement officers; and: *Provided, however,* The provisions of this section enacted in the 2021 Legislative session shall become effective July 1, 2022, in order to give all such home incarceration supervisors the opportunity to avail themselves of such training.”

Having been engrossed, 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. 170**), and there were—yeas 93, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Yeas: Barach, Fleischauer, Hornbuckle, Lovejoy, Walker and Young.

Absent and Not Voting: Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2770) passed.

On motion of Delegate Barrett, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2770 - “A Bill to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-7-11a of said code; and, to amend and reenact §62-11B-7a of said Code; all relating to the status of home incarceration supervisors; including home incarceration supervisors in definition of law-enforcement officers; authorizing home incarceration supervisors to carry a concealed firearm in certain facilities limited to other law-enforcement officers; authorizing home incarceration supervisors to carry firearms while performing their duties if their county has adopted a concealed firearms training program that complies with federal law enforcement training requirements; and, providing for training to enable home incarceration supervisors to fully qualify as law enforcement officers if they have not previously done so.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2776, Creating the Air Ambulance Patient Protection 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. 171**), and there were—yeas 85, nays 14, absent and not voting 1, with the yeas and absent and not voting being as follows:

Nays: Dean, Fast, Haynes, Holstein, J. Jeffries, Jennings, Kessinger, Martin, McGeehan, Pack, Paynter, Pritt, Sypolt and Tully.

Absent and Not Voting: Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2776) passed.

An amendment to the title of the bill, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 2776 – “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-11B-1, relating to the creation of the Air Ambulance Patient Protection Act; declaring that an air ambulance service provider who solicits air ambulance membership subscriptions and charges membership fees, is an insurer and shall be regulated by the commissioner; requiring a valid license to solicit or sell air ambulance membership agreements or subscriptions; providing for rulemaking by the commissioner; providing for severability; and providing an internal effective date of July 1, 2021.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2888, Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction; 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. 172**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2888) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Second Reading

S. B. 404, Modifying well work permits issued by DEP Office of Oil and Gas; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2400, Authorizing the Department of Transportation to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2634, Coverage for the treatment of chronic pain; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was committed to the Committee on Finance.

Com. Sub. for H. B. 2794, To extend the Neighborhood Investment Program Act to July 1, 2026; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2817, Donated Drug Repository Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3078, Relating to powers and duties of the parole board; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3081, Updating the West Virginia Business Corporations Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3128, Relating to carrier fees on 911 fee revenues; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3133, Relating to motor carrier rates; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 5, Relating to claims arising out of WV Consumer Credit and Protection Act,

Com. Sub. for S. B. 42, Creating Zombie Property Remediation Act of 2021,

Com. Sub. for H. B. 2495, Relating to the filing of asbestos and silica claims,

H. B. 2830, Relating generally to sex trafficking,

H. B. 2854, Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System,

Com. Sub. for H. B. 2855, Relating to the Natural Resources Police Officers Retirement System,

Com. Sub. for H. B. 2896, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services,

H. B. 2898, Making a supplementary appropriation to WorkForce West Virginia – Workforce Investment Act

H. B. 2901, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services,

H. B. 2903, Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police,

H. B. 2940, Making a supplementary appropriation to the Department of Education, State Board of Education – State Department of Education,

H. B. 2941, Supplementary appropriation decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner,

H. B. 3129, Relating to the Consumer Price Index rate increase,

H. B. 3130, Relating to elimination of sunset provisions concerning towing rates,

H. B. 3132, Relating to motor carrier inspectors,

H. B. 3134, Creating a new criminal defense prohibiting public disclosure of restricted information,

And,

H. B. 3175, Relating to removing certain felonies than can prohibit vehicle salespersons from receiving a license.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Hardy.

Miscellaneous Business

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2364: Delegates Horst, J. Jeffries and Waverly;

H. B. 2630: Delegate Hott;

H. B. 2704: Delegate Mandt;

H. B. 2752: Delegate Ferrell;

H. B. 2989: Delegates Barnhart, Fast, Foster, Higginbotham, Holstein, D. Jeffries, J. Jeffries, Mazzocchi, J. Pack and Phillips;

H. B. 3127: Delegate Sypolt;

H. B. 3203: Lovejoy;

And,

H. R. 7: Delegates Conley, D. Jeffries, J. Jeffries, Mallow and Maynard.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

H. B. 2959: Delegate Westfall.

At 12:02 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, March 17, 2021.

Wednesday, March 17, 2021

THIRTY-SIXTH DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Tuesday, March 16, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 2959, Relating to the financing of environmental pollution control equipment for coal-fired power plants,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2959 - "A Bill to amend and reenact §24-2-11 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the Public Service Commission concerning cost recovery for improvements modernizing coal-fired boilers and installing pollution control equipment on coal-fired power plants; amending legislative findings to include language concerning environmental pollution controls on power plants to comply with federal and state environmental regulatory requirements; adding provisions creating a program for the

installation, operation, and maintenance of environmental pollution control equipment; providing that electric utilities may file with the commission an application for expedited recovery of costs for the installation, operation, and maintenance of environmental pollution control equipment; amending requirements for cost recovery regarding programs for modernizing coal-fired boilers; amending and providing for application requirements for both programs; altering provisions concerning the time required for a waiver of public hearings for both programs; amending conditions and terms for recovery of incremental capital costs; and amending provisions concerning rates,”

With the recommendation that the committee substitute do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2796, Supplemental appropriation bill is to expire funds to the surplus balance of General Revenue and to supplement and increase an item of appropriation in the aforesaid account for the designated spending unit for expenditure during the fiscal year 2021,

H. B. 2829, Providing for the amortization of annual funding deficiencies for municipal police or firefighter pension and relief funds,

H. B. 2897, Expiring funds to the balance of the Department of Commerce,

H. B. 2899, Making a supplementary appropriation to the Department of Commerce,

And,

H. B. 2920, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund,

And reports the same back with the recommendation that they each do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2026, Relating to the modernization of the collection of income taxes by adopting uniform provisions relating to the mobile workforce,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2026 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-31; and to amend and reenact §11-24-7, all relating to the collection of income taxes generally; excluding compensation of certain temporary nonresident employees from state source income; changing the allocation of multi-state income from a four factor formula to a single sales factor; removing requirement that certain sales of tangible personal property be excluded when allocating sales of tangible personal property to this state; replacing the income-producing activity methodology for allocating sales of services and intangible property to this state with a market-based sourcing methodology; and providing effective dates,”

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 2364, Permit teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2364) was referred to the Committee on the Judiciary.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2793, Permit out of state residents to obtain West Virginia concealed carry permits,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2793) was referred to the Committee on Finance.

Delegate Steele, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 156, Authorizing Department of Homeland Security to promulgate legislative rules,

Com. Sub. for S. B. 160, Authorizing Department of Revenue to promulgate legislative rules,

And,

Com. Sub. for S. B. 182, Authorizing miscellaneous agencies and boards to promulgate legislative rules,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2962, Relating generally to dental practice,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2962) was referred to the Committee on Government Organization.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 16, 2021, he approved **Com. Sub. for S. B. 12, Com. Sub. for S. B. 216, Com. Sub. for S. B. 345, S. B. 358 and S. B. 459.**

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. 2006, Relating to the West Virginia Contractor Licensing Act.

On motion of Delegate Summers, the House of Delegates 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 4. THE LEGISLATURE.**ARTICLE 10. PERFORMANCE REVIEW ACT.****§4-10-10. Regulatory board review schedule.**

(a) A regulatory board review is required for all regulatory boards.

(b) A regulatory board review shall be performed on each regulatory board at least once every 12 years, commencing as follows:

(1) 2017: Board of Accountancy; Board of Respiratory Care Practitioners; and Board of Social Work Examiners.

(2) 2018: Board of Examiners of Psychologists; Board of Optometry; and Board of Veterinary Medicine.

(3) 2019: Board of Acupuncture; Board of Barbers and Cosmetologists; and Board of Examiners in Counseling.

(4) 2020: Board of Hearing Aid Dealers; Board of Licensed Dietitians; and Nursing Home Administrators Board.

(5) 2021: Board of Dental Examiners; Board of Medicine; and Board of Pharmacy.

(6) 2022: Board of Chiropractic Examiners; Board of Osteopathy; and Board of Physical Therapy.

(7) 2023: Board of Occupational Therapy; Board of Examiners for Speech-Language Pathology and Audiology; and Medical Imaging and Radiation Therapy Board of Examiners.

(8) 2024: Board of Professional Surveyors; Board of Registration for Foresters; Contractor Licensing Board; and Board of Registration for Professional Engineers.

(9) 2025: Board of Examiners for Licensed Practical Nurses; Board of Examiners for Registered Professional Nurses; and Massage Therapy Licensure Board.

(10) 2026: Board of Architects; Board of Embalmers and Funeral Directors; and Board of Landscape Architects; and

(11) 2027: Board of Registration for Sanitarians; Real Estate Appraiser Licensure and Certification Board; and Real Estate Commission.

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF
THE GOVERNOR, SECRETARY OF STATE AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

ARTICLE 11A. WEST VIRGINIA FAIR HOUSING ACT.

**§5-11A-3a. Volunteer services or materials to build or install
basic universal design features; workers, contractors,
engineers, and architects; immunity from civil liability.**

Any person, including a worker, contractor, engineer or architect, who in good faith provides services or materials, without remuneration, to build or install basic universal design features as set forth in ~~section ten a, article eleven, chapter twenty one~~ §30-42-10 of this code may not be liable for any civil damages as the result of any act or omission in providing such services or materials: *Provided, That* the basic universal design feature or features shall be built or constructed in accordance with applicable state and federal laws and applicable building codes.

**ARTICLE 22. GOVERNMENT CONSTRUCTION
CONTRACTS.**

**§5-22-1. Bidding required; government construction contracts
to go to lowest qualified responsible bidder; procedures to
be followed in awarding government construction projects;
penalties for violation of procedures and requirements
debarment; exceptions.**

(a) This section and the requirements in this section may be referred to as the West Virginia Fairness in Competitive Bidding Act.

(b) As used in this section:

(1) ‘Lowest qualified responsible bidder’ means the bidder that bids the lowest price and that meets, at a minimum, all the following requirements in connection with the bidder’s response to the bid solicitation. The bidder shall certify that it:

(A) Is ready, able, and willing to timely furnish the labor and materials required to complete the contract;

(B) Is in compliance with all applicable laws of the State of West Virginia; and

(C) Has supplied a valid bid bond or other surety authorized or approved by the contracting public entity.

(2) ‘The state and its subdivisions’ means the State of West Virginia, every political subdivision thereof, every administrative entity that includes such a subdivision, all municipalities, and all county boards of education.

(3) ‘State spending unit’ means a department, agency, or institution of the state government for which an appropriation is requested, or to which an appropriation is made by the Legislature.

(4) ‘Alternates’ means any additive options or alternative designs included in a solicitation for competitive bids that are different from and priced separately from what is included in a base bid.

(5) ‘Construction project’ means a specifically identified scope of work involving the act, trade, or process of building, erecting, constructing, adding, repairing, remodeling, rehabilitating, reconstructing, altering, converting, improving, expanding, or demolishing of a building, structure, facility, road, or highway. Repair and maintenance of existing public improvements that are recurring or ongoing in nature and that are not fully identified or known at any one time shall be considered a construction project and procured according to this article on an open-ended basis, so long as the work to be performed under the contract falls into a generally accepted single class, or type, and bidders are notified of

the open-ended nature of the work in the solicitation: *Provided, That* no open-ended repair or maintenance contract may exceed \$500,000.

(c) The state and its subdivisions shall, except as provided in this section, solicit competitive bids for every construction project exceeding \$25,000 in total cost.

(1) If a solicitation contains a request for any alternates, the alternates shall be listed numerically in the order of preference in the solicitation.

(2) A vendor who has been debarred pursuant to §5A-3-33b through §5A-3-33f of this code, may not bid on or be awarded a contract under this section.

(d) All bids submitted pursuant to this chapter shall include a valid bid bond or other surety as approved by the State of West Virginia or its subdivisions.

(e) Following the solicitation of bids, the construction contract shall be awarded to the lowest qualified responsible bidder who shall furnish a sufficient performance and payment bond. The state and its subdivisions may reject all bids and solicit new bids on the project.

(f) Any solicitation of bids shall include no more than five alternates. Alternates, if accepted, shall be accepted in the order in which they are listed on the bid form. Any unaccepted alternate contained within a bid shall expire 90 days after the date of the opening of bids for review.

Determination of the lowest qualified responsible bidder shall be based on the sum of the base bid and any alternates accepted.

(g) The apparent low bidder on a contract valued at more than \$250,000 for the construction, alteration, decoration, painting, or improvement of a new or existing building or structure with a state spending unit shall submit a list of all subcontractors who will perform more than \$25,000 worth of work on the project including labor and materials. This section does not apply to other

construction projects such as highway, mine reclamation, water, or sewer projects. The list shall include the names of the bidders and the license numbers as required by ~~§21-11-1~~ §30-42-1 *et seq.* of this code. This information shall be provided to the state spending unit within one business day of the opening of bids for review prior to the awarding of a construction contract. If the apparent low bidder fails to submit the subcontractor list, the spending unit shall promptly request by telephone and electronic mail that the low bidder and second low bidder provide the subcontractor list within one business day of the request. Failure to submit the subcontractor list within one business day of receiving the request shall result in disqualification of the bid. A subcontractor list may not be required if the bidder provides notice in the bid submission or in response to a request for a subcontractor list that no subcontractors who will perform more than \$25,000 worth of work will be used to complete the project.

(h) Written approval must be obtained from the state spending unit before any subcontractor substitution is permitted. Substitutions are not permitted unless:

(1) The subcontractor listed in the original bid has filed for bankruptcy;

(2) The state spending unit refuses to approve a subcontractor in the original bid because the subcontractor is under a debarment pursuant to §5A-3-33d of this code or a suspension under §5A-3-32 of this code; or

(3) The contractor certifies in writing that the subcontractor listed in the original bill fails, is unable, or refuses to perform the subcontract.

(i) The contracting public entity may not award the contract to a bidder which fails to meet the minimum requirements set out in this section. As to a prospective low bidder which the contracting public entity determines not to have met one or more of the requirements of this section or other requirements as determined by the public entity in the written bid solicitation, prior to the time a contract award is made, the contracting public entity shall

document in writing and in reasonable detail the basis for the determination and shall place the writing in the bid file. After the award of a bid under this section, the bid file of the contracting public agency and all bids submitted in response to the bid solicitation shall be open and available for public inspection.

(j) The contracting public entity shall not award a contract pursuant to this section to any bidder that is known to be in default on any monetary obligation owed to the state or a political subdivision of the state, including, but not limited to, obligations related to payroll taxes, property taxes, sales and use taxes, fire service fees, or other fines or fees. Any governmental entity may submit to the Division of Purchasing information which identifies vendors that qualify as being in default on a monetary obligation to the entity. The contracting public entity shall take reasonable steps to verify whether the lowest qualified bidder is in default pursuant to this subsection prior to awarding a contract.

(k) A public official or other person who individually or together with others knowingly makes an award of a contract under this section in violation of the procedures and requirements of this section is subject to the penalties set forth in §5A-3-29 of this code.

(l) No officer or employee of this state or of a public agency, public authority, public corporation, or other public entity and no person acting or purporting to act on behalf of an officer or employee or public entity may require that a performance bond, payment bond, or surety bond required or permitted by this section be obtained from a particular surety company, agent, broker, or producer.

(m) All bids shall be open in accordance with the provisions of §5-22-2 of this code, except design-build projects which are governed by §5-22A-1 *et seq.* of this code and are exempt from these provisions.

(n) Nothing in this section applies to:

(1) Work performed on construction or repair projects by regular full-time employees of the state or its subdivisions;

(2) Prevent students enrolled in vocational educational schools from being utilized in construction or repair projects when the use is a part of the student's training program;

(3) Emergency repairs to building components, systems, and public infrastructure. For the purpose of this subdivision, the term 'emergency repairs' means repairs that if not made immediately will seriously impair the use of building components, systems, and public infrastructure or cause danger to persons using the building components, systems, and public infrastructure; and

(4) A situation where the state or subdivision thereof reaches an agreement with volunteers, or a volunteer group, in which the governmental body will provide construction or repair materials, architectural, engineering, technical, or other professional services, and the volunteers will provide the necessary labor without charge to, or liability upon, the governmental body.

CHAPTER 21. LABOR.

ARTICLE 1. DIVISION OF LABOR.

§21-1-3. Inspections by commissioner; duties and records of employers; commissioner may appoint assistants.

The commissioner of labor and his or her authorized representatives shall have the power and authority in the discharge of their duties, to enter any place of employment or public institution, for the purpose of collecting facts and statistics relating to the employment of workers and of making inspections for the proper enforcement of all labor laws of the state. No employer or owner shall refuse to admit the commissioner of labor or his or her authorized representative when they so seek admission to his place of employment, public building, or place of public assembly.

The commissioner or his or her authorized representative shall, at least once each year, visit and inspect the principal factories and workshops of the state, and shall, upon complaint and request of any three or more reputable citizens, visit and inspect any place where labor is employed and make true report of the result of his or her inspection.

Every employer and owner shall furnish to the ~~department~~ division of labor all information which the commissioner of labor or his or her representative is ~~authorize~~ authorized to require, and shall make true and specific answers to all questions submitted by the ~~department~~ division of labor, orally or in writing as required by said division ~~department~~. Every employer shall keep a true and accurate record of the name, address, and occupation of each person employed by him or her and of the daily and weekly hours worked by each such person, and of the wages paid each pay period to each such person. Such records shall be kept on file for at least one year after the date of the record. No employer shall make or cause to be made any false entries in any such record.

In addition to such other powers and duties as may be conferred upon the commissioner of labor by law, the ~~said~~ commissioner of labor shall have the power, duty, jurisdiction, and authority to employ, promote, and remove deputies, inspectors, clerks, and other assistants, as needed, and to fix their compensation, with regard to existing laws applicable to the employment and compensation of officers and employees of the State of West Virginia, and to assign to them their duties; to make or cause to be made all necessary inspections, including inspections relating to enforcing the West Virginia Contractor Licensing Act, §30-42-1 et seq., of this code, to see that all laws and lawful orders which the department has the duty, power, and authority to enforce, are promptly and effectively carried out.

ARTICLE 3C. ELEVATOR SAFETY.

§21-3C-10a. License requirements for elevator mechanics, accessibility technicians, limited technicians; contractors license requirements; supervision of elevator apprentices requirements.

(a) A person may not engage or offer to engage in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by this article in this state, unless he or she has a license issued by the commissioner in accordance with this article.

(b) A person licensed under this article shall:

(1) Have in his or her possession a copy of the license issued pursuant to this article on any job on which he or she is performing elevator mechanic work; and

(2) Be, or be employed by, a contractor licensed pursuant to the provisions of ~~article eleven, chapter twenty one~~ §30-42-1 *et seq.*, of this code unless the work is performed by a historic resort hotel's regular employees, for which the employees are paid regular wages and not a contract price, on property owned or leased by the historic resort hotel which is not intended for speculative sale or lease;

(c) *Elevator mechanic license.* —

(1) To obtain an elevator mechanic's license, a person shall:

(A) Successfully complete educational programs that are registered with the Bureau of Apprenticeship and Training of the United States Department of Labor, including all required examinations and work experience: *Provided, That* if an applicant successfully completes such educational program prior to being registered with the Bureau of Apprenticeship and Training of the United States Department of Labor, the division may grant a license to the applicant after he or she demonstrates to the commissioner that he or she has successfully completed all the test and work experience requirements; or

(B) (i) Provide to the commissioner an acceptable combination of documented experience and educational credits of not less than four years of recent and active experience in the elevator industry in construction, maintenance, or service/repair or any combination thereof, as verified by current and previous employers listed to do business in this state, on a sworn affidavit; and

(ii) Obtain a score of 70 percent or better on a written competency examination approved or provided by the division.

(2) A licensed elevator mechanic may work on all elevators covered by this article.

(d) *Accessibility technician license.* —

(1) To obtain an accessibility technician's license a person shall:

(A) Provide to the commissioner a certificate of completion of an accessibility training program for the elevator industry such as the Certified Accessibility Training (CAT) program by the National Association of Elevator Contractors, or an equivalent nationally recognized training program; or

(B) (i) Have at least 18 months experience in the construction, maintenance, service and repair, or any combination thereof, as verified by current and previous employers, licensed to do business in this state, on a sworn affidavit, of accessibility lifts;

(ii) Have at least one year of documented vocational training and/or an associate degree in a related field; and

(iii) Obtain a score of 70 percent or better on a written competency examination approved or provided by the commissioner.

(2) A person holding an accessibility technician license may only perform work on accessibility equipment.

(3) A person holding an accessibility technician license may obtain a limited use/limited application (LULA) elevator endorsement. To obtain the LULA elevator endorsement, such person shall:

(A) (i) Hold a current accessibility technician license;

(ii) Provide the commissioner with a certificate of LULA manufacturer's training; and

(iii) Provide at least one year of documented work experience to the commissioner, on a sworn affidavit, in the construction, maintenance, service and repair of LULA elevators and comparable equipment, which was completed under the supervision of a licensed accessibility technician; or

(B) As of July 1, 2012, have at least 18 months of accessibility technician's experience in construction, maintenance, service and repair, or any combination thereof, as verified by current and previous employers, licensed to do business in this state, on a sworn affidavit: *Provided, That* an additional one year of documented work as an accessibility technician with certification of manufacturer's factory training, is required before a LULA endorsement may be obtained.

(4) Any person carrying an accessibility license as of July 1, 2012, shall receive the required endorsement to continue to work on this type of equipment, and will be qualified to supervise future applicants as described in this section.

(e) *Limited technician license.* —

(1) To obtain a limited technician's license an applicant shall:

(A) Complete a certified apprenticeship program, registered by the United States Department of Labor established at a historic resort hotel, qualifying for a limited technician license; or

(B) Provide an acceptable combination of documented experience, and educational credits of not less than three years of recent and active experience in the elevator industry, in maintenance, or service/repair or any combination thereof, as verified by current and previous employers authorized to do business in this state, on a sworn affidavit; and obtain a score of 70 percent or better on a written competency examination approved or provided by the division.

(2) A person holding a limited technician license may only perform work at a historic resort hotel: *Provided, That* for purposes of this section, 'historic resort hotel' has the same meaning ascribed to it in §29-25-2 of this code.

(f) *Elevator apprentice.* —

(1) An elevator apprentice who is enrolled in an apprenticeship program approved by the commissioner, and who is in good

standing in the program, may work under the supervision of a licensed elevator mechanic, as follows:

(A) An apprentice who has not successfully completed the equivalent of at least one year of the program may work only under the direct supervision of a licensed elevator mechanic who is present on the premises and available to the apprentice at all times.

(B) An apprentice who has successfully completed the equivalent of at least one year of the program may:

(i) Work under the direct supervision of a licensed elevator mechanic as set forth in subdivision (1) of this subsection; and

(ii) Perform the tasks set forth in this paragraph, only if delegated by and performed under the general supervision of a licensed elevator mechanic, who must, at a minimum, meet the apprentice on the job at the beginning of each day to delegate the specific tasks, and who remains responsible for the delegated tasks:

(I) Oiling, cleaning, greasing and painting;

(II) Replacing of combplate teeth;

(III) Relamping and fixture maintenance;

(iv) Inspection, cleaning and lubricating of hoistway doors, car tops, bottoms and pits; and

(IV) Observing operation of equipment.

§21-3C-10b. Issuance and renewal of licenses.

(a) Upon approval of a properly completed application for licensure, the commissioner may issue a person a license under the provisions of this article.

(b) The licenses issued under the provisions of this article shall be renewed biennially upon application for renewal on a form prescribed by the commissioner and payment of a fee established by legislative rule.

(c) Upon a proper application for renewal, the commissioner shall renew a license, even if the license holder is unemployed or not working in the industry at the time of renewal: *Provided, That* before the license holder may engage or offer to engage in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator or related conveyance covered by this article, the license holder shall be a contractor, or be employed by a contractor licensed pursuant to the provisions of ~~section ten(a); article eleven, chapter twenty-one of the code~~ §30-42-1 et seq., of this code.

§21-3C-11. Disposition of fees; legislative rules.

(a) The division shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code, for the implementation and enforcement of the provisions of this article, which shall provide:

(1) Standards, qualifications, and procedures for submitting applications, taking examinations and issuing and renewing licenses, certificates of competency and certificates of operation of the three licensure classifications set forth in §21-3C-10a of this code;

(2) For the renewal of a license, even if the licensee is unemployed or not working in the industry: *Provided, That* to engage or offer to engage in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator or related conveyance covered by this article, the licensee shall be a contractor, or be employed by a contractor licensed pursuant to ~~§21-11-6 of the code~~ §30-42-1 et seq., of this code;

(3) Qualifications and supervision requirements for elevator apprentices;

(4) Provisions for the granting of licenses without examination, to applicants who present satisfactory evidence of having the expertise required to perform work as defined in this article and who apply for licensure on or before July 1, 2010: *Provided, That* if a license issued under the authority of this subsection

subsequently lapses, the applicant may, at the discretion of the commissioner, be subject to all licensure requirements, including the examination;

(5) Provisions for the granting of emergency licenses in the event of an emergency due to disaster, act of God, or work stoppage when the number of persons in the state holding licenses issued pursuant to this article is insufficient to cope with the emergency;

(6) Provisions for the granting of temporary licenses in the event that there are no elevator mechanics available to engage in the work of an elevator mechanic as defined by this article;

(7) Continuing education requirements;

(8) Procedures for investigating complaints and revoking or suspending licenses, certificates of competency and certificates of operation, including appeal procedures;

(9) Fees for testing, issuance and renewal of licenses, certificates of competency and certificates of operation, and other costs necessary to administer the provisions of this article;

(10) Enforcement procedures; and

(11) Any other rules necessary to effectuate the purposes of this article.

(b) The rules proposed for promulgation pursuant to subsection (a) of this section shall establish the amount of any fee authorized pursuant to the provisions of this article: *Provided, That* in no event may the fees established for the issuance of certificates of operation exceed \$90.

(c) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account hereby created in the State Treasury known as the Elevator Safety Fund and expended for the implementation and enforcement of this article. Through June 30, 2019, amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article may be utilized by

the commissioner as needed to meet the division's funding obligations: *Provided, That* beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations.

(d) The division may enter into agreements with counties and municipalities whereby such counties and municipalities be permitted to retain the inspection fees collected to support the enforcement activities at the local level.

(e) The commissioner or his or her authorized representatives may consult with engineering authorities and organizations concerned with standard safety codes, rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation and the qualifications which are adequate, reasonable and necessary for the elevator mechanic and inspector.

ARTICLE 9. MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS.

§21-9-2. Definitions.

(a) 'Board' means the West Virginia Manufactured Housing Construction and Safety Board created in this article.

(b) 'Commissioner' means the Commissioner of the West Virginia State Division of Labor.

(c) 'Contractor' means any person who performs operations in this state at the occupancy site which render a manufactured home fit for habitation. The operations include, without limitation, installation or construction of the foundation, positioning, blocking, leveling, supporting, tying down, connecting utility systems, making minor adjustments or assembling multiple or expandable units. The operations also include transporting the unit to the occupancy site by other than a motor carrier regulated by the West Virginia Public Service Commission.

Contractor does not include:

(1) A person who personally does work on a manufactured home which the person owns or leases; or

(2) A person who is licensed under ~~article eleven of this chapter~~ §30-42-1 et seq., of this code and is performing work on a manufactured home pursuant to a contract with a person licensed under §21-9-9 of this code.

(d) ‘Dealer’ means any person engaged in this state in the sale, leasing, or distributing of new or used manufactured homes, primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

(e) ‘Defect’ includes any defect in the performance, construction, components, or material of a manufactured home that renders the home or any part of the home not fit for the ordinary use for which it was intended.

(f) ‘Distributor’ means any person engaged in this state in the sale and distribution of manufactured homes for resale.

(g) ‘Federal standards’ means the National Manufactured Housing Construction and Safety Standards Act of 1974, and federal manufactured home construction and safety standards and regulations promulgated by the Secretary of HUD to implement that act.

(h) ‘HUD’ means the United States Department of Housing and Urban Development.

(i) ‘Manufacturer’ means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for resale.

(j) ‘Manufactured home’ means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or ~~forty~~ 40 or more feet in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and

electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certificate which complies with the applicable federal standards. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site.

(k) 'Purchaser' means the first person purchasing a manufactured home in good faith for purposes other than resale.

§21-9-9. License required; fees; form of license; display of license; denial, suspension, or revocation.

(a) No manufacturer, dealer, distributor, or contractor shall engage in business in this state without first having applied for and received a license pursuant to this section. The license shall authorize the holder to engage in the business permitted by the license. All license applications shall be accompanied by the required fee and surety bond or other form of assurance or fee assessed in satisfaction of assurance as required by rule or regulation promulgated by the board.

(b) All licenses shall be granted or refused within 30 days after proper and complete application. All licenses shall expire on June 30 of each year, unless sooner revoked or suspended. Applications shall be deemed valid for a period of 30 days.

(c) The annual license fees shall be in the amounts prescribed ~~from time to time~~ by rules promulgated by the board but in no event less than the following amounts:

- (1) For manufacturers, \$300;
- (2) For dealers, \$100;
- (3) For distributors, \$100; and

(4) For contractors, \$50: *Provided, That* if a contractor has met the licensing requirements of this article and the West Virginia

Contractor Licensing Act in ~~§21-11-1 et seq.~~ §30-42-1 et seq., of this code, has paid the annual license fee under ~~§21-11-8~~ §30-42-8 of this code and has furnished bond or other assurance or fee under §21-9-10 of this code, he or she shall not be required to pay the annual license fee set forth in this section.

(d) The board shall prescribe the form of license and each license shall have affixed thereon the seal of the State Division of Labor.

(e) Each licensee shall conspicuously display the license in its established place of business.

(f) Pursuant to such rules and regulations as may be promulgated by the board, the board may deny the issuance of a license or revoke or suspend any license.

(g) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account in the State Treasury to be known as the State Manufactured Housing Administration Fund. Expenditures from the fund shall be for the administration and enforcement of this article. Through June 30, 2019, amounts collected which are found ~~from time to time~~ to exceed funds needed for the purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations: *Provided, That* beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations.

ARTICLE 11. WEST VIRGINIA CONTRACTOR LICENSING ACT.

§21-11-1. Short title.

[Repealed.]

§21-11-2. Policy declared.

[Repealed.]

§21-11-3. Definitions.

[Repealed.]

§21-11-4. West Virginia contractor licensing board created; members; appointment; terms; vacancies; qualifications; quorum.

[Repealed.]

§21-11-5. Administrative duties of the board; regulations.

[Repealed.]

§21-11-6. Necessity for license; exemptions.

[Repealed.]

§21-11-7. Application for and issuance of license.

[Repealed.]

§21-11-8. Licenses; expiration date; fees; renewal.

[Repealed.]

§21-11-9. Unlawful use, assignment, transfer of license; revocation.

[Repealed.]

§21-11-10. Prerequisites to obtaining building permit; mandatory written contracts.

[Repealed.]

§21-11-10a. Informational list for basic universal design features; penalties.

[Repealed.]

§21-11-11. Notice included with invitations to bid and specifications.

[Repealed.]

§21-11-12. License renewal, lapse and reinstatement.

[Repealed.]

§21-11-13. Violation of article; injunction; criminal penalties.

[Repealed.]

§21-11-14. Disciplinary powers of the board.

[Repealed.]

§21-11-15. Administrative duties of division.

[Repealed.]

§21-11-16. Rules.

[Repealed.]

§21-11-17. Recordkeeping; fees.

[Repealed.]

§21-11-18. Reciprocity.

[Repealed.]

§21-11-20. Board authorized to provide training.

[Repealed.]

**ARTICLE 11A. NOTICE AND OPPORTUNITY TO CURE
CONSTRUCTION DEFECTS.****§21-11A-2. Applicability of article.**

This article does not apply to an action:

(1) Against a contractor for which a claimant, as a consumer, is entitled to a specific remedy pursuant to chapter 46A of this code;

(2) Against a contractor who is not licensed under the provisions of ~~article eleven of this chapter~~ §30-42-1 et seq., of this code;

(3) Demanding damages of \$5,000 or less;

(4) Alleging a construction defect that poses an imminent threat of injury to person or property;

(5) Alleging a construction defect that causes property not to be habitable;

(6) Against a contractor who failed to provide the notice required by §21-11A-5 or §21-11A-6 of this code;

(7) Against a contractor if the parties to the contract agreed to submit claims to mediation, arbitration, or another type of alternative dispute resolution; or

(8) Alleging claims for personal injury or death.

§21-11A-4. Applicability of definitions; definitions.

For the purposes of this article, the words or terms defined in this article, and any variation of those words or terms required by the context, have the meanings ascribed to them in this article. These definitions are applicable unless a different meaning clearly appears from the context.

(1) ‘Action’ means any civil action, or any alternative dispute resolution proceeding other than the negotiation required under this article, for damages, asserting a claim for injury or loss to real or personal property caused by an alleged defect arising out of or related to residential improvements.

(2) ‘Claim’ means a demand for damages by a claimant based upon an alleged construction defect in residential improvements.

(3) ‘Claimant’ means a homeowner, including a subsequent purchaser, who asserts a claim against a contractor concerning an alleged construction defect in residential improvements.

(4) ‘Construction defect’ means a deficiency in, or a deficiency arising out of, the design, specifications, planning, supervision or construction of residential improvements that results from any of the following:

(A) Defective material, products, or components used in the construction of residential improvements;

(B) Violation of the applicable codes in effect at the time of construction of residential improvements;

(C) Failure in the design of residential improvements to meet the applicable professional standards of care;

(D) Failure to complete residential improvements in accordance with accepted trade standards for good and workmanlike construction: *Provided, That* compliance with the applicable codes in effect at the time of construction is *prima facie* evidence of construction in accordance with accepted trade standards for good and workmanlike construction, with respect to all matters specified in those codes; or

(E) Failure to properly oversee, supervise, and inspect services or goods provided by the contractor's subcontractor, officer, employee, agent, or other person furnishing goods or services.

(5) 'Contract' means a written contract between a contractor and a claimant by the terms of which the contractor agrees to provide goods or services, by sale or lease, to or for a claimant.

(6) 'Contractor' means a contractor, licensed under the provisions of ~~article eleven of this chapter~~ §30-42-1 et seq., of this code, who has entered into a contract directly with a claimant. The term does not include the contractor's subcontractor, officer, employee, agent or other person furnishing goods or services to a claimant.

(7) 'Day' means a calendar day. If an act is required to occur on a day falling on a Saturday, Sunday or holiday, the first working day which is not one of these days should be counted as the required day for purposes of this article.

(8) 'Goods' means supplies, materials, or equipment.

(9) 'Parties' means: (A) The claimant; and (B) any contractor, subcontractor, agent or other person furnishing goods or services

and upon whom a claim of an alleged construction defect has been served under this article.

(10) ‘Residential improvements’ means: (A) The construction of a residential dwelling or appurtenant facility or utility; (B) an addition to, or alteration, modification, or rehabilitation of an existing dwelling or appurtenant facility or utility; or (C) repairs made to an existing dwelling or appurtenant facility or utility; In addition to actual construction or renovation, residential improvements actually added to residential real property include the design, specifications, surveying, planning, goods, services and the supervision of a contractor’s subcontractor, officer, employee, agent, or other person furnishing goods or services to a claimant.

(11) ‘Services’ means the furnishing of skilled or unskilled labor or consulting or professional work, or a combination thereof.

(12) ‘Subcontractor’ means a contractor who performs work on behalf of another contractor on residential improvements.

(13) ‘Supplier’ means a person who provides goods for residential improvements.

ARTICLE 16. REGULATION OF HEATING, VENTILATING AND COOLING WORK.

§21-16-4. Scope of practice.

(a) ~~A~~ An HVAC technician in training is authorized to assist in providing heating, ventilating, and cooling work only under the direction and control of a HVAC technician.

(b) ~~A~~ An HVAC technician is authorized to provide heating, ventilating, and cooling work without supervision.

(c) Persons licensed under this article are subject to the applicable provisions of the Contractor Licensing Act in ~~article eleven of this chapter~~ §30-42-1 et seq., of this code in the performance of work authorized by this article.

CHAPTER 21A. UNEMPLOYMENT COMPENSATION.**ARTICLE 10. GENERAL PROVISIONS.****§21A-10-11. Reporting requirements and required information; use of information; libel and slander actions prohibited.**

(a) Each employer, including labor organizations as defined in subsection (i) of this section, shall, quarterly, submit certified reports on or before the last day of the month next following the calendar quarter, on forms to be prescribed by the commissioner. The reports shall contain:

(1) The employer's assigned unemployment compensation registration number, the employer's name and the address at which the employer's payroll records are maintained;

(2) Each employee's Social Security account number, name, and the gross wages paid to each employee, which shall include the first \$12,000 of remuneration and all amounts in excess of that amount, notwithstanding §21-1A-28(b)(1) of this code;

(3) The total gross wages paid within the quarter for employment, which includes money wages and the cash value of other remuneration, and shall include the first \$12,000 of remuneration paid to each employee and all amounts in excess of that amount, notwithstanding §21-1A-28(b)(1) of this code; and

(4) Other information that is reasonably connected with the administration of this chapter.

(b) Information obtained may not be published or be open to public inspection to reveal the identity of the employing unit or the individual.

(c) Notwithstanding the provisions of subsection (b) of this section, the commissioner may provide information obtained to the following governmental entities for purposes consistent with state and federal laws:

(1) The United States Department of Agriculture;

(2) The state agency responsible for enforcement of the Medicaid program under Title XIX of the Social Security Act;

(3) The United States Department of Health and Human Services or any state or federal program operating and approved under Title I, Title II, Title X, Title XIV or Title XVI of the Social Security Act;

(4) Those agencies of state government responsible for economic and community development; early childhood, primary, secondary, postsecondary, and vocational education; the West Virginia P-20 longitudinal data system established pursuant to §18B-1D-10 of this code; and vocational rehabilitation, employment and training, including, but not limited to, the administration of the Perkins Act and the Workforce Innovation and Opportunity Act;

(5) The Tax Division, but only for the purposes of collection and enforcement;

(6) The Division of Labor for purposes of enforcing the wage bond pursuant to the provisions of §21-5-14 of this code ~~and the contractor licensing provisions of chapter twenty one of this code;~~

(7) The contractors licensing board for the purpose of enforcing the contractors licensing provisions pursuant to §30-42-1 et seq., of this code;

~~(7)~~ (8) Any agency of this or any other state, or any federal agency, charged with the administration of an unemployment compensation law or the maintenance of a system of public employment offices;

~~(8)~~ (9) Any claimant for benefits or any other interested party to the extent necessary for the proper presentation or defense of a claim; and

~~(9)~~ (10) The Insurance Commissioner for purposes of its Workers Compensation regulatory duties.

(d) The agencies or organizations which receive information under subsection (c) of this section shall agree that the information shall remain confidential as not to reveal the identity of the employing unit or the individual consistent with the provisions of this chapter.

(e) The commissioner may, before furnishing any information permitted under this section, require that those who request the information shall reimburse ~~the Bureau of Employment Programs~~ WorkForce West Virginia for any cost associated for furnishing the information.

(f) The commissioner may refuse to provide any information requested under this section if the agency or organization making the request does not certify that it will comply with the state and federal law protecting the confidentiality of the information.

(g) A person who violates the confidentiality provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$20 nor more than \$200 or confined in a county or regional jail not longer than 90 days, or both.

(h) An action for slander or libel, either criminal or civil, may not be predicated upon information furnished by any employer or any employee to the commissioner in connection with the administration of any of the provisions of this chapter.

(i) For purposes of subsection (a) of this section, the term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. It includes any entity, also known as a hiring hall, which is used by the organization and an employer to carry out requirements described in 29 U. S. C. §158(f)(3) of an agreement between the organization and the employer.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**ARTICLE 42. WEST VIRGINIA CONTRACTOR LICENSING ACT.****§30-42-1. Short title.**

This article shall be known and may be cited as the ‘West Virginia Contractor Licensing Act’.

§30-42-2. Policy declared.

It is hereby declared to be the policy of the State of West Virginia that all persons desiring to perform contracting work in this state be duly licensed to ensure capable and skilled craftsmanship utilized in construction projects in this state, both public and private; fair bidding practices between competing contractors through uniform compliance with the laws of this state; and protection of the public from unfair, unsafe, and unscrupulous bidding and construction practices.

§30-42-3. Definitions.

(a) ‘Basic universal design’ means the design of products and environments to be useable by all people, to the greatest extent possible, without the need for adaptation or specialization.

(b) ‘Board’ means the West Virginia Contractor Licensing Board.

(c) ‘Cease and desist order’ means an order issued by the board pursuant to the provisions of this article.

(d) ‘Contractor’ means a person who in any capacity for compensation, other than as an employee of another, undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, highway, road, railroad, structure, or excavation associated with a project, development, or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in

connection therewith, where the cost of the undertaking is \$5,000 or more for residential work or \$25,000 or more for commercial work.

Contractor includes a construction manager who performs management and counseling services for a construction project for a professional fee.

Contractor does not include:

(1) One who merely furnishes materials or supplies without fabricating or consuming them in the construction project;

(2) A person who personally performs construction work on the site of real property which the person owns or leases whether for commercial or residential purposes;

(3) A person who is licensed or registered as a professional and who functions under the control of any other licensing or regulatory board, whose primary business is real estate sales, appraisal, development, management, and maintenance, who acting in his or her respective professional capacity and any employee of the professional, acting in the course of his or her employment, performs any work which may be considered to be performing contracting work;

(4) A pest control operator licensed under the provisions of §19-16A-7 of this code to engage in the application of pesticides for hire, unless the operator also performs structural repairs exceeding \$1,000 on property treated for insect pests;

(5) A corporation, partnership, or sole proprietorship whose primary purpose is to prepare construction plans and specifications used by the contractors defined in this subsection and who employs full-time a registered architect licensed to practice in this state or a registered professional engineer licensed to practice in this state. Employees of the corporation, partnership or sole proprietorship shall also be exempt from the requirements of this article; or

(6) A person who performs landscaping or painting services for commercial or residential customers.

(e) ‘Electrical contractor’ means a person who engages in the business of contracting to install, erect, repair, or alter electrical equipment for the generation, transmission, or utilization of electrical energy.

(f) ‘General building contractor’ means a person whose principal business is in connection with any structures built, being built, or to be built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind, requiring in the construction the use of more than two contractor classifications, or a person who supervises the whole, or any part, of the construction.

(g) ‘General engineering contractor’ means a person whose principal business is in connection with public or private works projects, including, but not limited to, one or more of the following: Irrigation, drainage, and water supply projects; electrical generation projects; swimming pools; flood control; harbors; railroads; highways; tunnels; airports and airways; sewers and sewage disposal systems; bridges; inland waterways; pipelines for transmission of petroleum and other liquid or gaseous substances; refineries; chemical plants and other industrial plants requiring a specialized engineering knowledge and skill; piers and foundations; and structures or work incidental thereto.

(h) ‘Heating, ventilating and cooling contractor’ means a person who engages in the business of contracting to install, erect, repair, service, or alter heating, ventilating and air conditioning equipment or systems to heat, cool, or ventilate residential and commercial structures.

(i) ‘License’ means a license to engage in business in this state as a contractor in one of the classifications set out in this article.

(j) ‘Multifamily contractor’ means a person who is engaged in construction, repair, or improvement of a multifamily residential structure.

(k) 'Person' includes an individual, firm, sole proprietorship, partnership, corporation, association, or other entity engaged in the undertaking of construction projects or any combination thereof.

(l) 'Piping contractor' means a person whose principal business is the installation of process, power plant, air, oil, gasoline, chemical, or other kinds of piping; and boilers and pressure vessels using joining methods of thread, weld, solvent weld, or mechanical methods.

(m) 'Plumbing contractor' means a person whose principal business is the installation, maintenance, extension, and alteration of piping, plumbing fixtures, plumbing appliances and plumbing appurtenances, venting systems and public or private water supply systems within or adjacent to any building or structure; included in this definition is installation of gas piping, chilled water piping in connection with refrigeration processes and comfort cooling, hot water piping in connection with building heating and piping for stand pipes.

(n) 'Residential contractor' means a person whose principal business is in connection with construction, repair, or improvement of real property used as, or intended to be used for, residential occupancy.

(o) 'Specialty contractor' means a person who engages in specialty contracting services which do not substantially fall within the scope of any contractor classification as set out herein.

(p) 'Residential occupancy' means occupancy of a structure for residential purposes for periods greater than 30 consecutive calendar days.

(q) 'Residential structure' means a building or structure used or intended to be used for residential occupancy, together with related facilities appurtenant to the premises as an adjunct of residential occupancy, which contains not more than three distinct floors which are above grade in any structural unit regardless of whether the building or structure is designed and constructed for

one or more living units. Dormitories, hotels, motels, or other transient lodging units are not residential structures.

(r) ‘Subcontractor’ means a person who performs a portion of a project undertaken by a principal or general contractor or another subcontractor.

§30-42-4. West Virginia contractor licensing board created; members; appointment; terms; vacancies; qualifications; quorum.

(a) The West Virginia Contractor Licensing Board is continued. The board shall consist of 10 members appointed by the Governor by and with the advice and consent of the Senate for terms of four years. The members shall serve until their successors are appointed and have qualified. Eight of the appointed members shall be owners of businesses engaged in the various contracting industries, with at least one member appointed from each of the following contractor classes: One electrical contractor; one general building contractor; one general engineering contractor; one heating, ventilating and cooling contractor; one multifamily contractor; one piping contractor; one plumbing contractor; and one residential contractor, as defined in §30-42-3 of this code. Two of the appointed members shall be building code officials who are not members of any contracting industry. At least three members of the board shall reside, at the time of their appointment, in each congressional district as existing on January 1, 2018. The Secretary of the Department of Tax and Revenue or his or her designee, and the Commissioner of WorkForce West Virginia or his or her designee shall be ex-officio nonvoting members of the board.

(b) Terms of the members first appointed shall be two members for one year, two members for two years, three members for three years, and three members for four years, as designated by the Governor at the time of appointment. Thereafter, terms shall be for four years. A member who has served all or part of two consecutive terms shall not be subject to reappointment unless four years have elapsed since the member last served. Vacancies shall be filled by appointment by the Governor for the unexpired term of any member whose office is vacant and shall be made within 60 days

of the occurrence of the vacancy. A vacancy on the board shall not impair the right of the remaining members to exercise all the powers of the board.

(c) The board shall elect a chair from one of the voting members of the board. The board shall meet at least once annually and at such other times as called by the chair or a majority of the board. Board members shall receive compensation not to exceed the amount paid to members of the Legislature for the interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or portion of a day spent attending meetings of the board and shall be reimbursed for all reasonable and necessary expenses incurred incident to his or her duties as a member of the board. A majority of the members appointed shall constitute a quorum of the board.

§30-42-5. Administrative duties and powers of the board; rules.

(a) The board shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.*, of this code relating to the following:

(1) The minimum qualifications for applicants for examination and license in each of the following specified classes of contractor:

(A) Electrical contractor;

(B) General building contractor;

(C) General engineering contractor;

(D) Heating, ventilating, and cooling contractor;

(E) Multifamily contractor;

(F) Piping contractor;

(G) Plumbing contractor;

(H) Residential contractor; or

(I) Specialty contractor;

(2) The content of examinations for applicants in each class;

(3) Procedures for application, examination, and license renewal, and the manner in which the examination will be conducted;

(4) The continued competency of licensees for purposes of renewal and reinstatement of licenses; and

(5) Procedures for disciplinary action before the board.

(b) The board shall:

(1) Hold at least one examination in each calendar quarter for each specific classification of contractor, designate the time and place of the examinations, and notify applicants thereof;

(2) Investigate alleged violations of this article and legislative rules, orders, and final decisions of the board;

(3) Notify the board members of meeting dates and agenda items at least five days prior to the meetings; and

(4) Take minutes and records of all meetings and proceedings.

(c) The board has all the powers and duties set forth in this article, including:

(1) Maintaining an office and hire, discharge, establish the job requirements and fix the compensation of employees, and contract persons necessary to enforce the provisions of this article;

(2) To sue and be sued in its official name as an agency of this state; and

(3) Conferring with the Attorney General or assistants of the Attorney General in connection with legal matters and questions.

(d) The board shall perform the following administrative duties:

(1) Collect and record all fees;

(2) Maintain records and files;

(3) Issue and receive application forms;

(4) Notify applicants of the results of the board examination;

(5) Arrange space for holding examinations and other proceedings;

(6) Issue licenses and temporary licenses as authorized by this article;

(7) Issue duplicate licenses upon submission of a written request by the licensee attesting to loss of or the failure to receive the original and payment by the licensee of a fee established by regulation adopted by the division;

(8) Notify licensees of renewal dates at least 30 days before the expiration date of their license;

(9) Answer routine inquiries;

(10) Maintain files relating to individual licensees;

(11) Arrange for printing and advertising;

(12) Purchase supplies;

(13) Employ additional help when needed;

(14) Contract with the Division of Labor for, and the Division of Labor shall provide, inspection, enforcement, and investigative services for 24 months after the effective date of this article. After 24 months, the board shall be responsible for providing inspection, enforcement, and investigative services; and

(15) Issue cease and desist orders to persons engaging in contracting within the state without a valid license.

(e) Following successful completion of the examination, and prior to the issuance of the license, the applicant shall certify by affidavit that the applicant:

(1) Is in compliance with the business franchise tax provisions of chapter 11 of this code;

(2) Has registered, and is in compliance, with the workers' compensation fund and the employment security fund, as required by §23-1-1 et seq., and §21A-1-1 et seq., of this code; and

(3) Is in compliance with the applicable wage bond requirements of §21-5-14 of this code: *Provided, That* in the case of an out-of-state contractor not doing business in this state and seeking licensure for bidding purposes only, the applicant may be granted a conditional license for bid purposes only.

§30-42-6. Necessity for license; exemptions.

(a) No person may engage in this state in any activity as a contractor or submit a bid to perform work as a contractor, as defined in this article, unless that person holds a license issued under the provisions of this article. No firm, partnership, corporation, association, or other entity may engage in contracting in this state unless an officer thereof holds a license issued pursuant to this article.

(b) Any person to whom a license has been issued under this article shall keep the license or a copy thereof posted in a conspicuous position at every construction site where work is being done by the contractor. The contractor's license number shall be included in all contracting advertisements and all fully executed and binding contracts. Any person violating the provisions of this subsection is subject, after hearing, to a warning, a reprimand, or a fine of not more than \$200.

(c) Except as otherwise provided in this code, the following are exempt from licensure:

(1) Work done exclusively by employees of the United States Government, the State of West Virginia, a county, municipality or municipal corporation, and any governmental subdivision or agency thereof;

(2) The sale or installation of a finished product, material or article, or merchandise which is not actually fabricated into and does not become a permanent fixed part of the structure;

(3) Work performed personally by an owner or lessee of real property on property the primary use of which is for agricultural or farming enterprise;

(4) A material supplier who renders advice concerning use of products sold and who does not provide construction or installation services;

(5) Work performed by a public utility company regulated by the West Virginia Public Service Commission and its employees;

(6) Repair work contracted by the owner of the equipment on an emergency basis in order to maintain or restore the operation of the equipment;

(7) Work performed by an employer's regular employees, for which the employees are paid regular wages and not a contract price, on property owned or leased by the employer which is not intended for speculative sale or lease;

(8) Work personally performed on a structure by the owner or occupant thereof; and

(9) Work performed when the specifications for the work have been developed or approved by engineering personnel employed by the owner of a facility by registered professional engineers licensed pursuant to the laws of this state when the work to be performed because of its specialized nature or process cannot be reasonably or timely contracted for within the general area of the facility.

§30-42-7. Application for and issuance of license.

(a) A person desiring to be licensed as a contractor under this article shall submit to the board a written application requesting licensure, providing the applicant's social security number and such other information as the board may require on forms supplied

by the board. The applicant shall pay a license fee not to exceed \$150: *Provided, That* electrical contractors already licensed under §29-3B-4 of this code shall pay no more than \$20.

(b) No license may be issued without examination pursuant to this subsection: *Provided, That* any person issued a contractor's license by the board pursuant to this subsection may apply to the board for transfer of the license to a new business entity in which the license holder is the principal owner, partner, or corporate officer: *Provided, however, That* a license holder may hold a license on behalf of only one business entity during a given time period. The board may transfer the license issued pursuant to this subsection to the new business entity without requiring examination of the license holder.

§30-42-8. Licenses; expiration date; fees; renewal.

(a) A license issued under the provisions of this article expires one year from the date on which it is issued. The board shall establish application and annual license fees not to exceed \$150.

(b) The board may propose rules for legislative approval in accordance with §29A-3-1 *et seq.*, of this code to establish license and renewal fees.

§30-42-9. Unlawful use, assignment, transfer of license; revocation.

No license may be used for any purpose by any person other than the person to whom the license is issued. No license may be assigned, transferred, or otherwise disposed of so as to permit the unauthorized use thereof. No license issued pursuant to the provisions of §30-42-7(b) of this code may be assigned, transferred, or otherwise disposed of except as provided in said subsection. Any person who violates this section is subject to the penalties imposed in §30-42-14 of this code.

§30-42-10. Prerequisites to obtaining building permit; mandatory written contracts.

(a) Any person making application to the building inspector or other authority of any incorporated municipality or other political

subdivision in this state charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, or structure, or for any removal of materials or earth, grading or improvement shall, before issuance of the permit, either furnish satisfactory proof to the inspector or authority that the person is duly licensed under the provisions of this article to carry out or superintend the construction, or file a written affidavit that the person is not subject to licensure as a contractor or subcontractor as defined in this article. The inspector or authority may not issue a building permit to any person who does not possess a valid contractor's license when required by this article.

(b) No person licensed under the provisions of this article may perform contracting work of an aggregate value of \$10,000 or more, including materials and labor, without a written contract, setting forth a description and cost of the work to be performed, signed by the licensee and the person for whom the work is to be performed.

(c) The board shall file a procedural rule setting forth a standard contract form which meets the minimum requirements of this subsection for use by licensees. The board shall post the contract form on its website and shall assist licensees in the correct completion of the form. The board shall mail a written notice of the requirements imposed by the rule to each licensed contractor at the address provided to the board by the contractor on his or her last application for licensure or renewal.

§30-42-11. Informational list for basic universal design features.

(a) Ninety days after the Contractor Licensing Board certifies and makes available to the general public the standard form informational list of basic universal design features pursuant to this section, a licensed contractor of any proposed residential housing in the state shall provide to the buyer an informational list of basic universal design features that would make the home entrance, interior routes of travel, the kitchen, and the bathroom or bathrooms universally accessible. Basic universal design features are to include, but not be limited to, the following:

(1) At least one nonstep entrance into the dwelling;

(2) All doors on the entry-level floor, including bathrooms, have a minimum of 36 inches;

(3) At least one accessible bathroom on the entry-level floor with ample maneuvering space;

(4) Kitchen, general living space, and one room capable of conversion into a bedroom, all with ample maneuvering space, on the entry-level floor; and

(5) Any other external or internal feature requested at a reasonable time by the buyer and agreed to by the seller.

(b) If a buyer is interested in a specific informational feature on the list established by subsection (a) of this section, the seller or builder upon request of the buyer shall indicate whether the feature is standard, limited, optional, or not available and, if available, shall further indicate the cost of such a feature to the buyer.

(c) The standard form informational list of basic universal design features shall be certified and made available for reproduction by the board, in accordance with the provisions of subsection (a) of this section, based on mutual recommendation of the board, the American Institute of Architects-West Virginia, the Home Builders Association of West Virginia, and the West Virginia Center for Excellence in Disabilities.

§30-42-12. Notice included with invitations to bid and specifications.

Any architect or engineer preparing any plan and specification for contracting work to be performed in this state shall include in the plan, specification, and invitation to bid a reference to this article informing any prospective bidder that the person's contractor's license number must be included on any bid submission. A subcontractor shall furnish that person's contractor's license number to the contractor prior to the award of the contract.

§30-42-13. License renewal, lapse, and reinstatement.

(a) A license which is not renewed on or before the renewal date shall lapse. The board may establish by rule on a delayed renewal fee to be paid for issuance of any license which has lapsed: *Provided, That* no license which has lapsed for a period of 90 days or more may be renewed: *Provided, however, That* if a licensee is in a dispute with a state agency, and it is determined that the licensee is not at fault, the board shall renew the license.

(b) If continuing education or other requirements are made a condition of license reinstatement after lapse, suspension, or revocation, these requirements must be satisfied before the license is reissued.

§30-42-14. Violation of article; injunction; criminal penalties.

(a)(1) Upon a determination that a person is engaged in contracting business in the state without a valid license, the board shall issue a cease and desist order requiring the person to immediately cease all operations in the state. The order shall be withdrawn upon issuance of a license to that person.

(2) After affording an opportunity for a hearing, the board may impose a penalty of not less than \$200 nor more than \$1,000 upon any person engaging in contracting business in the state without a valid license. The board may accept payment of the penalty in lieu of a hearing.

(3) Within 30 days after receipt of the final order issued pursuant to this section, any party adversely affected by the order may appeal the order to the circuit court of Kanawha County, West Virginia, or to the circuit court of the county in which the petitioner resides or does business.

(b) Any person continuing to engage in contracting business in the state without a valid license after service of a cease and desist order is guilty of a misdemeanor and, upon conviction, is subject to the following penalties:

(1) For a first offense, a fine of not less than \$200 nor more than \$1,000;

(2) For a second offense, a fine of not less than \$500 nor more than \$5,000, or confinement in jail for not more than six months, or both fined and confined;

(3) For a third or subsequent offense, a fine of not less than \$1,000 nor more than \$5,000, and confinement in jail for not less than 30 days nor more than one year.

(c) The board may institute proceedings in the circuit court of the county in which the alleged violations of the provisions of this article occurred or are now occurring to enjoin any violation of any provision of this article.

(d) Any person who undertakes any construction work without a valid license when a license is required by this article, when the total cost of the contractor's construction contract on any project upon which the work is undertaken is \$25,000 or more, shall, in addition to any other penalty herein provided, be assessed by the board an administrative penalty not to exceed \$200 per day for each day the person is in violation.

§30-42-15. Disciplinary powers of the board.

(a) The board may impose the following disciplinary actions:

(1) Permanently revoke a license;

(2) Suspend a license for a specified period;

(3) Censure or reprimand a licensee;

(4) Impose limitations or conditions on the professional practice of a licensee;

(5) Impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of a licensee;

(6) Impose a probationary period requiring a licensee to report regularly to the board on matters related to the grounds for probation; the board may withdraw probationary status if the deficiencies that require the sanction are remedied;

(7) Order a contractor who has been found, after hearing, to have violated any provision of this article or the rules of the board to provide, as a condition of licensure, assurance of financial responsibility. The form of financial assurance may include, but is not limited to, a surety bond, a cash bond, a certificate of deposit, an irrevocable letter of credit, or performance insurance: *Provided, That* the amount of financial assurance required under this subdivision may not exceed the total of the aggregate amount of the judgments or liens levied against the contractor or the aggregate value of any corrective work ordered by the board or both: *Provided, however, That* the board may remove this requirement for licensees against whom no complaints have been filed for a period of five continuous years; and

(8) A fine not to exceed \$1,000.

(b) No license issued under the provisions of this article may be suspended or revoked without a prior hearing before the board: *Provided, That* the board may summarily suspend a licensee pending a hearing or pending an appeal after hearing upon a determination that the licensee poses a clear, significant, and immediate danger to the public health and safety.

(c) The board may reinstate the suspended or revoked license of a person if, upon a hearing, the board finds and determines that the person is able to practice with skill and safety.

(d) The board may accept the voluntary surrender of a license: *Provided, That* the license may not be reissued unless the board determines that the licensee is competent to resume practice and the licensee pays the appropriate renewal fee.

(e) A person or contractor adversely affected by disciplinary action may appeal to the board within 60 days of the date the disciplinary action is taken. The board shall hear the appeal within

30 days from receipt of notice of appeal in accordance with the provisions of chapter 29A of this code. Hearings shall be held in Charleston. The board may retain a hearing examiner to conduct the hearings and present proposed findings of fact and conclusions of law to the board for its action.

(f) Any party adversely affected by any action of the board may appeal that action in either the circuit court of Kanawha County, West Virginia, or in the circuit court of the county in which the petitioner resides or does business, within 30 days after the date upon which the petitioner received notice of the final order or decision of the board.

(g) The following are causes for disciplinary action:

(1) Abandonment, without legal excuse, of any construction project or operation engaged in or undertaken by the licensee;

(2) Willful failure or refusal to complete a construction project or operation with reasonable diligence, thereby causing material injury to another;

(3) Willful departure from or disregard of plans or specifications in any material respect without the consent of the parties to the contract;

(4) Willful or deliberate violation of the building laws or regulations of the state or of any political subdivision thereof;

(5) Willful or deliberate failure to pay any moneys when due for any materials free from defect, or services rendered in connection with the person's operations as a contractor when the person has the capacity to pay or when the person has received sufficient funds under the contract as payment for the particular construction work for which the services or materials were rendered or purchased, or the fraudulent denial of any amount with intent to injure, delay, or defraud the person to whom the debt is owed;

(6) Willful or deliberate misrepresentation of a material fact by an applicant or licensee in obtaining a license or in connection with official licensing matters;

(7) Willful or deliberate failure to comply in any material respect with the provisions of this article or the rules of the board;

(8) Willfully or deliberately acting in the capacity of a contractor when not licensed or as a contractor by a person other than the person to whom the license is issued except as an employee of the licensee;

(9) Willfully or deliberately acting with the intent to evade the provisions of this article by: (i) Aiding or abetting an unlicensed person to evade the provisions of this article; (ii) combining or conspiring with an unlicensed person to perform an unauthorized act; (iii) allowing a license to be used by an unlicensed person; or (iv) attempting to assign, transfer, or otherwise dispose of a license or permitting the unauthorized use thereof;

(10) Engaging in any willful, fraudulent, or deceitful act in the capacity as a contractor whereby substantial injury is sustained by another;

(11) Performing work which is not commensurate with a general standard of the specific classification of contractor or which is below a building or construction code adopted by the municipality or county in which the work is performed;

(12) Knowingly employing a person or persons who do not have the legal right to be employed in the United States;

(13) Failing to execute written contracts prior to performing contracting work in accordance with §30-42-10 of this code;

(14) Failing to abide by an order of the board; or

(15) Failing to satisfy a judgment or execution ordered by a magistrate court, circuit court, or arbitration board.

(h) In all disciplinary hearings the board has the burden of proof as to all matters in contention. No disciplinary action may be taken by the board except on the affirmative vote of at least six members thereof. Other than as specifically set out herein, the board has no power or authority to impose or assess damages.

§30-42-16. Rules.

The board may propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code that are necessary to carry out the provisions of this article. The board may disseminate educational or any other material designed to improve performance standards of any contractor group to contractors within the state. The board may adopt, and use, a seal with the words ‘State Contractor Licensing Board of West Virginia’. Any rule previously authorized under the provisions of §21-11-1 *et seq.* of this code shall remain in effect until amended, replaced, or repealed by the Legislature.

§30-42-17. Record keeping.

(a) The board shall keep a record of all actions taken and account for moneys received. All moneys shall be deposited in a special account in the State Treasury to be known as the ‘West Virginia Contractor Licensing Board Fund’. Expenditures from this fund shall be for the purposes set forth in this article and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon the fulfillment of the provisions set forth in §5A-2-1 *et seq.* of this code. Amounts collected which are found from time to time to exceed the funds needed for purposes set forth in this article may be transferred to other accounts or funds and redesignated for other purposes by appropriation of the Legislature.

(b) The board shall maintain at the principal office, open for public inspection during office hours, a complete indexed record of all applications, licenses issued, licenses renewed, and all revocations, cancellations, and suspensions of licenses. Applications shall show the date of application, name,

qualifications, place of business, and place of residence of each applicant; and whether the application was approved or refused.

(c)(1) All investigations, complaints, reports, records, proceedings, and other information received by the board and related to complaints made to the board or investigations conducted by the board pursuant to this article, including the identity of the complainant or respondent, are confidential and may not be knowingly and improperly disclosed by any member or former member of the board or staff, except as follows:

(A) Upon a finding that probable cause exists to believe that a respondent has violated the provisions of this article, the complaint and all reports, records, nonprivileged, and nondeliberative materials introduced at any probable cause hearing held pursuant to the complaint are thereafter not confidential: *Provided, That confidentiality of the information shall remain in full force and effect until the respondent has been served with a copy of the statement of charges.*

(B) Any subsequent hearing held in the matter for the purpose of receiving evidence or the arguments of the parties or their representatives shall be open to the public and all reports, records, and nondeliberative materials introduced into evidence at the subsequent hearing, as well as the board's orders, are not confidential.

(C) The board may release any information relating to an investigation at any time if the release has been agreed to in writing by the respondent.

(D) The complaint, as well as the identity of the complainant, shall be disclosed to a person named as respondent in any complaint filed immediately upon the respondent's request.

(E) Where the board is otherwise required by the provisions of this article to disclose the information or to proceed in such a manner that disclosure is necessary and required to fulfill these requirements.

(2) If, in a specific case, the board finds that there is a reasonable likelihood that the dissemination of information or opinion in connection with a pending or imminent proceeding will interfere with a fair hearing or otherwise prejudice the due administration of justice, the board shall order that all or a portion of the information communicated to the board to cause an investigation and all allegations of violations or misconduct contained in a complaint are confidential, and the person providing this information or filing a complaint shall be bound to confidentiality until further order of the board.

(d) If any person violates the provisions of subsection (c) of this section by knowingly and willfully disclosing any information made confidential by this section or by the board, that person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$5,000, or confined in jail not more than one month, or both fined and confined.

§30-42-18. Reciprocity.

To the extent that other states which provide for the licensing of contractors provide for similar action, the board may grant licenses of the same or equivalent classification to contractors licensed by other states, without written examination upon satisfactory proof furnished to the board that the qualifications of the applicants are equal to the qualifications of holders of similar licenses in this state, and upon certification to the board as required by §30-42-15(c) of this code, and upon payment of the required fee.

§30-42-19. Board authorized to provide training.

(a) The board may enter into work-sharing agreements with state vocational and technical training schools to provide classroom training to students who desire to obtain a West Virginia contractor license. The purpose of the training is limited to instruction applicable to the contractor license examinations required by the board. The terms of the work-sharing agreements shall be determined by the West Virginia Contractor Licensing Board and county boards of education.

(b) For the purposes of this section, the board may expend funds from its special revenue account, known as the West Virginia Contractor Licensing Board Fund, to support this activity.

§30-42-20. Nonapplicability of local ordinances; exclusive license.

After the effective date of this article no municipality, local government, or county may require any additional occupational license or other evidence of competence as a contractor from any person, firm, or corporation who or which holds a valid and current license issued pursuant to this article, as a condition precedent to permission for the performance of contractor work in such municipality, local government jurisdiction, or county.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2006 – “A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, and §21-11-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §4-10-10 of said code; to amend and reenact §5-11A-3a of said code; to amend and reenact §5-22-1 of said code; to amend and reenact §21-1-3 of said code; to amend and reenact §21-3C-10a, §21-3C-10b, and §21-3C-11 of said code; to amend and reenact §21-9-2 and §21-9-9 of said code; to amend and reenact §21-11A-2 and §21-11A-4 of said code; to amend and reenact §21-16-4 of said code; to amend and reenact §21A-10-11 of said code; to amend said code by adding thereto a new article, designated §30-42-1, §30-42-2, §30-42-3, §30-42-4, §30-42-5, §30-42-6, §30-42-7, §30-42-8, §30-42-9, §30-42-10, §30-42-11, §30-42-12, §30-42-13, §30-42-14, §30-42-15, §30-42-16, §30-42-17, §30-42-18, §30-42-19, and §30-42-20, all relating to the West Virginia Contractor Licensing Act; providing for relocating the licensing of contractors from Chapter 21 to Chapter 30 of this code; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board,

composition, terms, qualifications and appointment; administrative duties of board and legislative rules; providing for necessity for contractor license and exemptions; providing for procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; providing for prerequisites to obtaining building permit and mandatory written contracts; providing for requiring informational list for basic universal design features; providing for injunction and criminal penalties for violation of article; providing for specific administrative duties of board and record keeping by the board; establishing authorization to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; providing for misdemeanor criminal penalties for violations of article; providing for limitations on municipalities, local governments, and counties from requiring a license to perform contractor work; providing for an exemption from a contractor license for residential work up to \$5,000 and commercial work up to \$25,000; providing for an exemption from a contractor license for a person performing landscaping and painting services; establishing regulatory review schedule for board; and making technical changes that update code references to contractors throughout this code to the correct code citations.”

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. 173**), and there were—yeas 69, nays 30, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Booth, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Paynter, Pethtel, Pushkin, Rohrbach, Rowe, Skaff, Storch, Thompson, Toney, Walker, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Brown.

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. 2006) 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 passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 318 - “A Bill to amend and reenact §36-8-9 of the Code of West Virginia, 1931, as amended, relating generally to public notice of unclaimed property held by the State Treasurer; eliminating the requirement that the Treasurer publish the unclaimed property registry in newspapers; requiring the Treasurer to publish a searchable database of persons appearing to be the owners of unclaimed property, to be updated every six months; requiring the Treasurer to publish an annual advertisement regarding unclaimed property in a newspaper of general circulation in certain counties; and setting forth required content for said advertisement”; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 500 - “A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of intimidation of, and retaliation against, public officers and employees, jurors, and witnesses; and including threats within behavior of the offense of intimidation or harassment”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 518 - “A Bill to amend and reenact §31B-8-809 of the Code of West Virginia, 1931, as amended; to amend and reenact §31D-14-1420 of said code; to amend and reenact §31E-13-1320 of said code; and to amend and reenact §47-9-10a of said code, all relating to grounds for administrative dissolution of a limited liability company, corporation, nonprofit corporation, and limited partnership; providing an application process for reinstatement; and providing for an appeal process for these entities”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Toney and Rowan offered the following resolution, which was read by its title and referred to the Committee on Banking and Insurance then Rules:

H. C. R. 57 - “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 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.”

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 citizens in these communities have limited resources to address these problems without access to financial services and capital to invest to improve our 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 investing in state residents and promoting in 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 its mission to provide access to capital for resident small businesses and entrepreneurial minded individuals greater access to capital by partnering with local banks, increasing local lending through measures such as guaranteeing larger loans and backing smaller, riskier loans that benefit 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 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 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 Department of Public Administration at West Virginia University, at a cost of up to \$50,000, to prepare a report regarding implementing a State Bank of West Virginia, including possible funding mechanisms, the structure of the Bank Board of Directors, and by identifying the target lending clients and entrepreneurial purposes that benefit and support the people 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, The Division of Tourism, and the Division of Financial Institutions 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.

Delegate Holstein offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 58 - "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 “Red” Haney Memorial Bridge’.”

Whereas, Daniel Edward Kolhton “Red” Haney was born on March 17, 1998, in Orgas, West Virginia, to Nicki Haney and Bruce Haney; and

Whereas, Daniel Edward Kolhton “Red” Haney, known throughout his life as “Red”, attended and graduated from Sherman High School in Seth, West Virginia; and

Whereas, Daniel Edward Kolhton “Red” Haney was fatally wounded in an automobile accident at the age of 21, leaving behind a fiancé and many loved ones; and

Whereas, Daniel Edward Kolhton “Red” Haney was adored by many friends, family, and community members that he impacted during his short life; and

Whereas, Daniel Edward Kolhton “Red” Haney passed away on August 6, 2019, and his character, outgoing personality, and kindness are greatly missed by the communities along Big Coal River in Boone County, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate Daniel Edward Kolhton “Red” Haney for 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 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 ‘Red’ Haney 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 “Daniel Edward Kolhton ‘Red’ Haney Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House is directed to forward a copy of this resolution to the commissioner of the Division of Highways.

Delegate Howell offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 59 - “Requesting the Joint Committee on Government and Finance study requirements for state employment and changes that may be effective in increasing pools of applicants.”

Whereas, The State of West Virginia is one of the largest employers in the state, and employs hundreds of classifications of employees. At times, the State of West Virginia has difficulty filling certain positions due to the size and qualifications of the applicant pool. As such, is necessary to study the requirements for employment with the state and determine whether certain requirements are unnecessary or are outdated due to technology and other factors. In addition, the State of West Virginia should seek out additional ways to increase the pools of applicants for positions; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the necessity of certain requirements for employment with the State of West Virginia and ways to increase the applicant pools; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2022, 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.

Special Calendar

Third Reading

S. B. 404, Modifying well work permits issued by DEP Office of Oil and Gas; 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. 174**), and there were—yeas 77, nays 22, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bruce, Criss, Dean, Fast, Foster, Gearheart, Hamrick, Hanna, Hardy, Haynes, Howell, J. Jeffries, Kessinger, Kimes, Longanacre, Maynard, McGeehan, Paynter, Reynolds, Summers and Wamsley.

Absent and Not Voting: Brown.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 404) passed.

On motion of Delegate Anderson, the title of the bill was amended to read as follows:

S. B. 404 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6A-7a, relating to applications for modifications of well permits under the natural gas horizontal well control act; providing for an application fee of \$2500 to modify an existing permit issued by the Department of Environmental Protection’s Office of Oil and Gas; and providing that the secretary may allow and deny said modification applications and may create forms.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2400, Authorizing the Department of Transportation 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. 175**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Brown.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2400) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 176**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Brown.

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. 2400) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2794, To extend the Neighborhood Investment Program Act to July 1, 2026; 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. 177**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Foster.

Absent and Not Voting: Brown.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2794) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2817, Donated Drug Repository 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. 178**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Brown.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2817) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3078, Relating to powers and duties of the parole board; 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. 179**), and there were—yeas 93, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: J. Jeffries, Jennings, Kimes, Martin, McGeehan and Steele.

Absent and Not Voting: Brown.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3078) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3081, Updating the West Virginia Business Corporations 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. 180**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Gearheart.

Absent and Not Voting: Brown.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3081) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 181**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Brown.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3081) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3128, Relating to carrier fees on 911 fee revenues; 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. 182**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Brown.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3128) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3133, Relating to motor carrier rates; 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. 183**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Brown.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3133) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Second Reading

Com. Sub. for S. B. 5, Relating to claims arising out of WV Consumer Credit and Protection Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 42, Creating Zombie Property Remediation Act of 2021; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 523, Correcting improper code references; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2495, Relating to the filing of asbestos and silica claims; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2830, Relating generally to sex trafficking; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2854, Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2855, Relating to the Natural Resources Police Officers Retirement System; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2896, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2898, Making a supplementary appropriation to WorkForce West Virginia – Workforce Investment Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2901, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2903, Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police; on

second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2940, Making a supplementary appropriation to the Department of Education, State Board of Education – State Department of Education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2941, Supplementary appropriation decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3129, Relating to the Consumer Price Index rate increase; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3130, Relating to elimination of sunset provisions concerning towing rates; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3132, Relating to motor carrier inspectors; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page 6, section 1, line 19, immediately following the word “includes”, by inserting the following new language: “any home incarceration supervisor employed by the county commission authorized pursuant to §62-11B-7a of this code.”

The bill was then ordered to engrossment and third reading.

H. B. 3134, Creating a new criminal defense prohibiting public disclosure of restricted information; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3175, Relating to removing certain felonies than can prohibit vehicle salespersons from receiving a license; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 469, Permitting and establishing requirements for appearance by video for purpose of notarial acts,

Com. Sub. for H. B. 2174, West Virginia Monument and Memorial Protection Act of 2021,

H. B. 2496, Relating to assessments of real property,

Com. Sub. for H. B. 2499, Tax reduction for arms and ammo manufacturing,

Com. Sub. for H. B. 2630, Requiring DEP to reimburse fines paid by towns, villages and communities in certain instances,

Com. Sub. for H. B. 2633, Creating the 2021 Farm Bill,

H. B. 2742, Providing explicit authority to process an online driver's license or identification renewal or reissuance when the applicant needs to update the address,

H. B. 2777, Repeal municipal amusement tax,

H. B. 2782, Repeal domestic animal tax,

H. B. 2808, Remove salt from list and definition of "mineral" for severance tax purposes,

Com. Sub. for H. B. 2823, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code,

And,

H. B. 2914, To remove certain ex officio, voting members from the Archives and History Commission and update formatting.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Brown.

Miscellaneous Business

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2050: Delegates L. Pack and Worrell;

H. B. 2095: Delegate Thompson;

H. B. 3045: Delegate Paynter;

H. B. 3194: Delegate L. Pack;

H. B. 3107: Delegates J. Jeffries and Lovejoy;

H. C. R. 53: Delegate Holstein;

And,

H. C. R. 54, Delegate Jennings.

At 11:44 a.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 18, 2021.

Thursday, March 18, 2021

THIRTY-SEVENTH DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Wednesday, March 17, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2195, Relating to motor vehicle crash reports,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2195 - “A Bill to amend and reenact §17C-4-7 of the Code of West Virginia, 1931, as amended, relating to motor vehicle crash reports; requiring the investigating law-enforcement officer, within 48 hours of a motor vehicle crash, to share the owner/operator and insurance information for all the involved parties with all the other involved parties and/or their insurance agents,”

H. B. 2368, Mylissa Smith’s Law, creating patient visitation privileges,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2368 - “A Bill to repeal §16-39-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-39-1 of the code; and to amend said code by adding thereto new sections, designated §61-39-2 and §61-39-8, generally relating to visitation of a patient in a healthcare facility during a declared public health state of emergency for contagious disease, to be known as ‘MyliSSa Smith’s Law’; establishing a short title; providing definitions; establishing that visitation of a patient is allowed at any time if the patient’s death is imminent; further providing that if death is not imminent visitation shall be allowed at any time and frequency; requiring a visitor to comply with applicable facility procedures; and, establishing that the health care entity is not liable for civil damages due to disease exposure to visitors or other patients or residents during visitation unless the facility failed to substantially comply with applicable procedures established by the health care entity,”

And,

H. B. 2933, Anti-Discrimination Against Israel Act,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2933 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating to creating the Anti-Discrimination Against Israel Act; forbidding WV state agencies, political subdivisions, and pension plans from doing business with, or investing in, companies that boycott Israel; defining terms; providing for rulemaking; and setting an effective date,”

With the recommendation that the committee substitutes each do pass.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2488, Relating to an occupational limited license,

H. B. 2726, Allowing for the lease of air space above public roads for the safe operation of unmanned aircraft,

And,

H. B. 2923, Relating to Social Media privacy and educational institutions,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 2488, H. B. 2726 and H. B. 2923) were each referred to the Committee on the Judiciary.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

S. B. 396, Providing limitations on nuisance actions against fire department or EMS fixed sirens,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (S. B. 396) was referred to the Committee on the Judiciary.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

H. B. 3045, Relating to firefighter disability claims,

And,

H. B. 3107, Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 3045 and H. B. 3107) were each referred to the Committee on the Judiciary.

Delegate Zatezalo, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

H. B. 2720, Creating a Merit-Based Personnel System within DOT,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2720) was referred to the Committee on Government Organization.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2955, Removing the residency requirement for the Commissioner of the Division of Highways,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2955) was referred to the Committee on Government Organization.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2890, To clarify the regulatory authority of the Public Service Commission of West Virginia over luxury limousine services,

And,

H. B. 3002, Update road abandonment process,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 2890 and H. B. 3002) were each referred to the Committee on Government Organization.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2242, Relating to special license plates for vehicles titled in the name of the Division of Public Transit,

And,

H. B. 2950, Provide the Division of Motor Vehicles authority to develop an “Antique Fleet” program so that multiple antique motor vehicles may utilize a single registration plate,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 2242 and H. B. 2950) were each referred to the Committee on Government Organization.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2751, Modernize the process for dissolution of municipal corporations in this State,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2751) was referred to the Committee on the Judiciary.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2351, Relating to when a municipality’s approval is not required for an event licensed by the Alcohol Beverage Control Commission,

And,

H. B. 2780, Repeal municipal license and tax when state license required,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 2351 and H. B. 2780) were each referred to the Committee on Government Organization.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2842, Preventing cities from banning utility companies in city limits,

And,

H. B. 2908, Relating to disclosure of information by online marketplaces to inform consumers,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 2842 and H. B. 2908) were each referred to the Committee on the Judiciary.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2041, County Budget Flexibility Act,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2041) was referred to the Committee on Finance.

Delegate Rowan, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

H. B. 3054, Expanding definition of who may apply for grandparent visitation,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3054) was referred to the Committee on the Judiciary.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2178, Facilitating Business Rapid Response to State Declared Disasters Act of 2021,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2178) was referred to the Committee on Finance.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2237, Allowing free camping at state parks for certain resident veterans,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2237) was referred to the Committee on Finance.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2677, Relating to increasing the amount of money for which a purchase may be made without obtaining three bids to ten thousand dollars,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2677) was referred to the Committee on Finance.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2981, Providing veterans with suicide prevention assistance,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 2981) was referred to the Committee on Health and Human Resources.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 3077, Permit the use of establish federal marketplace programs for the purchases of supplies,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3077) was referred to the Committee on the Judiciary.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2775, Relating to the beginning and expiration of hunting and fishing licenses,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2775) was referred to the Committee on the Judiciary.

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2968, To allow Veterinarian Tele-Health in West Virginia,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 2968) was referred to the Committee on Health and Human Resources.

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2050, Establishing the West Virginia Healthy Food Crop Block Grant Program,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2050) was referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2503, Requiring legislative approval of additional parkways bonds and removing tolls once bonds paid,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with, but that it first be referred to the Committee on Finance.

In the absence of objection, reference of the bill (H. B. 2503) to the Committee on the Judiciary was abrogated.

The Speaker then referred the bill to the Committee on Finance.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

Com. Sub. for H. B. 2760, Relating to economic development incentive tax credits,

And,

Com. Sub. for S. B. 9, Continuing Licensed Racetrack Modernization Fund,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2874, Extend the current veteran's business fee waivers to active duty military members, their spouses and immediate family members,

H. B. 3010, To extend the special valuation method for cellular towers to towers owned by persons not subject to regulation by the Board of Public Works,

S. B. 10, Modifying racetrack licensing due date,

And,

S. B. 305, Providing exemption from consumers sales and service tax for certain aircraft maintenance,

And reports the same back with the recommendation that they each do pass.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2747, Transferring the Parole Board to the Office of Administrative Hearings,

And,

H. B. 3069, Enhance cooperation between civilian law enforcement and military authorities,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 2747 and H. B. 3069) were each referred to the Committee on the Judiciary.

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Hanna, Bridges, Clark, Ellington, Horst, Jennings, Longanacre, Mazzocchi and Tully:

H. B. 3293 - "A Bill to amend and reenact §18-2-5c and §18-2-25 of the Code of West Virginia, 1931, as amended, all relating to single-sex participation in interscholastic athletic events; providing that the birth certificate required for admission to public school confirm the pupil's sex at time of birth, or in the alternative,

that the pupil's sex be identified by a signed physician's statement; providing that the sex identified at the time of admission must be the pupil's sex for the purposes of single-sex participation in interscholastic athletic events under the control, supervision, and regulation of the West Virginia Secondary Schools Activities Commission; providing that the commission must verify with each county board that each student participating in single-sex interscholastic events is participating according to the student's sex at the time of the student's birth; and clarifying that these requirements do not apply to co-educational secondary school interscholastic athletic events."

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 3293) to the Committee on the Judiciary.

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. 2008, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers.

Delegate Summers moved the House of Delegates concur 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 21. LABOR.

ARTICLE 3C. ELEVATOR SAFETY.

§21-3C-14. Inapplicability of local ordinances.

Effective January 1, 2022, a political subdivision of this state may not require, as a condition precedent to the performance of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by this

article in the political subdivision, a person who holds a valid license to perform such work issued under the provisions of this article, to have any additional occupational license or other evidence of competence to engage in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this article.

ARTICLE 3D. CRANE OPERATOR CERTIFICATION ACT.

§21-3D-1. Definitions.

For purposes of this article:

(a) ‘Commissioner’ means the Commissioner of the Division of Labor, or his or her authorized representative.

(b) ‘Crane’ means a power-operated hoisting machine used in construction, demolition, or excavation work, which has a power-operated winch and load line and a power-operated boom that moves laterally by the rotation of the machine on a carrier, and which has a manufacturer’s rated lifting capacity of more than 2,000 pounds. ‘Crane’ does not mean a forklift, digger, derrick truck, bucket truck, or any vehicle, aircraft, or helicopter, or equipment which does not have a power-operated winch and load line.

~~(c) ‘Emergency basis’ means an occurrence of an event, circumstance or situation that presents an imminent threat to persons or property and constitutes a serious health or safety hazard.~~

~~(d) ‘Employer’ means any person, firm, corporation or other entity who hires or permits any individual to work.~~

~~(e) ‘Employee’ means any individual employed by an employer and also as defined by the commissioner.~~

~~(f)~~(c) ‘Tower crane’ means a crane in which a boom, swinging jib, or other structural member is mounted on a vertical mast or tower.

~~(g) ‘Training or training course’ means a course approved by the commissioner which includes some form of testing throughout, or a final written examination or practical test, or both, which ensures, or tends to ensure that learning has occurred and that the objectives of the training have been realized. The commissioner will evaluate whether the approved training adequately demonstrates competency to safely operate cranes.~~

§21-3D-2. Certification required; exemptions.

~~(a) A person may not operate a crane or tower crane without certification issued according to OSHA regulation 29 CFR §1926.1427 Subpart CC and any amendments that may be made from time to time. Any certifications that may expire in calendar year 2021 shall not expire until January 1, 2022. The commissioner may enter into a cooperative agreement with OSHA to assist in the enforcement of this section. under this article except for those persons exempted under subsection (b) of this section.~~

~~(b) A person is not required to obtain certification under this article if the person:~~

~~(1) Is a member of the Department of Defense or Armed Forces of the United States or an employee of the United States, when such member or employee is engaged in the work of a crane operator exclusively for such governmental unit; or~~

~~(2) Is primarily an operator of farm machinery who is performing the work of a crane operator as part of an agricultural operation; or~~

~~(3) Is operating a crane on an emergency basis; or~~

~~(4) Is operating a crane for personal use and not for profit on the site of real property which the person owns or leases; or~~

~~(5) Is an Operator in Training under the direct supervision of a certified crane operator and:~~

~~(A) Who is enrolled in an industry recognized in house training course based on the American National Standards Institute~~

~~Standards for Crane Operators and who is employed by the entity that either taught the training course or contracted to have the training course taught, all of which is approved by the commissioner; or~~

~~(B) Who is enrolled in an apprenticeship program or training program for crane operators approved by the United States Department of Labor, Bureau of Apprenticeship and Training;~~

~~(6) Is an employee of and operating a crane at the direction of any manufacturing plant or other industrial establishment, including any mill, factory, tannery, paper or pulp mill, mine, colliery, breaker or mineral processing operation, quarry, refinery or well or is an employee of and operating a crane at the direction of the person, firm or corporation who owns or is operating such plant or establishment;~~

~~(7) Is an employee of a public utility operating a crane to perform work in connection with facilities used to provide a public service under the jurisdiction of the Public Service Commission, Federal Energy Regulatory Commission or Federal Communications Commission; or~~

~~(8) Is operating timbering harvesting machinery associated with the production of timber and the manufacturing of wood products.~~

§21-3D-3. Powers and duties of commissioner. Inapplicability of local ordinances.

On January 1, 2022, and thereafter, a political subdivision of this state may not require, as a condition precedent to the operation of a crane or tower crane in the political subdivision, a person who is certified according to OSHA regulation 29 CFR §1926.1427 Subpart CC, to have any other license or other evidence of competence as a crane operator.

~~(a) The commissioner shall:~~

~~(1) Propose rules for legislative approval in accordance with the provisions of article three, chapter twenty nine a of this code, which rules at the minimum must include provisions for:~~

~~(A) A Class A certification program for individuals who operate cranes or tower cranes in the State of West Virginia, which must require both a written examination and a practical demonstration, and which must be accredited by the American National Standards Institute's Personnel Certification Accreditation Program;~~

~~(B) A Class B certification program for individuals who operate cranes or tower cranes in the State of West Virginia, which must require the successful completion of a training course;~~

~~(C) Certification categories including lattice boom truck cranes; lattice boom crawler cranes; fixed cab telescoping boom cranes; swing cab telescoping boom cranes; and tower cranes. *Provided*, That the holders of a certification for the large telescoping boom crane, upon application for recertification, will be provided with a one time election to either be certified as an operator of a fixed cab or swing cab telescoping boom crane, and that holders of a certification for the small telescoping boom crane, upon application for recertification, will be automatically certified as a fixed cab operator;~~

~~(D) Class A certification renewal requirements of individuals who operate cranes in the State of West Virginia, that must include a written examination and a current physician's certificate at least every five years; and~~

~~(E) Class B certification renewal requirements of individuals who operate cranes in the State of West Virginia, that must include the successful completion of a training course approved by the commissioner;~~

~~(2) Prescribe application forms for original and renewal certification;~~

~~(3) Set application fees in amounts that are reasonable and necessary to defray the costs of the administration of this article in an amount not to exceed \$75 per year;~~

~~(4) Set examination and training course fees in an amount not to exceed the actual cost of the examination and the training course;~~

~~(5) Administer or cause to be administered the written examination, practical demonstrations and the training course as required for certification;~~

~~(6) Determine the standards for acceptable performance on the written examination, practical demonstration and the required training course. *Provided*, That the minimum standards must be consistent with national standards, current operating procedures and technology and be transferable to other states where possible;~~

~~(7) Provide the option for applicants and crane operators to take examinations that meet or exceed requirements for national crane operator certification; and~~

~~(8) Take other action as necessary to enforce this article.~~

~~(b) The commissioner, or his or her designee, upon receipt of information that a person has engaged in or is engaging in an act that constitutes a violation of this article, may issue a notice to the person to cease and desist and may apply to the circuit court for an order enjoining the act. Upon a showing that the person has engaged in or is engaging in an act that constitutes a violation of this article, the court may order an injunction, restraining order or other order as the court considers appropriate.~~

§21-3D-4. Minimum certification requirements.

[Repealed.]

§21-3D-5. Denial, suspension, revocation, or reinstatement of certification.

[Repealed.]

§21-3D-6. Effect of accident.

[Repealed.]

§21-3D-7. Penalties.

[Repealed.]

§21-3D-8. Crane Operator Certification Fund; fees; disposition of funds.

(a) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account known as the Crane Operator Certification Fund in the State Treasury and expended for the implementation and enforcement of this article. Through June 30, 2019, amounts collected which are found from time to time to exceed the funds needed for purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations: *Provided*, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations.

(b) ~~The commissioner may set reasonable application fees for the issuance or renewal of certificates and other services associated with crane operator certification.~~ All funds remaining in the Crane Operating Certification Fund on January 1, 2022, shall be appropriated by the Legislature.

§21-3D-9. Reciprocity.

[Repealed.]

ARTICLE 14. SUPERVISION OF PLUMBING WORK.

§21-14-2. Definitions.

As used in this article:

(a) 'License' means a valid and current license issued by the Commissioner of Labor in accordance with the provisions of this article.

(b) 'Journeyman plumber' means a person qualified by passage of a journeyman plumber written examination with a score of at least 70 percent ~~at least eight thousand hours of plumbing or related experience~~ and who is competent to instruct and supervise the work of a plumber in training.

(c) 'Master plumber' means a person who has passed a master plumber written examination with a score of at least 70 percent with at least twelve thousand hours of plumbing work experience and who is competent to design plumbing systems, and to instruct and supervise the plumbing work of journeyman plumbers, and plumbers in training: Provided, That the master plumber written examination may not be taken until one year after passage of the journeyman plumber examination.

(d) 'Plumber in training' means a person who has not passed the journeyman plumber examination: Provided, That the fee for plumbers in training may not be higher than \$25.00. with interest in and an aptitude for performing plumbing work but who alone is not capable of performing plumbing work, and who has fewer than eight thousand hours of plumbing experience

(e) 'Plumbing' means the practice, materials, and fixtures utilized within a building in the installation, extension, and alteration of all piping, fixtures, water treatment devices, plumbing appliances, and appurtenances, in connection with sanitary drainage or storm drainage facilities; the plumbing venting systems; medical gas systems; fuel oil and gas piping for residential, commercial, and institutional facilities; backflow preventers; and public or private water supply systems, as defined by the state building code.

(f) 'Single family dwelling' means a building which is occupied as, or designed or intended for occupancy as, a single residence for one or more persons.

§21-14-7. Penalties.

(a) On and after January 1, 2009, a person performing or offering to perform plumbing work without a license issued by the Commissioner of Labor, is subject to a cease and desist order.

(b) Any person continuing to engage in plumbing work after the issuance of a cease and desist order is ~~guilty of a misdemeanor and, upon conviction thereof,~~ is subject to the following penalties:

(1) For the first offense, a fine of not less than \$200 nor more than \$1,000;

(2) For the second offense, a fine of not less than \$500 nor more than \$2,000, ~~or confinement in jail for not more than six months, or both; and~~

(3) For the third and subsequent offenses, a fine of not less than \$1,000 nor more than \$5,000, ~~and confinement in jail for not less than thirty days nor more than one year.~~

(c) A separate offense means each day, after official notice is given, that a person performs plumbing work that is unlawful or is not in compliance with the provisions of this article.

(d) The Commissioner of Labor may institute proceedings in the circuit court of the county where the alleged violation of the provisions of this article occurred or ~~are~~ is occurring to enjoin any violation of any provision of this article. A circuit court by injunction may compel compliance with the provisions of this article, with the lawful orders of the Commissioner of Labor, and with any final decision of the Commissioner of Labor. The Commissioner of Labor shall be represented in all such proceedings by the Attorney General or his or her assistants.

(e) Any person adversely affected by an action of the Commissioner of Labor may appeal the action pursuant to the provisions of chapter 29A of this code.

ARTICLE 16. REGULATION OF HEATING, VENTILATING, AND COOLING WORK.

§21-16-2. Definitions.

As used in this article and the legislative rules promulgated pursuant to this article:

(a) 'Perform work on a heating, ventilating, and cooling system' means to install, maintain, alter, remodel, or repair one or more components of a heating, ventilating, and cooling system.

(b) 'Heating, ventilating, and cooling system' means equipment to heat, cool, or ventilate residential or commercial structures, comprised of one or more of the following components:

(1) 'Heating system' means a system in which heat is transmitted by radiation, conduction, or convection, or a combination of any of these methods, to the air, surrounding surfaces, or both, and includes a forced air system that uses air being moved by mechanical means to transmit heat, but does not include a fireplace or wood-burning stove not incorporated into or used as a primary heating system;

(2) 'Ventilating system' means the natural or mechanical process of supplying air to, or removing air from, any space whether the air is conditioned or not conditioned, at a rate of airflow of more than 250 cubic feet per minute; and

(3) 'Cooling system' means a system in which heat is removed from air, surrounding surfaces, or both, and includes an air-conditioning system.

(c) 'HVAC Technician' means a person with at least 2,000 hours of HVAC-related work, training, and experience and is licensed to install, test, maintain, and repair both residential and nonresidential heating, ventilating, and cooling systems.

(d) 'HVAC Residential Technician' means a person licensed to install, test, maintain, and repair residential heating, ventilating, and cooling systems: *Provided*, That such persons may perform work on nonresidential heating, ventilating, and cooling systems subject to rules promulgated by the commissioner pursuant to §21-16-3 of this code.

(e) 'Residential heating, ventilating, and cooling system' means a system of no more than four separate heating, ventilating, and cooling units each with a combined capacity of five tons – 130,000 BTUs for: (1) A single or dual family structure; or (2) a commercial location of no more than 5,000 square feet in size where no fire damper is required. Such term shall not apply to

heating, ventilating, and cooling systems that include any packaged rooftop units.

(f) ‘HVAC technician in training’ means a person with less than 2,000 hours of HVAC-related work, training, and experience interest in and an aptitude for performing installation, maintenance, and repair work to a heating, ventilating, and cooling system as defined in this article, but who alone is not capable or authorized to perform heating, ventilating, and cooling system work unless directly supervised by a HVAC technician or an HVAC residential technician. Provided, That the fee for an HVAC technician in training license may not be higher than \$25.00.

(g) ‘HVAC residential technician license’ means a valid and current license issued by the Commissioner of Labor in accordance with the provisions of this article to perform work as an HVAC residential technician.

(h) ‘HVAC technician license’ means a valid and current license issued by the Commissioner of Labor in accordance with the provisions of this article to perform work as an HVAC technician.

(i) ‘Routine maintenance’ means work performed on a routine schedule that includes cleaning and/or replacing filters, greasing or lubricating motor bearings, adjusting and/or replacing belts, checking system temperature, checking gas temperature, adjusting gas pressure as required, and checking voltage and amperage draw on heating, ventilating, and cooling systems.

(j) ‘Single family dwelling’ means a building that is occupied as, or designed or intended for occupancy as, a single residence for one or more persons.

§21-16-3. License required; exemptions.

(a) On and after January 1, 2016, a person performing or offering to perform work on a heating, ventilating, and cooling system in this state shall have a license issued by the Commissioner of Labor, in accordance with the provisions of this article and the legislative rules promulgated pursuant hereto: *Provided, That the*

commissioner shall issue HVAC residential technician licenses to qualified applicants without examination who present satisfactory evidence no later than December 31, 2019, of having at least 2,000 hours of experience and/or training working on heating, ventilating, and cooling systems: *Provided, however, That* if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination.

(b) Notwithstanding any other provision of this article to the contrary, the commissioner shall credit verified military service, training, or education toward the licensing requirements, ~~other than~~ including examination requirements pursuant to §21-16-11 of this code, for a license issued under this article. The commissioner shall expedite the issuance of a provisional license or a license by endorsement or reciprocity under this article to an applicant who has verified military experience or holds a current license issued by another jurisdiction that has license requirements that are substantially equivalent to the license requirements of this state.

(c) A person licensed under this article shall carry a copy of the license on any job in which heating, ventilating, and cooling work is being performed.

(d) This article does not apply to:

(1) A person who personally performs work on a heating, ventilating, and cooling system in a single family dwelling owned by that person or by a member of that person's immediate family;

(2) A person who performs work on a heating, ventilating, and cooling system at a manufacturing plant or other industrial establishment as an employee of the person, firm, or corporation operating the plant or establishment;

(3) A person who performs only electrical or plumbing work on a heating, ventilating, and cooling system, which includes, but is not limited to, thermostats, bathroom fans, and tankless water heater ventilation, so long as the work is within the scope of

practice which the person is otherwise licensed or authorized to perform; or

(4) A person who performs routine maintenance on any heating, ventilating, and cooling system.

§21-16-5. Rule-making authority.

(a) The Commissioner of Labor shall propose rules for legislative approval, in accordance with the provisions of §21-16-5 *et seq.* of this code, for the implementation and enforcement of the provisions of this article, which shall provide:

(1) Standards and procedures for issuing and renewing licenses, applications, examinations, and qualifications: *Provided, That an HVAC technician may not be required to provide documentation of more than 2,000 hours of total work, training, and experience as a requirement for licensure;*

(2) Provisions for the granting of HVAC technician licenses, without examination, to applicants who present satisfactory evidence no later than July 1, 2016, of having at least 2,000 hours of experience and/or training working on heating, ventilating, and cooling systems and at least 6,000 hours of experience and/or training in heating, ventilating, and cooling, or related work, to include other sheet metal industry tasks: *Provided, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination;*

(3) Reciprocity provisions;

(4) Procedures for investigating complaints and revoking or suspending licenses, including appeal procedures;

(5) Fees for issuance and renewal of licenses and other costs necessary to administer the provisions of this article;

(6) Enforcement procedures; and

(7) Any other rules necessary to effectuate the purposes of this article.

(b) The commissioner may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code for the purpose of describing:

(1) Provisions for the granting of HVAC residential technician licenses without examination to qualified applicants who present satisfactory evidence no later than December 31, 2019, of having at least 2,000 hours of experience and/or training working on heating, ventilating, and cooling systems: *Provided*, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination;

(2) Provisions for developing an examination required to obtain an HVAC residential technician license commensurate with the scope of practice for HVAC residential technicians as described in §21-16-2(d) of this code: *Provided*, That ~~applicants for such license examination must provide satisfactory evidence of having at least 2,000 hours of experience and/or training working on heating, ventilating, and cooling systems: *Provided, however, That*~~ the rules proposed by the commissioner shall provide that the HVAC residential license examination will be developed in consultation with HVAC industry representatives; and

(3) Provisions for allowing HVAC residential technicians to perform work on nonresidential heating, ventilating, and cooling systems subject to rules promulgated by the commissioner.

§21-16-8. Penalties.

(a) On and after January 1, 2016, a person performing or offering to perform, or an employer authorizing a person not exempt by the provisions of section three of this article, to perform, heating, ventilating, and cooling work without a license issued by the Commissioner of Labor, is subject to a cease and desist order.

(b) A person continuing to perform, or an employer continuing to authorize a person not exempt by the provisions of §21-16-3 of

this code, to perform, heating, ventilating, and cooling work after the issuance of a cease and desist order ~~is guilty of a misdemeanor and, upon conviction thereof,~~ is subject to the following penalties:

(1) For the first offense, a fine of not less than \$200 nor more than \$1,000;

(2) For the second offense, a fine of not less than \$500 nor more than \$2,000;

(3) For the third and subsequent offenses, a fine of not less than \$1,000 nor more than \$5,000, ~~and confinement in jail for not more than one year.~~

(c) Each day after official notice is given, a person continues to perform, or an employer continues to authorize a person to perform, and which is not exempt by the provisions of section three of this article, heating, ventilating, and cooling work, is a separate offense and punishable accordingly.

(d)(1) The Commissioner of Labor may institute proceedings in the circuit court of Kanawha County or of the county where the alleged violation of the provisions of this article occurred or are occurring to enjoin any violation of any provision of this article.

(2) A circuit court may by injunction compel compliance with this article, with the lawful orders of the Commissioner of Labor, and with any final decision of the Commissioner of Labor.

(3) The Commissioner of Labor shall be represented in all such proceedings by the Attorney General or his or her assistants.

(e) Any person adversely affected by an action of the Commissioner of Labor may appeal the action pursuant to chapter 29A of this code.

§21-16-11. Veteran qualifications for license as HVAC Technician.

(a) Any person who has served as a member of any branch of the United States Armed Forces, the National Guard, or armed forces reserve, may apply for licensure, if:

(1) He or she has successfully completed a course of instruction required to qualify him or her for rating as an HVAC technician's mate or other equivalent rating in his or her particular branch of the armed forces;

(2) He or she meets the requirements of this article;

(3) He or she has been honorably discharged from service and submits, to the Commissioner of Labor, a photostatic copy of the honorable discharge;

(4) He or she submits a completed application to the Commissioner of Labor; and

(5) He or she pays the prescribed licensing fees.

(b) A veteran who has allowed more than 30 years to pass from the date of his or her successful completion of a course of instruction and the date of application for licensure in this state may be required to attend additional training courses.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 3B. SUPERVISION OF ELECTRICIANS.

§29-3B-2. Necessity of license; definitions.

After the effective date of this article, no electrical work may be performed, offered, or engaged in for compensation or hire within the state of West Virginia by any person, firm, or corporation unless such person, firm, or corporation possesses a license and a certificate issued by the State Fire Marshal in accordance with this article: *Provided*, That any person who is assisting a journeyman or master electrician does not require a license to perform such supervised work, and a copy of the license is posted on any job in which electrical work is being performed for hire.

As used in this article:

~~(a) ‘Apprentice electrician’ means a person with interest in and an aptitude for performing electrical work but who alone is not capable of performing electrical work unless directly supervised by a higher license classification.~~

~~(b)~~(a) ‘Electrical contractor’ means a person, firm, or corporation who engages in the business of electrical work and employs master electricians, journeyman electricians, ~~apprentice electricians~~ or other related workers for the construction, alteration, or repair of any electrical wiring, equipment, or systems as defined in the scope of the national electric code.

~~(c)~~(b) ‘Electrical work’ means the installation of wires, conduits, apparatus, fixtures, other appliances, equipment, or systems for transmitting, carrying, controlling, or using electricity as defined in the scope of the national electric code.

~~(d)~~(c) ‘Journeyman electrician’ means a person qualified by at least ~~four years~~ one year of electrical work experience to do any work installing wires, conduits, apparatus, equipment, fixtures, and other appliances, provided that this classification is not authorized to design electrical systems.

~~(e)~~(d) ‘License’ means a valid and current certificate of competency issued by the state Fire Marshal.

~~(f)~~(e) ‘Master electrician’ means a person with at least ~~five~~ two years of electrical work experience, including experience in all phases of electrical wiring and installation, who is competent to design electrical systems, and to instruct and supervise the electrical work of journeyman electricians, ~~apprentice electricians~~, and other related workers.

~~(g)~~(f) ‘Specialty electrician’ means a person qualified to perform electrical work in a limited or specialized area.

§29-3B-3. Exemptions; nonapplicability of license requirements; legislative rules for limited reciprocity.

(a) This article does not apply to, and no license may be required for: ~~(1) A person who performs electrical work with~~

~~respect to any property owned or leased by that person; (2) a person who performs electrical work at any manufacturing plant or other industrial establishment as an employee of the person, firm or corporation operating the plant or establishment; (3) a person who performs electrical work while employed by an employer who engages in the business of selling appliances at retail, so long as such electrical work is performed incident to the installation or repair of appliances sold by the employer; (4) a person who, while employed by a public utility or its affiliate, performs electrical work in connection with the furnishing of public utility service; or (5) any government employee performing electrical work on government property.~~

(1) A person who performs electrical work with respect to any property owned or leased by that person or that person's immediate family;

(2) A person who performs electrical work at any manufacturing plant or other industrial establishment as an employee of the firm or corporation operating the plant or establishment;

(3) A person who performs electrical work while employed by an employer who engages in the business of selling appliances at retail, so long as such electrical work is performed incident to the installation or repair of appliances sold by the employer;

(4) A person who, while employed by a public utility or its affiliate, performs electrical work in connection with the furnishing of public utility service;

(5) Any government employee performing electrical work on government property; or

(6) Any person who performs low voltage electrical work with only low voltage wiring will not be required to have an electrician's license other than a specialty license. For purposes of this section, low voltage electrical work is 80 volts or less, and directly related wiring. Wiring is directly related if it:

(A) Originated at the load-side terminals of a disconnecting means or junction box that has been installed, complete with line-side connections by others for the specific purpose of supply to the low voltage wiring system involved;

(B) Is permanently and legibly marked to identify the low voltage wiring system supplied; and

(C) Is not installed in a location considered hazardous under the National Electrical Code.

(b)(1) Notwithstanding any other provision of this article to the contrary, a journeyman or master electrician license may be issued for a person who is a former resident of this state, who formerly held an electrician's license issued by this state, who has obtained an equivalent electrician license from another state, and who returns to this state as a permanent resident, without requiring the person to meet the application or examination requirements that would otherwise be imposed on the person by the requirements of this article when the issuance of the license is permitted by legislative rules promulgated pursuant to the provisions of this subsection.

(2) The State Fire Marshal shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to provide for the licensing of electricians with equivalent qualifications described in subdivision (1) of this subsection. Notwithstanding any other provision of this code to the contrary, the legislative rules described in this subsection may not be filed as emergency rules.

§29-3B-4. Licenses; classes of licenses; issuance of licenses by commissioner; qualifications required for license; nontransferability and nonassignability of licenses; expiration of license; renewal; reciprocity.

(a) The following classes of license may be issued by the State Fire Marshal: master electrician license, journeyman electrician license, ~~'apprentice electrician license'~~ and temporary electrician

license. Additional classes of specialty electrician license may be issued by the State Fire Marshal.

(b) The State Fire Marshal shall issue the appropriate class of license upon a finding that the applicant possesses the qualifications for the class of license to be issued. When considering whether an applicant possess the qualifications for the class of license, the State Fire Marshal shall consider whether an applicant's prior criminal convictions bear a rational nexus on the license being sought.

(1) The State Fire Marshal may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the State Fire Marshal shall consider at a minimum:

(A) The nature and seriousness of the crime for which the individual was convicted;

(B) The passage of time since the commission of the crime;

(C) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(D) Any evidence of rehabilitation or treatment undertaken by the individual.

(2) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the State Fire Marshal shall permit the applicant to apply for initial licensure if:

(A) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(B) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(C) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the State Fire Marshal.

(3) An individual with a criminal record who has not previously applied for licensure may petition the State Fire Marshal at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the State Fire Marshal to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction.

(c) The State Fire Marshal shall propose rules for legislative approval regarding qualifications for testing, issuance of licenses, and renewal in accordance with the provisions of §29A-3-1 *et seq.*, of this code.

(d) To the extent that other jurisdictions provide for the licensing of electricians, the State Fire Marshal ~~may~~ shall grant the same or equivalent classification of license without written examination upon satisfactory proof furnished to the State Fire Marshal that the qualifications of the applicant demonstrate that the person can perform work safely and competently and is in good standing with all other jurisdictions where he or she is licensed, are equal to the qualifications required by this article and upon payment of the required fee: ~~*Provided*, That as a condition to reciprocity, the other jurisdictions must extend to licensed electricians of this state, the same or equivalent classification.~~

(e) In addition to any other information required, the applicant's ~~Social Security~~ social security number shall be recorded on any application for a license submitted pursuant to the provisions of this section.

§29-3B-6. Relicensing without retesting after nonrenewal under certain circumstances.

An electrician previously licensed by the State Fire Marshal who did not renew his or her electrician's license may renew the

license without retesting within ~~three~~ five years of the date of the last renewal: *Provided*, That the electrician's license had not been revoked and that the applicant pays double the current fee ~~if his or her license has been lapsed for two renewal periods, or triple the current fee if his or her license has been lapsed for three renewal periods.~~

§29-3B-8. Effect of noncompliance with article; failure to obtain license.

Any person, firm, corporation, or employee thereof, or any representative, member, or officer of such firm or corporation, individually, entering upon or engaging in the business of performing any electrical work as defined in this article, without obtaining the required license or otherwise complying with this article, ~~is for the first offense guilty of a misdemeanor, and, upon conviction thereof,~~ shall be fined not less than \$100, nor more than \$500. For a second ~~and each subsequent~~ offense, the penalty and punishment is a fine of not less than \$500 nor more than \$1,000. For the third and each subsequent offense, the penalty and punishment is a fine of not less than \$1,000 nor more than \$5,000.

Each day during which such electrical work is performed without the required license or while in noncompliance with any of the provisions of this article, after official notice that such work is unlawful, is a separate offense.

Any electrical work performed by a person, firm, or corporation which is determined by the State Fire Marshal to constitute a safety or health hazard to members of the public or any electrical work of an extensive nature being performed by any person without the required license or otherwise in noncompliance with the requirements of this article or contrary to an order or rule promulgated lawfully by the State Fire Marshal, is subject to being issued a citation or a civil action in the name of the state in the circuit court of the county where such work is being performed for an injunction against such person, firm, or corporation, enjoining such work or violation. A circuit court by mandatory or prohibitory injunction may compel compliance with the provisions of this article, with the lawful orders of the State Fire Marshal and with

any final decision of the State Fire Marshal or State Fire Commission. The State Fire Marshal shall be represented in all such proceedings by the Attorney General or his or her assistants.

ARTICLE 3D. SUPERVISION OF FIRE PROTECTION WORK.

§29-3D-2. Definitions.

As used in this article and the legislative rules promulgated pursuant to this article:

‘Combination fire/smoke damper’ means a device that meets both fire damper and smoke damper requirements.

‘Damper’ means a fire damper, smoke damper, or combination fire/smoke damper.

‘Damper work’ means to install, test, maintain, or repair a damper.

‘Engineered suppression systems installer’ means a person certified by a manufacturer to install, alter, extend, maintain, ~~layout~~ lay out, or repair an agent suppression system.

‘Engineered Suppression Systems Technician’ means a person certified by a manufacturer to maintain or repair an agent suppression system.

‘Fire damper’ means a device installed in an air distribution system, designed to close automatically upon detection of heat, to interrupt migratory airflow, and to restrict the passage of flame. Fire dampers are classified for use in either static systems or for dynamic systems, where the dampers are rated for closure under airflow.

~~‘Fire protection damper technician’ means a person certified to install, test, maintain or repair a damper.~~

~~‘Fire protection damper technician in training’ means a person with interest in and an aptitude for performing installation, maintenance or repair work to a damper as defined in this article,~~

~~but who alone is not capable or authorized to perform damper work unless directly supervised by a Fire Protection Damper Technician.~~

‘Fire protection layout technician’ is an individual who has achieved National Institute for Certification in Engineering Technologies (NICET) Level III, or has achieved from the National Fire Protection Association a certification in Certified Water Based Systems Professional (CW BSP), or has passed an exam approved by the state Fire Marshal from the National Inspection Testing Certification (NITC) organization, or higher certification as recognized by the state Fire Marshal, and who has the knowledge, experience, and skills necessary to ~~layout~~ lay out fire protection systems based on engineering design documents.

‘Fire protection system’ means any fire protection suppression device or system designed, installed, and maintained in accordance with the applicable National Fire Protection Association (NFPA) codes and standards, but does not include public or private mobile fire vehicles.

‘Fire protection work’ means the installation, alteration, extension, maintenance, or testing of all piping, materials, and equipment inside a building, including the use of shop drawings prepared by a fire protection layout technician, in connection with the discharge of water, other special fluids, chemicals, or gases, and backflow preventers for fire protection for the express purpose of extinguishing or controlling fire.

‘Journeyman sprinkler fitter’ means a person qualified by at least ~~5,000~~ 2,000 hours of work experience installing, adjusting, repairing, and dismantling fire protection systems and who is competent to instruct and supervise ~~the~~ fire protection work; Provided, That current license renewal exemptions to examinations apply. of a sprinkler fitter in training.

‘License’ means a valid and current license issued by the State Fire Marshal in accordance with the provisions of this article.

‘Portable fire extinguisher technician’ means a person certified in accordance with NFPA 10 to install, maintain, repair, and certify portable fire extinguishers as defined by NFPA 10.

‘Preengineered suppression systems installer’ means a person certified by a manufacturer to install, alter, extend, maintain, ~~layout~~ lay out, or repair an agent suppression system.

‘Preengineered suppression systems technician’ means a person certified to maintain or repair an agent suppression system.

‘Single family dwelling’ means a building which is occupied as, or designed or intended for occupancy as, a single residence for one or more persons.

‘Smoke damper’ means a device within an operating (dynamic) air distribution system to control the movement of smoke.

~~‘Sprinkler fitter in training’ means a person with interest in and an aptitude for performing fire protection work but who alone is not capable of performing such work, and who has fewer than 5,000 hours of experience installing, adjusting, repairing and dismantling fire protection systems.~~

§29-3D-3. License required; exemptions.

(a) On and after January 1, 2009, a person performing or offering to perform fire protection work in this state shall have a license issued by the State Fire Marshal, in accordance with the provisions of this article.

~~(b) On and after January 1, 2016, a person performing or offering to perform damper work in this state shall have a license issued by the State Fire Marshal, in accordance with the provisions of this article and the legislative rules promulgated pursuant hereto: *Provided*, That a person may not be licensed to perform damper work in this state without first being licensed as a HVAC technician pursuant to the provisions of §21-16-1 *et seq.* of this code.~~

~~(e)~~(b) A person licensed under this article must carry a copy of the license on any job in which fire protection work is being performed.

~~(d)~~(c) This article does not apply to:

(1) A person who personally performs fire protection work or damper work on a single family dwelling owned or leased, ~~and occupied~~ by that person or that person's immediate family;

(2) A person who performs fire protection work or damper work at any manufacturing plant or other industrial establishment as an employee of the person, firm, or corporation operating the plant or establishment;

(3) A person who, while employed by a public utility or its affiliate, performs fire protection work in connection with the furnishing of public utility service.

(4) A person who performs fire protection work while engaging in the business of installing, altering, or repairing water distribution or drainage lines outside the foundation walls of a building, public or private sewage treatment or water treatment systems, including all associated structures or buildings, sewers, or underground utility services;

(5) A person who performs fire protection work while engaged in the installation, extension, dismantling, adjustment, repair, or alteration of a heating ventilation and air conditioning (HVAC) system, air-veyor system, air exhaust system, or air handling system; or

(6) A person who performs fire protection work at a coal mine that is being actively mined or where coal is being processed.

§29-3D-4. Rule-making authority.

The State Fire Marshal shall propose rules for legislative approval, in accordance with the provisions of §29A-3-1 *et seq.* of this code, for the implementation and enforcement of the provisions of this article, which shall provide:

(1) Standards and procedures for issuing and renewing licenses, including classifications of licenses as defined in this article, applications, examinations, and qualifications: *Provided*, That the rules shall require a person to be licensed as a HVAC technician or HVAC technician in training pursuant to §21-16-1 *et*

seq. of this code and the rules promulgated pursuant thereto, before ~~being granted a license to perform~~ performing damper work pursuant to this article;

(2) Provisions for the granting of licenses without examination, to applicants who present satisfactory evidence of having the expertise required to perform fire protection work at the level of the classifications defined in this article and who apply for licensure on or before July 1, 2009: *Provided*, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination;

(3) Provisions for the granting of licenses without examination, to applicants who present satisfactory evidence of having the expertise required to perform damper work at the level of the classifications defined in this article and who apply for licensure on or before July 1, 2016: *Provided*, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination;

(4) Reciprocity provisions;

(5) Procedures for investigating complaints and revoking or suspending licenses, including appeal procedures;

(6) Fees for testing, issuance and renewal of licenses, and other costs necessary to administer the provisions of this article;

(7) Enforcement procedures; and

(8) Any other rules necessary to effectuate the purposes of this article.

§29-3D-6. Denial, suspension and revocation of license.

(a) The State Fire Marshal may deny a license to any applicant who fails to comply with the rules established by the State Fire Marshal, or who lacks the necessary qualifications. When considering whether an applicant ~~possess~~ possesses the qualifications for a license, the State Fire Marshal shall consider whether an applicant's prior criminal convictions bear a rational nexus on the license being sought.

(1) The State Fire Marshal may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the State Fire Marshal shall consider at a minimum:

(A) The nature and seriousness of the crime for which the individual was convicted;

(B) The passage of time since the commission of the crime;

(C) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(D) Any evidence of rehabilitation or treatment undertaken by the individual.

(2) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the State Fire Marshal shall permit the applicant to apply for initial licensure if:

(A) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(B) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(C) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the State Fire Marshal.

(3) An individual with a criminal record who has not previously applied for licensure may petition the State Fire Marshal at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This

petition shall include sufficient details about the individual's criminal record to enable the State Fire Marshal to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction.

(b) The State Fire Marshal may, upon complaint or upon his or her own inquiry, and after notice to the licensee, suspend or revoke a licensee's license if:

(1) The license was granted upon an application or documents supporting the application which materially misstated the terms of the applicant's qualifications or experience;

(2) The licensee subscribed or vouched for a material misstatement in his or her application for licensure; or

(3) The licensee incompetently or unsafely performs ~~plumbing,~~ fire protection work or damper work.

§29-3D-7. Penalties.

(a) On and after January 1, 2009, a person performing or offering to perform fire protection work without a license issued by the State Fire Marshal, is subject to a citation.

~~(b) On and after January 1, 2016, a person performing or offering to perform, or an employer authorizing a person not exempt by the provisions of §29-3D-3 of this code, to perform, damper work without a license issued by the State Fire Marshal, is subject to a citation.~~

~~(c)~~(b) Any person continuing to engage in fire protection work ~~or damper work~~ after the issuance of a citation is ~~guilty of a misdemeanor and, upon conviction thereof,~~ is subject to the following penalties:

(1) For the first offense, a fine of not less than \$200 nor more than \$1,000;

(2) For the second offense, a fine of not less than \$500 nor more than \$2,000, ~~or confinement in jail for not more than six months, or both; and~~

(3) For the third and subsequent offenses, a fine of not less than \$1,000 nor more than \$5,000, ~~and confinement in jail for not less than thirty days nor more than one year.~~

~~(d)~~(c) Each day after a citation is given that a person continues to perform, or an employer continues to authorize a person to perform, fire protection work ~~or damper work~~, which is not exempt by the provisions of §29-3D-3 of this code, is a separate offense and punishable accordingly.

~~(e)~~(d)(1) The State Fire Marshal may institute proceedings in the circuit court of Kanawha County or the county where the alleged violation of the provisions of this article occurred or are now occurring to enjoin any violation of any provision of this article.

(2) A circuit court by injunction may compel compliance with the provisions of this article, with the lawful orders of the State Fire Marshal and with any final decision of the State Fire Marshal.

(3) The State Fire Marshal shall be represented in all such proceedings by the Attorney General or his or her assistants.

~~(f)~~(e) Any person adversely affected by an action of the State Fire Marshal may appeal the action pursuant to the provisions of chapter 29A of this code.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2008 – “A Bill to repeal §21-3D-4, §21-3D-5, §21-3D-6, §21-3D-7, and §21-3D-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21-3C-14; to amend and reenact §21-3D-1, §21-3D-2, §21-3D-3, and §21-3D-8 of said code; to amend and reenact §21-14-2 and §21-14-7 of said code; to amend and reenact §21-16-2, §21-16-3, §21-16-5, and §21-16-8 of said code; to amend said code by adding thereto a new section, designated §21-16-11; to amend and reenact §29-3B-2, §29-3B-3, §29-3B-4, §29-3B-6, and §29-3B-8 of said code; and to amend and reenact

§29-3D-2, §29-3D-3, §29-3D-4, §29-3D-6, and §29-3D-7 of said code, all relating to licensure in this state; providing for state code precedence over local ordinances; providing for a national standard and national certification for crane operators; providing for legislative appropriation of the Crane Operators Certification Fund on a certain date; providing altered definitions of journeyman and master plumber; providing for monetary penalties for improperly performing plumbing work under certain conditions; providing altered definition of HVAC Technician; providing that an applicant for a HVAC technician license may only be required to provide documentation of up to 2,000 hours work, training, and experience; eliminating requirement that HVAC residential technicians furnish evidence of 2,000 hours of experience or training before being allowed to take examination; establishing monetary penalties for improperly performing HVAC work under certain conditions; providing veterans who meet certain conditions are eligible for HVAC technician licensure; providing for altered definitions of journeyman and master electricians; providing exemptions from licensure under certain conditions; providing for extended time frames for electricians to renew a license without retesting; providing for monetary penalties for improperly performing electrical work under certain conditions; providing for definitions of fire protection workers; providing for an altered definition of journeyman sprinkler fitter; providing exemption from licensure when meeting certain conditions; establishing monetary penalties for improperly performing fire protection work; and making other minor technical changes.”

On the motion to concur in the Senate amendments, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 184**), and there were—yeas 60, nays 39, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Booth, Brown, Criss, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Gearheart, Griffith, Hansen, Hornbuckle, J. Jeffries, Lovejoy, Maynard, McGeehan, Miller, Paynter, Pethtel, Pushkin, Rohrbach,

Rowe, Skaff, Statler, Storch, Thompson, Toney, Walker, G. Ward, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the motion to concur in the amendment of the bill by the Senate prevailed.

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 185**), and there were—yeas 59, nays 40, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Booth, Bridges, Brown, Criss, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, J Jeffries, Lovejoy, Maynard, Miller, Paynter, Pethel, Pushkin, Reynolds, Rohrbach, Rowe, Skaff, Statler, Storch, Thompson, Toney, Walker, G. Ward, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Nestor.

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. 2008) 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, without amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2013, Relating to the Hope Scholarship Program.

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

S. B. 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements.

On motion of Delegate Summers, the House of Delegates concurred in the following further amendment by the Senate:

On page three, section one hundred thirteen, after line forty-three, by striking out all of subdivision (10) and inserting in lieu thereof a new subdivision (10), to read as follows:

“(10) Any school education program which is operated by a grantee under 42 U.S.C. § 9801 *et seq.*, the federal Head Start Program: *Provided*, That these programs are required to continue to perform criminal background checks on all employees in accordance with federal requirements.”

The question then being on the passage of the bill, the yeas and nays were taken (**Roll No. 186**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 89) 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 passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 297 - “A Bill to amend and reenact §12-6C-4 and §12-6C-9 of the Code of West Virginia, 1931, as amended, all relating generally to the Board of Treasury Investments; authorizing the board to provide compensation to appointed directors for each meeting attended and establishing the rate thereof; authorizing the board to invest in commercial paper

with a certain nationally recognized rating and weighted maturity; providing a minimum weighted average maturity duration for corporate debt rated investment grade in which the board is authorized to invest; authorizing the board to invest in state and local government securities with certain nationally recognized ratings; removing the limitation on the percentage of the Consolidated Fund that the board may invest in certain corporate securities; and eliminating the requirement that the board invest a certain percentage of the Consolidated Fund in obligations guaranteed by the United States”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 303 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §8B-1-1, §8B-1-2, §8B-1-3, §8B-1-4, §8B-1-5, and §8B-1-6, all relating to creating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; setting forth legislative findings and declarations; defining terms; providing areas in which political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement; establishing a civil cause of action which, if proven in a court of competent jurisdiction, may permit a person to obtain injunctive relief or any other appropriate equitable relief against any political subdivision violating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; providing exceptions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective date of the act is void; and providing that the prohibitions do not apply to employees of a political subdivision”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 391 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-101a, relating to a departmental study of the child protective services and foster care workforce”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 431 - “A Bill to amend and reenact §18-8-11 of the Code of West Virginia, 1931, as amended, relating to authorizing a county board of education to provide electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice”; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 502 - “A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to lifetime hunting, fishing, and trapping licenses for residents who have not reached their 15th birthday; providing that residents who have not reached their 15th birthday may be eligible to receive their lifetime hunting, fishing, and trapping license; providing that adopted children who have not reached their 15th birthday may be eligible to receive their lifetime hunting, fishing, and trapping license; providing that lifetime hunting, fishing, and trapping license fees for adopted children are calculated from the date of adoption decree or order; providing that foster children who have not reached their 15th birthday may be eligible to receive their

lifetime hunting, fishing, and trapping license; providing that lifetime hunting, fishing, and trapping license fees for foster children are calculated from the date of entry of the order placing the child in foster care; and providing the Director of the Division of Natural Resources emergency legislative rule-making authority”; which was referred to the Committee on Agriculture and Natural Resources then Finance.

Resolutions Introduced

Delegates Pushkin and Walker offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. R. 15 - “Relating to empowering the House Committee on the Judiciary to investigate allegations of impeachable offenses against West Virginia Attorney General Patrick Morrisey.”

Whereas, The West Virginia House of Delegates acknowledges and accepts the fact that Joe Biden won the United States presidential election held on November 3, 2020; and

Whereas, The election results at all 50 states and Puerto Rico were certified on the 12th of December 2020, declaring Joe Biden the winner of the 2020 United States presidential election; and

Whereas, West Virginia Attorney General Patrick Morrisey took an oath of office to support the Constitution of the United States, which includes the right of American citizens to vote; and

Whereas, On the ninth day of December 2020, West Virginia Attorney General Patrick Morrisey entered West Virginia into a frivolous lawsuit that attempted to undermine the United States Constitution by seeking to disenfranchise the votes of over 38 million Americans; and

Whereas, West Virginia Attorney General Patrick Morrisey perpetuated the “Great Lie” of a stolen election through social media, including statements made through his official government account, by citing false claims of “many, many problems with the 2020 elections”; and

Whereas, From his official position as an elected official, West Virginia Attorney General Patrick Morrisey encouraged West Virginia to distrust democracy and our democratic institutions; and

Whereas, His statements and the resulting distrust may have encouraged several West Virginians to take part in the deadly and destructive insurrection in our nation's Capitol on the sixth day of January, 2021; and

Whereas, West Virginia Attorney General Patrick Morrisey's arrogant disregard for the rule of law as an elected attorney serving as the legal representative of the State of West Virginia was shameful political pandering showing a complete lack of integrity and disrespect for his legal duties; and

Whereas, These actions clearly constitute a violation of his oath of office and maladministration; therefore, be it

Resolved by the House of Delegates:

That the House Committee on the Judiciary be, and is by this resolution, empowered to investigate or cause to be investigated, allegations or charges raised herein or identified its investigation, and make findings of fact based such investigations and hearings, and to report to the House of Delegates its findings of facts and any recommendations which the Committee on the Judiciary may deem proper; and, be it

Further Resolved, That if the recommendation of the Committee be to impeach West Virginia Attorney General Patrick Morrisey, to present to the House of Delegates a resolution of impeachment and articles of impeachment; and, be it

Further Resolved, That in carrying out its duties pursuant to this resolution, the House Committee on the Judiciary is authorized:

(1) To examine witnesses, to send for persons and papers, documents, and other physical evidence, to order the attendance of any witness, or the production of papers, documents, and other

physical evidence, and to exercise all other powers described under the provisions of §4-1-5 of the Code of West Virginia; and

(2) To issue summonses, subpoenas, and subpoenas duces tecum and to enforce obedience to its summonses and subpoenas accordance with the provisions of §4-1-5 of the Code of West Virginia, or by invoking the aid of the courts of this state; and

(3) To determine whether all or any portion of a meeting or hearing should be held in an executive session, pursuant to the provisions of House Rule 83; and, be it

Further Resolved, That in carrying out his duties pursuant to this resolution, the Chairman of the Committee on the Judiciary is authorized:

(1) To establish or define rules of procedure for the conduct of meetings or hearings held pursuant to this resolution; and

(2) To employ, with the prior approval of the Speaker of the House, a court reporter or stenographer and such other professional or clerical employees as may be reasonably required; and

(3) To designate a subcommittee or subcommittees of the Committee on the Judiciary to assist the Chairman or the Committee performing the duties specified in this resolution; and

(4) To determine the time and place of all meetings or hearings of the Committee and its designated subcommittees; and, be it

Further Resolved, That the Committee on the Judiciary, during its inquiry, may entertain such procedural and dispositive motions as may be made in the case of any other bill or resolution referred to that committee and in making its recommendations, if any, pursuant to this resolution, the Committee may include:

(1) A recommendation that West Virginia Attorney General Patrick Morrissey not be impeached; or

(2) A recommendation that West Virginia Attorney General Patrick Morrissey be impeached for maladministration, corruption,

incompetence, gross immorality, neglect of duty, or any high crime or misdemeanor, pursuant to Article IV, Section 9 of the Constitution of West Virginia and that West Virginia Attorney General Patrick Morrissey be removed and disqualified from office, and that the House of Delegates adopt a resolution of impeachment and formal articles of impeachment as prepared by the Committee on the Judiciary, and deliver the same to the Senate in accordance with the procedures of the House of Delegates, for consideration by the Senate according to rules of procedure and state law.

Delegates Cooper, Haynes and J. Pack offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 60 - "Requesting the Division of Highways name bridge number 32-023/03-000.17 (32A097), (37.54475, -80.68795) locally known as Cooks Fort Bridge, carrying CR 23/3 over Indian Creek in Monroe County, the 'U. S. Army CPL Billy F. Mann Memorial Bridge'."

Whereas, Billy F. Mann was born on February 23, 1922 in Greenville, Monroe Country, and was the son of the late Oliver S. Mann and Stella Canterbury Mann; and

Whereas, Billy F. Mann attended Greenville High School, and graduated in 1941; and

Whereas, U. S. Army CPL Billy F. Mann was enlisted in the U.S. Army during World War II and was a Tank Commander in Company B, 14th Tank Battalion, 9th Armored Division under the command of General Hoge; and

Whereas, U. S. Army CPL Billy F. Mann was killed in action from wounds received in the action known as The Battle of the Bulge; he passed away on March 1, 1945, in Germany; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army CPL Billy F. Mann 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 32-023/03-000.17 (32A097), (37.54475, -80.68795) locally known as Cooks Fort Bridge, carrying CR 23/3 over Indian Creek in Monroe county, the “U. S. Army CPL Billy F. Mann 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 CPL Billy F. Mann Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

**By Delegates Hanshaw (Mr. Speaker) and Skaff
[By Request of the Executive]:**

H. B. 3286 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Division of Human Services – Child Care and Development, fund 8817, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff
[By Request of the Executive]:**

H. B. 3287 - “A Bill making a supplementary appropriation of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Homeland Security, Department of Homeland Security – Office of the Secretary – Law-Enforcement, Safety and Emergency Worker Funeral Expense Payment Fund, fund 6003, fiscal year 2021, organization 0601, by supplementing and

amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 3288 - “A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing existing items of appropriation from the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511 and from the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2021, organization 0506 and increasing an existing item of appropriation to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511, by supplementing and amending appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 3289 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Commerce, Geological and Economic Survey, fund 8704, fiscal year 2021, organization 0306, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 3290 - “A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation from the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511 and adding a new item of appropriation to the Department of Health and Human Resources, Department of Health and Human Resources - Office of the Secretary, fund 0400,

fiscal year 2021, organization 0501, by supplementing and amending appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff
[By Request of the Executive]:**

H. B. 3291 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Homeland Security, Division of Administrative Services, fund 8803, fiscal year 2021, organization 0623, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff
[By Request of the Executive]:**

H. B. 3292 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Health – Central Office, fund 8802, fiscal year 2021, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

Special Calendar

Third Reading

Com. Sub. for S. B. 5, Relating to claims arising out of WV Consumer Credit and Protection 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. 187**), and there were—yeas 77, nays 22, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Kimes, Lovejoy, Pethtel,

Pushkin, Rowe, Skaff, Steele, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 5) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 42, Creating Zombie Property Remediation Act of 2021; 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. 188**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Criss, Kimes and McGeehan.

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 42) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

S. B. 523, Correcting improper code references; on third reading, coming up in regular order, was reported by the Clerk.

In the absence of objection, the bill (S. B. 523) was placed at the foot of bills on third reading.

Com. Sub. for H. B. 2495, Relating to the filing of asbestos and silica claims; 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. 189**), and there were—yeas 76, nays 23, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Boggs, Brown, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, J. Jeffries, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2495) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2830, Relating generally to sex trafficking; 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. 190**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2830) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2854, Relating to the West Virginia Municipal Police Officers and Firefighters 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. 191**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2854) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2855, Relating to the Natural Resources Police Officers 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. 192**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2855) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2896, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services; 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. 193**), and there were—yeas 96, nays 3, absent

and not voting 1, with the nays and absent and not voting being as follows:

Nays: Foster, McGeehan and Steele.

Absent and Not Voting: Nestor.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2896) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 194**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Nestor.

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. 2896) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2898, Making a supplementary appropriation to WorkForce West Virginia – Workforce Investment 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. 195**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Nestor.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2898) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 196**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Nestor.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2898) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2901, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services; 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. 197**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2901) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 198**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the bill (H. B. 2901) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2903, Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police; 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. 199**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2903) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 200**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2903) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2940, Making a supplementary appropriation to the Department of Education, State Board of Education – State

Department of Education; 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. 201**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Foster, J. Jeffries, Kimes, McGeehan and Miller.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2940) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 202**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: J. Jeffries, Kimes, McGeehan and Miller.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2940) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2941, Supplementary appropriation decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner; 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. 203**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: McGeehan and Paynter.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2941) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 204**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: McGeehan and Paynter.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2941) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3129, Relating to the Consumer Price Index rate increase; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 205**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3129) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3130, Relating to elimination of sunset provisions concerning towing rates; on third reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

H. B. 3132, Relating to motor carrier inspectors; 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. 206**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3132) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3134, Prohibiting public disclosure of restricted information; on third reading, coming up in regular order, was read a third time.

Delegate Capito asked and obtained unanimous consent to recommit the bill to the Committee on the Judiciary.

H. B. 3175, Relating to removing certain felonies than can prohibit vehicle salespersons from receiving a license; 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. 207**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Kimes and Martin.

Absent and Not Voting: Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3175) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 208**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kimes and Martin.

Absent and Not Voting: Higginbotham and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3175) 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.

Having been postponed in earlier proceedings, the House returned to consideration of **S. B. 523**, Correcting improper code references, and the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 209**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Higginbotham and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 523) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Second Reading

Com. Sub. for S. B. 469, Permitting and establishing requirements for appearance by video for purpose of notarial acts; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2174, West Virginia Monument and Memorial Protection Act of 2021 on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with amendments

pending and the right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

H. B. 2496, Relating to assessments of real property; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2499, Tax reduction for arms and ammo manufacturing; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2630, Requiring DEP to reimburse fines paid by towns, villages and communities in certain instances; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2633, Creating the 2021 Farm Bill; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2742, Providing explicit authority to process an online driver's license or identification renewal or reissuance when the applicant needs to update the address; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2777, Repeal municipal amusement tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2782, Repeal domestic animal tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2808, Remove salt from list and definition of "mineral" for severance tax purposes; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2823, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions

of the State Building Code; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2914, To remove certain ex officio, voting members from the Archives and History Commission and update formatting; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 156, Authorizing Department of Homeland Security to promulgate legislative rules,

Com. Sub. for S. B. 160, Authorizing Department of Revenue to promulgate legislative rules,

Com. Sub. for S. B. 182, Authorizing miscellaneous agencies and boards to promulgate legislative rules,

Com. Sub. for H. B. 2026, Relating to the modernization of the collection of income taxes by adopting uniform provisions relating to the mobile workforce,

H. B. 2796, Supplemental appropriation bill is to expire funds to the surplus balance of General Revenue and to supplement and increase an item of appropriation in the aforesaid account for the designated spending unit for expenditure during the fiscal year 2021,

H. B. 2829, Providing for the amortization of annual funding deficiencies for municipal police or firefighter pension and relief funds,

H. B. 2897, Expiring funds to the balance of the Department of Commerce,

H. B. 2899, Making a supplementary appropriation to the Department of Commerce,

H. B. 2920, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund,

And,

Com. Sub. for H. B. 2959, Relating to the financing of environmental pollution control equipment for coal-fired power plants.

Miscellaneous Business

The House of Delegates met at 5:00 p.m. on Wednesday, March 17, 2021 for **Remarks by Members**, in accordance with House Rule 65. The Honorable Danny Hamrick, a Delegate from the Forty-Eighth Delegate District, called the House to order and presided while members proceeded to make remarks. At 5:11 p.m., Remarks by Members was adjourned.

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2123: Delegate Espinosa;

H. B. 2336: Delegate Evans;

H. B. 2760: Delegates Hott and Maynard;

H. B. 3010: Delegate Maynard;

And,

H. B. 3231: Delegate Riley.

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be removed as a cosponsor of the following:

H. B. 2354: Delegate Rowe;

H. B. 2999: Delegate Haynes;

And,

H. B. 3094: Delegate Haynes.

At 12:44 p.m., the House of Delegates adjourned until 11:30 a.m., Friday, March 19, 2021.

Friday, March 19, 2021

THIRTY-EIGHTH DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 11:30 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Thursday, March 18, 2021, 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, Com. Sub. for H. B. 2630, on Third reading, Special Calendar, was transferred to the House Calendar; and Com. Sub. for 2959, on Second reading, Special Calendar, was transferred to the House Calendar.

Committee Reports

Delegate Steele, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 517, Relating to sunset provisions of legislative rules,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Steele, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 2427, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to behavioral health centers licensure,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2427 - “A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to behavioral health centers licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to nursing home licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to lead abatement licensing; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to client rights at state-operated mental health facilities; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to delegation of medication administration and health maintenance tasks to approved medication assistive personnel; not authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public health standards for businesses remaining open during the Covid-19 outbreak; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to diabetes self-management education; authorizing the Department of Health and

Human Resources to promulgate a legislative rule relating to West Virginia clearance for access, registry, and employment screening; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to a recovery residence certification and accreditation program; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child placing agencies licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the procedure to contest the substantiation of child abuse or neglect; and authorizing the Health Care Authority to promulgate a legislative rule relating to exemption from certificate of need,”

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Ellington, Higginbotham, Mazzocchi, Toney and Tully:

H. B. 2029 - “A Bill to amend and reenact §18A-3-1 and §18A-3-2a of the Code of West Virginia, 1931, as amended, related to teacher preparation clinical experience programs; changing name of teacher in residence program to clinical teacher of record program; providing for resident teacher clinical experience programs and leader induction programs under general direction and control of state board; and changing Teacher in Residence Permit to Clinical Teacher of Record Permit.”

On motion for leave a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass, but that it first be referred to the Committee on Finance), which was read by its title, as follows:

By Delegates Ellington, Smith, Graves, J. Pack, Toney, Mazzocchi, Higginbotham and Tully:

H. B. 2030 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-16A-1, §18B-16A-2, §18B-16A-3, and §18B-16A-4, all relating to a establishing a nursing program at Concord University; providing for funding; and setting forth accountability and reporting requirements.”

The Speaker referred the bill to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 3177, Removing expired, outdated, inoperative and antiquated provisions and report requirements in education,

And reports the same back with the recommendation that it do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 3009, Relating to the publication of county board financial statements,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 3009 - “A Bill to amend and reenact §18-9-3a of the Code of West Virginia, 1931, as amended, relating to the publication of county board financial statements; providing option for county board to publish statement on its website for certain minimum time as alternative to Class I-0 legal advertisement; and updating terms,”

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 2336, Establishing the Katherine Johnson Academy,

H. B. 2778, Create the Education Tax Credit,

And,

H. B. 2806, To allow parents to retain their child without losing a year of sports eligibility,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 2336, H. B. 2778 and H. B. 2806) were each referred to the Committee on Finance.

Delegate Zatezalo, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

H. B. 3089, Make utility workers essential employees during a state of emergency,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3089) was referred to the Committee on the Judiciary.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 12, Charles E. Jarvis Memorial Bridge,

H. C. R. 17, James C. Vickers Silver Star Highway,

H. C. R. 19, “U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge”,

H. C. R. 25, William Edward Friese Memorial Bridge,

H. C. R. 26, Victor Yoak Memorial Bridge,

H. C. R. 27, Harvey Lemasters Memorial Bridge,

H. C. R. 33, Norman A. and Carrie G. Silver Memorial Bridge,

And,

H. C. R. 38, “U.S. Marine Corps Sergeant David Andrew Green Memorial Bridge.”,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 12, H. C. R. 17, H. C. R. 19, H. C. R. 25, H. C. R. 26, H. C. R. 27, H. C. R. 33 and H. C. R. 38) were each referred to the Committee on Rules.

On motion for leave, a bill was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Summers, J. Pack and Rohrbach:

H. B. 2028 - “A Bill to amend and reenact §60A-9-2 of the Code of West Virginia, 1931, as amended, relating to exempting a veterinarian from the requirements of controlled substance monitoring.”

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 3079, Relating to exempting recovery residences from certain standards,

And reports the same back with the recommendation that it do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2982, Relating to the Second Chances at Life Act of 2021,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2982 - "A Bill to amend and reenact §16-2I-1, §16-2I-2, and §16-2I-3 of the Code of West Virginia, 1931, as amended, all relating to the Second Chance at Life Act; requiring that information about the process of chemical abortion be provided to a woman prior to prescribing pharmaceuticals for, or administering, a chemical abortion except in certain emergency circumstances; updating definitions; specifying that the woman be informed of the possibility of reversal of a chemical abortion if undertaken within a critical time period; dictating minimum standards for printed materials; and requiring documentation of the procedures required hereby,"

And,

H. B. 3215, Amending the requirements to become an elected prosecutor,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3215 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-4-1a, relating to the requirements of a prosecuting attorney,”

With the recommendation that the committee substitutes each do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 3045, Relating to firefighter disability claims,

H. B. 3107, Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders,

And,

H. B. 3164, Relating generally to kidnapping,

And reports the same back with the recommendation that they each do pass.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 18th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 2011, Eliminating any time requirements for part time personnel to work during a working year.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 19, 2021, he approved **Com. Sub. for H. B. 2001**.

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 18, 2021, he approved **Com. Sub. for S. B. 270** and **Com. Sub. for S. B. 280**.

The Clerk announced that **Com. Sub. for S. B. 11** became law without the signature of the Governor.

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. 2009, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities.

Delegate Summers moved the House of Delegates concur 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 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 5. FISCAL AFFAIRS.

§7-5-25. Prohibition against certain deductions and assignments of earnings from compensation of county officers or employees.

No deductions or assignments of earnings shall be allowed for union, labor organization, or club dues or fees from the compensation of county officers and employees.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 5. ELECTION, APPOINTMENT, QUALIFICATION AND COMPENSATION OF OFFICERS; GENERAL PROVISIONS RELATING TO OFFICERS AND EMPLOYEES; ELECTIONS AND PETITIONS GENERALLY; CONFLICT OF INTEREST.

§8-5-12. Compensation of officers and employees.

(a) Notwithstanding any charter provision to the contrary, the governing body of every municipality shall by ordinance fix or cause to be fixed the salary or compensation of every municipal officer and employee: *Provided*, That the salary of any officer shall not be increased or diminished during his or her term.

(b) The governing body of every municipality shall have plenary power and authority to provide by ordinance for the allowance of time off of officers and employees with pay for vacations and illness and for personnel management incentives, as additional consideration for their services and employment.

(c) No deductions or assignments of earnings shall be allowed for union, labor organization, or club dues or fees from the compensation of officers or employees covered by this section: *Provided*, That this subsection shall not apply to municipal employees covered by a collective bargaining agreement with a municipality which is in effect on July 1, 2021.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS, EXPENDITURES, AND DEDUCTIONS.

§12-3-13b. **Voluntary deductions by State Auditor from salaries of employees ~~to pay association dues or fees and to pay supplemental health and life insurance premiums; voluntary other deductions.~~**

(a) Any officer or employee of the State of West Virginia may authorize that a voluntary deduction from his or her net wages be

made for the payment of membership dues or fees to an employee association. Voluntary deductions may also be authorized by an officer or employee for any supplemental health and life insurance premium, subject to prior approval by the Auditor. Such deductions shall be authorized on a form provided by the Auditor of the State of West Virginia and shall state:

~~(a)~~ (1) The identity of the employee;

~~(b)~~ (2) The amount and frequency of such deductions; and

~~(c)~~ (3) The identity and address of the association or insurance company to which such dues shall be paid.

(b) Upon execution of such authorization and its receipt by the office of the Auditor, such deductions shall be made in the manner specified on the form and remitted to the designated association or insurance company on the tenth day of each month: *Provided*, That the Auditor may approve and authorize voluntary other deductions, as ~~approved and authorized by the Auditor, may defined under §21-5-1 of this code, to~~ be made in accordance with rules proposed by the Auditor pursuant to §29A-3-1 *et seq.* of this code: *Provided, however*, That deductions shall be made at least twice monthly. Deduction authorizations may be revoked at any time 30 days prior to the date on which the deduction is regularly made and on a form to be provided by the office of the State Auditor: ~~*Provided further, That nothing in this section shall interfere with or remove any existing arrangement for dues deduction between an employer or any political subdivision of the state and its employees.*~~

(c) No deductions or assignments of earnings shall be allowed for union, labor organization, or club dues or fees from the compensation of officers and employees covered by this section.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-9. Payment of teachers and other employees; withholdings.

Teachers and all other employees whose salaries or wages are payable out of the school current fund shall be paid for their

services by orders duly signed by the president and secretary of the board in accordance with the following provisions:

(1) Notwithstanding any other provisions of this chapter and §18-1-1 *et seq.* of this code, the number of pays to be made during the school year to the various classes of employees shall be determined by the board: *Provided*, That the sum of such pays for any employee does not exceed the equivalent of an annual salary based upon 12 calendar months.

(2) In the event a teacher or other employee is not paid the full salary or wage earned in the fiscal year in which the work is performed, the unpaid amount may be paid during July and August of the following fiscal year.

(3) Adjustments for time loss due to absence may be made in the next paycheck following such time loss.

(4) The county board may withhold the pay of any teacher or employee until he or she has made the reports required by the board or the state superintendent.

(5) Accompanying the pay of each employee shall be an accounting of gross earnings, all withholdings, and the dollar value of all benefits provided by the state on behalf of the employee.

(6) No deductions or assignments of earnings shall be allowed for union, labor organization, or club dues or fees from the compensation of teachers and other employees covered by this section.

CHAPTER 21. LABOR.

ARTICLE 5. WAGE PAYMENT AND COLLECTION.

§21-5-1. Definitions.

As used in this article:

(a) The term ‘firm’ includes any partnership, association, joint-stock company, trust, division of a corporation, the administrator or executor of the estate of a deceased individual, or the receiver,

trustee, or successor of any of the same, or officer thereof, employing any person.

(b) The term ‘employee’ or ‘employees’ includes any person suffered or permitted to work by a person, firm, or corporation, except those classified as an independent contractor pursuant to §21-5I-4 of this code.

(c) The term ‘wages’ means compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece, commission, or other basis of calculation. As used in §21-5-4, §21-5-5, §21-5-8a, §21-5-10, and §21-5-12 of this code, the term ‘wages’ shall also include then accrued fringe benefits capable of calculation and payable directly to an employee: *Provided*, That nothing herein contained shall require fringe benefits to be calculated contrary to any agreement between an employer and his or her employees which does not contradict the provisions of this article.

(d) The term ‘commissioner’ means Commissioner of Labor or his or her designated representative.

(e) The term ‘railroad company’ includes any firm or corporation engaged primarily in the business of transportation by rail.

(f) The term ‘special agreement’ means an arrangement filed with and approved by the commissioner whereby a person, firm, or corporation is permitted upon a compelling showing of good cause to establish regular paydays less frequently than once in every two weeks: *Provided*, That in no event shall the employee be paid in full less frequently than once each calendar month on a regularly established schedule.

(g) The term ‘deductions’ includes amounts required by law to be withheld, and amounts authorized for union, labor organization, or club dues or fees, pension plans, payroll savings plans, credit unions, charities, and hospitalization and medical—any form of insurance offered by an employer: *Provided*, That for a public employee, other than a municipal employee covered by a collective

bargaining agreement with a municipality which is in effect on July 1, 2021, the term ‘deductions’ shall not include any amount for union, labor organization, or club dues or fees.

(h) The term ‘officer’ shall include officers or agents in the management of a corporation or firm who knowingly permit the corporation or firm to violate the provisions of this article.

(i) The term ‘wages due’ shall include at least all wages earned up to and including the twelfth day immediately preceding the regular payday.

(j) The term ‘construction’ means the furnishing of work in the fulfillment of a contract for the construction, alteration, decoration, painting, or improvement of a new or existing building, structure, roadway, or pipeline, or any part thereof, or for the alteration, improvement, or development of real property: *Provided*, That construction performed for the owner or lessee of a single family dwelling or a family farming enterprise is excluded.

(k) The term ‘minerals’ means clay, coal, flagstone, gravel, limestone, manganese, sand, sandstone, shale, iron ore, and any other metallurgical ore.

(l) The term ‘fringe benefits’ means any benefit provided an employee or group of employees by an employer, or which is required by law, and includes regular vacation, graduated vacation, floating vacation, holidays, sick leave, personal leave, production incentive bonuses, sickness and accident benefits, and benefits relating to medical and pension coverage.

(m) The term ‘employer’ means any person, firm, or corporation employing any employee.

(n) The term ‘doing business in this state’ means having employees actively engaged in the intended principal activity of the person, firm, or corporation in West Virginia.

(o) The term ‘assignment’, as used in §21-5-3 of this code, shall have the same meaning as the term ‘assignment of earnings’ set forth in §46A-2-116(2)(b) of this code.

§21-5-3. Payment of wages by employers other than railroads; assignments of wages.

(a) Every person, firm, or corporation doing business in this state, except railroad companies as provided in §21-5-1 of this code, shall settle with its employees at least twice every month and with no more than 19 days between settlements, unless otherwise provided by special agreement, and pay them the wages due, less authorized deductions and authorized wage assignments, for their work or services.

(b) Payment required in subsection (a) of this section shall be made:

(1) In lawful money of the United States;

(2) By cash order as described and required in §21-5-4 of this code;

(3) By deposit or electronic transfer of immediately available funds into an employee's payroll card account in a federally insured depository institution. The term 'payroll card account' means an account in a federally insured depository institution that is directly or indirectly established through an employer and to which electronic fund transfers of the employee's wages, salary, commissions, or other compensation are made on a recurring basis, whether the account is operated or managed by the employer, a third person payroll processor, a depository institution, or another person. 'Payroll card' means a card, code, or combination thereof or other means of access to an employee's payroll card account, by which the employee may initiate electronic fund transfers or use a payroll card to make purchases or payments. Payment of employee compensation by means of a payroll card must be agreed upon in writing by both the person, firm, or corporation paying the compensation and the person being compensated; or

(4) By any method of depositing immediately available funds in an employee's demand or time account in a bank, credit union, or savings and loan institution that may be agreed upon in writing between the employee and such person, firm, or corporation, which

agreement shall specifically identify the employee, the financial institution, the type of account, and the account number: *Provided, That* nothing herein contained shall be construed in a manner to require any person, firm, or corporation to pay employees by depositing funds in a financial institution.

(c) If, at any time of payment, any employee is absent from his or her regular place of labor and does not receive his or her wages through a duly authorized representative, he or she is entitled to payment at any time thereafter upon demand upon the proper paymaster at the place where his or her wages are usually paid and where the next pay is due.

(d) Nothing herein contained may affect the right of an employee to assign part of his or her claim against his or her employer except as in subsection (e) of this section.

(e) No assignment of or order for future wages may be valid for a period exceeding one year from the date of the assignment or order. An assignment or order shall be ~~acknowledged by the party making the same before a notary public or other officer authorized to take acknowledgments, and any order or assignment~~ in writing and shall specify thereon the total amount due and collectible by virtue of the same and, unless otherwise provided for in subsection (f) of this section, three-fourths of the periodical earnings or wages of the assignor are all times exempt from such assignment or order and no assignment or order is valid which does not so state upon its face: *Provided, That* no such order or assignment is valid unless the written acceptance of the employer of the assignor to the making thereof is endorsed thereon: *Provided, however, That* nothing herein contained may be construed as affecting the right of a private employer and its employees to agree between themselves as to deductions to be made from the payroll of employees.

(f) If an employee of the state has been overpaid wages, including incremental salary increases pursuant to §5-5-2 of this code, an employee may voluntarily authorize a written assignment or order for future wages to the state to repay the overpayment in an amount not to exceed three-fourths of his or her periodical earnings or wages.

(g) Nothing in this chapter shall be construed to interfere with the right of an employee to join, become a member of, contribute to, donate to, or pay dues or fees to a union, labor organization, or club.

CHAPTER 46A. WEST VIRGINIA CONSUMER CREDIT AND PROTECTION ACT.

ARTICLE 2. CONSUMER CREDIT PROTECTION.

§46A-2-116. Assignment of earnings.

(1) The maximum part of the aggregate disposable earnings of an individual for any workweek which may be subjected to any one or more assignments of earnings for the payment of a debt or debts arising from one or more consumer credit sales, consumer leases, or consumer loans, or one or more sales as defined in §46A-6-102 of this code, may not exceed 25 percent of his or her disposable earnings for that week.

(2) As used in this section:

(a) ‘Disposable earnings’ means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld; and

(b) ‘Assignment of earnings’ includes all forms of assignments, deductions, transfers, or sales of earnings to another, either as payment or as security, and whether stated to be revocable or nonrevocable, and includes any deductions authorized under the provisions of §21-5-3 of this code, except deductions for union, labor organization, or club dues or fees, pension plans, payroll savings plans, charities, stock purchase plans, and hospitalization and medical any form of insurance offered by an employer.

(3) Any assignment of earnings and any deduction under ~~said~~ §21-5-3 of this code shall be revocable by the employee at will at any time, notwithstanding any provision to the contrary.

(4) The priority of multiple assignments of earnings shall be according to the date and time of each such assignment.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2009 – “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §7-5-25; to amend and reenact §8-5-12 of said code; to amend and reenact §12-3-13b of said code; to amend and reenact §18A-4-9 of said code; to amend and reenact §21-5-1 and §21-5-3 of said code; and to amend and reenact §46A-2-116 of said code, all relating generally to deductions from wages; defining terms under the Wage Payment and Collection Act; including union, labor organization, or club dues or fees as deductions; expanding types of insurance considered as deductions; prohibiting deduction of union, labor organization, or club dues or fees from wages of public employees; providing an exception for certain municipal employees; incorporating definition of ‘assignment of earnings’ from Consumer Credit and Protection Act into Wage Payment and Collection Act; replacing notarization requirement for assignments or orders for future wages with requirement that such assignments or orders be in writing; protecting right of private employers and their employees to agree between themselves as to payroll deductions; protecting right of employees to participate in unions, labor organizations, and clubs; excluding union, labor organization, or club dues or fees from definition of ‘assignment of earnings’ in the Consumer Credit Protection Act; expanding types of insurance excluded from assignments; prohibiting deductions and assignments of earnings for union, labor organization, or club dues or fees from the compensation of county officers and employees; prohibiting deductions and assignments of earnings for union, labor organization, or club dues or fees from the compensation of certain municipal officers or employees; eliminating voluntary deductions from net wages of state officers and employees for payment of membership dues or fees to employee organizations; prohibiting deductions and assignments of earnings for union, labor organization, or club dues or fees from the compensation of state officers and employees; and prohibiting deductions and assignments of earnings for union, labor

organization, or club dues or fees from the compensation of teachers and other school employees.”

On the motion to concur in the Senate amendments, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 210**), and there were—yeas 54, nays 44, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Booth, Brown, Cooper, Criss, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Gearheart, Griffith, Hansen, Hornbuckle, J. Jeffries, Lovejoy, Maynard, McGeehan, Miller, Paynter, Pethtel, Pushkin, Queen, Reynolds, Rohrbach, Rowe, Skaff, Statler, Storch, Thompson, Toney, Walker, G. Ward, Westfall, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Ellington and Kessinger.

So, a majority of the members present having voted in the affirmative, the motion to concur in the amendment of the bill by the Senate prevailed.

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 211**), and there were—yeas 55, nays 43, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Booth, Brown, Cooper, Criss, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Graves, Griffith, Hansen, Hornbuckle, J. Jeffries, Lovejoy, Maynard, McGeehan, Miller, Paynter, Pethtel, Pushkin, Reynolds, Rohrbach, Rowe, Skaff, Statler, Storch, Thompson, Toney, Walker, G. Ward, Westfall, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Ellington and Kessinger.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2009) 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. 2263, Update the regulation of pharmacy benefit managers.

On motion of Delegate Summers, the House concurred in the following amendment of the bill by the Senate, with further amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“CHAPTER 5. GENERAL POWERS AND AUTHORITY
OF THE GOVERNOR, SECRETARY OF STATE, AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES
INSURANCE ACT.**

§5-16-9. Authorization to execute contracts for group hospital and surgical insurance, group major medical insurance, group prescription drug insurance, group life and accidental death insurance, and other accidental death insurance; mandated benefits; limitations; awarding of contracts; reinsurance; certificates for covered employees; discontinuance of contracts.

(a) The director is hereby given exclusive authorization to execute such contract or contracts as are necessary to carry out the provisions of this article and to provide the plan or plans of group

hospital and surgical insurance coverage, group major medical insurance coverage, group prescription drug insurance coverage, and group life and accidental death insurance coverage selected in accordance with the provisions of this article, such contract or contracts to be executed with one or more agencies, corporations, insurance companies, or service organizations licensed to sell group hospital and surgical insurance, group major medical insurance, group prescription drug insurance and group life and accidental death insurance in this state.

(b) The group hospital or surgical insurance coverage and group major medical insurance coverage herein provided shall include coverages and benefits for x-ray and laboratory services in connection with mammogram and pap smears when performed for cancer screening or diagnostic services and annual checkups for prostate cancer in men age 50 and over. Such benefits shall include, but not be limited to, the following:

(1) Mammograms when medically appropriate and consistent with the current guidelines from the United States Preventive Services Task Force;

(2) A pap smear, either conventional or liquid-based cytology, whichever is medically appropriate and consistent with the current guidelines from the United States Preventive Services Task Force or The American College of Obstetricians and Gynecologists, for women age 18 and over;

(3) A test for the human papilloma virus (HPV) for women age 18 or over, when medically appropriate and consistent with the current guidelines from either the United States Preventive Services Task Force or the American College of Obstetricians and Gynecologists for women age 18 and over;

(4) A checkup for prostate cancer annually for men age 50 or over; and

(5) Annual screening for kidney disease as determined to be medically necessary by a physician using any combination of blood pressure testing, urine albumin or urine protein testing, and serum

creatinine testing as recommended by the National Kidney Foundation.

(6) Coverage for general anesthesia for dental procedures and associated outpatient hospital or ambulatory facility charges provided by appropriately licensed healthcare individuals in conjunction with dental care if the covered person is:

(A) Seven years of age or younger or is developmentally disabled and is either an individual for whom a successful result cannot be expected from dental care provided under local anesthesia because of a physical, intellectual, or other medically compromising condition of the individual and for whom a superior result can be expected from dental care provided under general anesthesia; or

(B) A child who is 12 years of age or younger with documented phobias, or with documented mental illness, and with dental needs of such magnitude that treatment should not be delayed or deferred and for whom lack of treatment can be expected to result in infection, loss of teeth or other increased oral or dental morbidity and for whom a successful result cannot be expected from dental care provided under local anesthesia because of such condition and for whom a superior result can be expected from dental care provided under general anesthesia.

(7) (A) A policy, plan, or contract that is issued or renewed on or after January 1, 2019, and that is subject to this section, shall provide coverage, through the age of 20, for amino acid-based formula for the treatment of severe protein-allergic conditions or impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract. This includes the following conditions, if diagnosed as related to the disorder by a physician licensed to practice in this state pursuant to either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code:

(i) Immunoglobulin E and Nonimmunoglobulin E-medicated allergies to multiple food proteins;

(ii) Severe food protein-induced enterocolitis syndrome;

(iii) Eosinophilic disorders as evidenced by the results of a biopsy; and

(iv) Impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract (short bowel).

(B) The coverage required by §5-16-9(b)(7)(A) of this code shall include medical foods for home use for which a physician has issued a prescription and has declared them to be medically necessary, regardless of methodology of delivery.

(C) For purposes of this subdivision, ‘medically necessary foods’ or ‘medical foods’ shall mean prescription amino acid-based elemental formulas obtained through a pharmacy: *Provided*, That these foods are specifically designated and manufactured for the treatment of severe allergic conditions or short bowel.

(D) The provisions of this subdivision shall not apply to persons with an intolerance for lactose or soy.

(c) The group life and accidental death insurance herein provided shall be in the amount of \$10,000 for every employee. The amount of the group life and accidental death insurance to which an employee would otherwise be entitled shall be reduced to \$5,000 upon such employee attaining age 65.

(d) All of the insurance coverage to be provided for under this article may be included in one or more similar contracts issued by the same or different carriers.

(e) The provisions of §5A-3-1 *et seq.* of this code, relating to the Division of Purchasing of the Department of Finance and Administration, shall not apply to any contracts for any insurance coverage or professional services authorized to be executed under the provisions of this article. Before entering into any contract for any insurance coverage, as authorized in this article, the director shall invite competent bids from all qualified and licensed insurance companies or carriers, who may wish to offer plans for

the insurance coverage desired: *Provided*, That the director shall negotiate and contract directly with healthcare providers and other entities, organizations and vendors in order to secure competitive premiums, prices, and other financial advantages. The director shall deal directly with insurers or healthcare providers and other entities, organizations, and vendors in presenting specifications and receiving quotations for bid purposes. No commission or finder's fee, or any combination thereof, shall be paid to any individual or agent; but this shall not preclude an underwriting insurance company or companies, at their own expense, from appointing a licensed resident agent, within this state, to service the companies' contracts awarded under the provisions of this article. Commissions reasonably related to actual service rendered for the agent or agents may be paid by the underwriting company or companies: *Provided, however*, That in no event shall payment be made to any agent or agents when no actual services are rendered or performed. The director shall award the contract or contracts on a competitive basis. In awarding the contract or contracts the director shall take into account the experience of the offering agency, corporation, insurance company, or service organization in the group hospital and surgical insurance field, group major medical insurance field, group prescription drug field, and group life and accidental death insurance field, and its facilities for the handling of claims. In evaluating these factors, the director may employ the services of impartial, professional insurance analysts or actuaries or both. Any contract executed by the director with a selected carrier shall be a contract to govern all eligible employees subject to the provisions of this article. Nothing contained in this article shall prohibit any insurance carrier from soliciting employees covered hereunder to purchase additional hospital and surgical, major medical or life and accidental death insurance coverage.

(f) The director may authorize the carrier with whom a primary contract is executed to reinsure portions of the contract with other carriers which elect to be a reinsurer and who are legally qualified to enter into a reinsurance agreement under the laws of this state.

(g) Each employee who is covered under any contract or contracts shall receive a statement of benefits to which the employee, his or her spouse and his or her dependents are entitled under the contract, setting forth the information as to whom the benefits are payable, to whom claims shall be submitted and a summary of the provisions of the contract or contracts as they affect the employee, his or her spouse and his or her dependents.

(h) The director may at the end of any contract period discontinue any contract or contracts it has executed with any carrier and replace the same with a contract or contracts with any other carrier or carriers meeting the requirements of this article.

(i) The director shall provide by contract or contracts entered into under the provisions of this article the cost for coverage of children's immunization services from birth through age 16 years to provide immunization against the following illnesses: Diphtheria, polio, mumps, measles, rubella, tetanus, hepatitis-b, hemophilia influenzae-b, and whooping cough. Additional immunizations may be required by the Commissioner of the Bureau for Public Health for public health purposes. Any contract entered into to cover these services shall require that all costs associated with immunization, including the cost of the vaccine, if incurred by the healthcare provider, and all costs of vaccine administration be exempt from any deductible, per visit charge and/or copayment provisions which may be in force in these policies or contracts. This section does not require that other healthcare services provided at the time of immunization be exempt from any deductible and/or copayment provisions.

(j) The director shall include language in all contracts for pharmacy benefits management, as defined by §33-51-3 of this code, requiring the pharmacy benefit manager to report quarterly to the agency ~~for all pharmacy claims the amount paid to the pharmacy provider per claim, including, but not limited to~~ the following:

(1) The overall total amount charged to the agency for all claims processed by the pharmacy benefit manager during the quarter;

(2) The overall total amount of reimbursements paid to pharmacy providers during the quarter;

(3) The overall total number of claims in which the pharmacy benefits manager reimbursed a pharmacy provider for less than the amount charged to the agency for all claims processed by the pharmacy benefit manager during the quarter; and

(4) For all pharmacy claims, the total amount paid to the pharmacy provider per claim, including, but not limited to, the following:

(1) (A) The cost of drug reimbursement;

(2) (B) Dispensing fees;

(3) (C) Copayments; and

(4) (D) The amount charged to the agency for each claim by the pharmacy benefit manager.

In the event there is a difference between ~~these amounts for any claim~~ the amount for any pharmacy claim paid to the pharmacy provider and the amount reimbursed to the agency, the pharmacy benefit manager shall report an itemization of all administrative fees, rebates, or processing charges associated with the claim. All data and information provided by the pharmacy benefit manager shall be kept secure, and notwithstanding any other provision of this code to the contrary, the agency shall maintain the confidentiality of the proprietary information and not share or disclose the proprietary information contained in the report or data collected with persons outside the agency. All data and information provided by the pharmacy benefit manager shall be considered proprietary and confidential and exempt from disclosure under the West Virginia Freedom of Information Act pursuant to §29B-1-4(a)(1) of this code. Only those agency employees involved in collecting, securing, and analyzing the data for the purpose of preparing the report provided for herein shall have access to the proprietary data. The director shall ~~using aggregated, non-proprietary data only, report at least quarterly to the Joint Committee on Government and Finance on the~~

~~implementation of this subsection and its impact on program expenditures provide a quarterly report to the Joint Committee on Government and Finance and the Joint Committee on Health detailing the information required by this section, including any difference or spread between the overall amount paid by pharmacy benefit managers to the pharmacy providers and the overall amount charged to the agency for each claim by the pharmacy benefit manager. To the extent necessary, the director shall use aggregated, nonproprietary data only: *Provided*, That the director must provide a clear and concise summary of the total amounts charged to the agency and reimbursed to pharmacy providers on a quarterly basis.~~

(k) If the information required herein is not provided, the agency may terminate the contract with the pharmacy benefit manager and the Office of the Insurance Commissioner shall discipline the pharmacy benefit manager as provided in §33-51-8(e) of this code.

CHAPTER 33. INSURANCE.

~~ARTICLE 51. PHARMACY AUDIT INTEGRITY ACT.~~ REGULATION OF PHARMACY AUDITING ENTITIES AND PHARMACY BENEFIT MANAGERS.

§33-51-2. Scope.

This article covers any audit of the records of a pharmacy conducted by a managed care company, third-party payer, pharmacy benefits manager or an entity that represents a covered entity, or health benefit plan, the registration of auditing entities, and the licensure and regulation of pharmacy benefits managers.

§33-51-3. Definitions.

For purposes of this article:

‘340B entity’ means an entity participating in the federal 340B drug discount program, as described in 42 U.S.C. § 256b, including its pharmacy or pharmacies, or any pharmacy or pharmacies,

contracted with the participating entity to dispense drugs purchased through such program.

~~‘Affiliate’ means a pharmacy, pharmacist, or pharmacy technician that directly or indirectly, through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership or control with a pharmacy benefit manager~~

‘Affiliate’ means a pharmacy, pharmacist, or pharmacy technician which, either directly or indirectly through one or more intermediaries: (A) Has an investment or ownership interest in a pharmacy benefits manager licensed under this chapter; (B) shares common ownership with a pharmacy benefits manager licensed under this chapter; or (C) has an investor or ownership interest holder which is a pharmacy benefits manager licensed under this article.

‘Auditing entity’ means a person or company that performs a pharmacy audit, including a covered entity, pharmacy benefits manager, managed care organization, or third-party administrator.

‘Business day’ means any day of the week excluding Saturday, Sunday, and any legal holiday as set forth in §2-2-1 of this code.

‘Claim level information’ means data submitted by a pharmacy or required by a payer or claims processor to adjudicate a claim.

‘Covered entity’ means a contract holder or policy holder providing pharmacy benefits to a covered individual under a health insurance policy pursuant to a contract administered by a pharmacy benefits manager and may include a health benefit plan.

‘Covered individual’ means a member, participant, enrollee, or beneficiary of a covered entity who is provided health coverage by a covered entity, including a dependent or other person provided health coverage through the policy or contract of a covered individual.

‘Extrapolation’ means the practice of inferring a frequency of dollar amount of overpayments, underpayments, nonvalid claims,

or other errors on any portion of claims submitted, based on the frequency of dollar amount of overpayments, underpayments, nonvalid claims, or other errors actually measured in a sample of claims.

‘Defined cost sharing’ means a deductible payment or coinsurance amount imposed on an enrollee for a covered prescription drug under the enrollee’s health plan.

‘Health benefit plan’ or ‘health plan’ means a policy, contract, certificate, or agreement entered into, offered, or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

‘Health care provider’ has the same meaning as defined in §33-41-2 of this code.

‘Health insurance policy’ means a policy, subscriber contract, certificate, or plan that provides prescription drug coverage. The term includes both comprehensive and limited benefit health insurance policies.

‘Insurance commissioner’ or ‘commissioner’ has the same meaning as defined in §33-1-5 of this code.

‘Network’ means a pharmacy or group of pharmacies that agree to provide prescription services to covered individuals on behalf of a covered entity or group of covered entities in exchange for payment for its services by a pharmacy benefits manager or pharmacy services administration organization. The term includes a pharmacy that generally dispenses outpatient prescriptions to covered individuals or dispenses particular types of prescriptions, provides pharmacy services to particular types of covered individuals or dispenses prescriptions in particular health care settings, including networks of specialty, institutional or long-term care facilities.

‘Maximum allowable cost’ means the per unit amount that a pharmacy benefits manager reimburses a pharmacist for a prescription drug, excluding dispensing fees and copayments, coinsurance, or other cost-sharing charges, if any.

‘National average drug acquisition cost’ means the monthly survey of retail pharmacies conducted by the federal Centers for Medicare and Medicaid Services to determine average acquisition cost for Medicaid covered outpatient drugs.

‘Nonproprietary drug’ means a drug containing any quantity of any controlled substance or any drug which is required by any applicable federal or state law to be dispensed only by prescription.

‘Pharmacist’ means an individual licensed by the West Virginia Board of Pharmacy to engage in the practice of pharmacy.

‘Pharmacy’ means any place within this state where drugs are dispensed and pharmacist care is provided.

‘Pharmacy audit’ means an audit, conducted on-site by or on behalf of an auditing entity of any records of a pharmacy for prescription or nonproprietary drugs dispensed by a pharmacy to a covered individual.

‘Pharmacy benefits management’ means the performance of any of the following:

(1) The procurement of prescription drugs at a negotiated contracted rate for dispensation within the state of West Virginia to covered individuals;

(2) The administration or management of prescription drug benefits provided by a covered entity for the benefit of covered individuals;

(3) The administration of pharmacy benefits, including:

(A) Operating a mail-service pharmacy;

(B) Claims processing;

(C) Managing a retail pharmacy network;

(D) Paying claims to a pharmacy for prescription drugs dispensed to covered individuals via retail or mail-order pharmacy;

(E) Developing and managing a clinical formulary including utilization management and quality assurance programs;

(F) Rebate contracting administration; and

(G) Managing a patient compliance, therapeutic intervention, and generic substitution program.

‘Pharmacy benefits manager’ means a person, business, or other entity that performs pharmacy benefits management for covered entities;

‘Pharmacy record’ means any record stored electronically or as a hard copy by a pharmacy that relates to the provision of prescription or nonproprietary drugs or pharmacy services or other component of pharmacist care that is included in the practice of pharmacy.

‘Pharmacy services administration organization’ means any entity that contracts with a pharmacy to assist with third-party payer interactions and that may provide a variety of other administrative services, including contracting with pharmacy benefits managers on behalf of pharmacies and managing pharmacies’ claims payments from third-party payers.

‘Point-of-sale fee’ means all or a portion of a drug reimbursement to a pharmacy or other dispenser withheld at the time of adjudication of a claim for any reason.

‘Rebate’ means any and all payments that accrue to a pharmacy benefits manager or its health plan client, directly or indirectly, from a pharmaceutical manufacturer, including, but not limited to, discounts, administration fees, credits, incentives, or penalties associated directly or indirectly in any way with claims administered on behalf of a health plan client.

‘Retroactive fee’ means all or a portion of a drug reimbursement to a pharmacy or other dispenser recouped or reduced following adjudication of a claim for any reason, except as otherwise permissible as described in this article.

‘Third party’ means any insurer, health benefit plan for employees which provides a pharmacy benefits plan, a participating public agency which provides a system of health insurance for public employees, their dependents and retirees, or any other insurer or organization that provides health coverage, benefits, or coverage of prescription drugs as part of workers’ compensation insurance in accordance with state or federal law. The term does not include an insurer that provides coverage under a policy of casualty or property insurance.

§33-51-8. Licensure of pharmacy benefit managers.

(a) A person or organization may not establish or operate as a pharmacy benefits manager in the state of West Virginia without first obtaining a license from the Insurance Commissioner pursuant to this section: *Provided*, That a pharmacy benefit manager registered pursuant to §33-5-7 of this code may continue to do business in the state until the Insurance Commissioner has completed the legislative rule as set forth in §33-55-10 of this code: *Provided, however, That* additionally the pharmacy benefit manager shall submit an application within six months of completion of the final rule. The Insurance Commissioner shall make an application form available on its publicly accessible internet website that includes a request for the following information:

(1) The identity, address, and telephone number of the applicant;

(2) The name, business address, and telephone number of the contact person for the applicant;

(3) When applicable, the federal employer identification number for the applicant; and

(4) Any other information the Insurance Commissioner considers necessary and appropriate to establish the qualifications to receive a license as a pharmacy benefit manager to complete the licensure process, as set forth by legislative rule promulgated by the Insurance Commissioner pursuant to §33-51-10 of this code.

(b) Term and fee. —

(1) The term of licensure shall be two years from the date of issuance.

(2) The Insurance Commissioner shall determine the amount of the initial application fee and the renewal application fee for the registration. The fee shall be submitted by the applicant with an application for registration. An initial application fee is nonrefundable. A renewal application fee shall be returned if the renewal of the registration is not granted.

(3) The amount of the initial application fees and renewal application fees must be sufficient to fund the Insurance Commissioner's duties in relation to his/her responsibilities under this section, but a single fee may not exceed \$10,000.

(4) Each application for a license, and subsequent renewal for a license, shall be accompanied by evidence of financial responsibility in an amount of \$1 million.

(c) Licensure. —

(1) The Insurance Commissioner shall propose legislative rules, in accordance with §33-51-10 of this code, establishing the licensing, fees, application, financial standards, and reporting requirements of pharmacy benefit managers.

(2) Upon receipt of a completed application, evidence of financial responsibility, and fee, the Insurance Commissioner shall make a review of each applicant and shall issue a license if the applicant is qualified in accordance with the provisions of this section and the rules promulgated by the Insurance Commissioner pursuant to this section. The commissioner may require additional information or submissions from an applicant and may obtain any documents or information reasonably necessary to verify the information contained in the application.

(3) The license may be in paper or electronic form, is nontransferable, and shall prominently list the expiration date of the license.

(d) Network adequacy. —

(1) A pharmacy benefit manager's network shall be reasonably adequate, shall provide for convenient patient access to pharmacies within a reasonable distance from a patient's residence and shall not be comprised only of mail-order benefits but must have a mix of mail-order benefits and physical stores in this state.

(2) A pharmacy benefit manager shall provide a pharmacy benefit manager's network report describing the pharmacy benefit manager's network and the mix of mail-order to physical stores in this state in a time and manner required by rule issued by the Insurance Commissioner pursuant to this section.

(3) Failure to provide a timely report may result in the suspension or revocation of a pharmacy benefit manager's license by the Insurance Commissioner.

(e) Enforcement. —

(1) The Insurance Commissioner shall enforce this section and may examine or audit the books and records of a pharmacy benefit manager providing pharmacy benefits management to determine if the pharmacy benefit manager is in compliance with this section: *Provided*, That any information or data acquired during the examination or audit is considered proprietary and confidential and exempt from disclosure under the West Virginia Freedom of Information Act pursuant to §29B-1-4(a)(1) of this code.

(2) The Insurance Commissioner may propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code regulating pharmacy benefit managers in a manner consistent with this chapter. Rules adopted pursuant to this section shall set forth penalties or fines, including, without limitation, monetary fines, suspension of licensure, and revocation of licensure for violations of this chapter and the rules adopted pursuant to this section.

(f) Applicability. —

~~(1)~~ This section is applicable to any contract or health benefit plan issued, renewed, recredentialled, amended, or extended on or after July 1, 2019.

~~(2) The requirements of this section, and any rules promulgated by the Insurance Commissioner pursuant to §33-51-9(f) of this code, do not apply to the coverage of prescription drugs under a plan that is subject to the Employee Retirement Income Security Act of 1974 or any information relating to such coverage~~

§33-51-9. Regulation of pharmacy benefit managers.

(a) A pharmacy, a pharmacist, and a pharmacy technician shall have the right to provide a covered individual with information related to lower cost alternatives and cost share for the covered individual to assist health care consumers in making informed decisions. Neither a pharmacy, a pharmacist, nor a pharmacy technician may be penalized by a pharmacy benefit manager for discussing information in this section or for selling a lower cost alternative to a covered individual, if one is available, without using a health insurance policy.

(b) A pharmacy benefit manager may not collect from a pharmacy, a pharmacist, or a pharmacy technician a cost share charged to a covered individual that exceeds the total submitted charges by the pharmacy or pharmacist to the pharmacy benefit manager.

(c) A pharmacy benefit manager may only directly or indirectly charge or hold a pharmacy, a pharmacist, or a pharmacy technician responsible for a fee related to the adjudication of a claim if:

(1) The total amount of the fee is identified, reported, and specifically explained for each line item on the remittance advice of the adjudicated claim; or

(2) The total amount of the fee is apparent at the point of sale and not adjusted between the point of sale and the issuance of the remittance advice.

(d) A pharmacy benefit manager, or any other third party, that reimburses a 340B entity for drugs that are subject to an agreement under 42 U.S.C. § 256b shall not reimburse the 340B entity for pharmacy-dispensed drugs at a rate lower than that paid for the same drug to pharmacies similar in prescription volume that are not

340B entities, and shall not assess any fee, charge-back, or other adjustment upon the 340B entity on the basis that the 340B entity participates in the program set forth in 42 U.S.C. §256b.

(e) With respect to a patient eligible to receive drugs subject to an agreement under 42 U.S.C. § 256b, a pharmacy benefit manager, or any other third party that makes payment for such drugs, shall not discriminate against a 340B entity in a manner that prevents or interferes with the patient's choice to receive such drugs from the 340B entity: *Provided*, That for purposes of this section, 'third party' does not include the state Medicaid program when Medicaid is providing reimbursement for covered outpatient drugs, as that term is defined in 42 U.S.C. §1396r-8(k), on a fee-for-service basis: *Provided, however*, That 'third party' does include a Medicaid-managed care organization as described in 42 U.S.C. § 1396b(m).

~~(f) This section does not apply with respect to claims under an employee benefit plan under the Employee Retirement Income Security Act of 1974 or, except for paragraph (d), to Medicare Part D.~~

(f) A pharmacy benefit manager may not reimburse a pharmacy or pharmacist for a prescription drug or pharmacy service in an amount less than the national average drug acquisition cost for the prescription drug or pharmacy service at the time the drug is administered or dispensed, plus a professional dispensing fee of \$10.49: *Provided*, That if the national average drug acquisition cost is not available at the time a drug is administered or dispensed, a pharmacy benefit manager may not reimburse in an amount that is less than the wholesale acquisition cost of the drug, as defined in 42 U.S.C. § 1395w-3a(c)(6)(B), plus a professional dispensing fee of \$10.49.

(g) A pharmacy benefit manager may not reimburse a pharmacy or pharmacist for a prescription drug or pharmacy service in an amount less than the amount the pharmacy benefit manager reimburses itself or an affiliate for the same prescription drug or pharmacy service.

(h) The commissioner may order reimbursement to an insured, pharmacy, or dispenser who has incurred a monetary loss as a result of a violation of this article or legislative rules implemented pursuant to this article.

(i) (1) Any methodologies utilized by a pharmacy benefits manager in connection with reimbursement shall be filed with the commissioner at the time of initial licensure and at any time thereafter that the methodology is changed by the pharmacy benefit manager for use in determining maximum allowable cost appeals. The methodologies are not subject to disclosure and shall be treated as confidential and exempt from disclosure under the West Virginia Freedom of Information Act §29B-1-4(a)(1) of this code.

(2) A pharmacy benefits manager shall utilize the national average drug acquisition cost as a point of reference for the ingredient drug product component of a pharmacy's reimbursement for drugs appearing on the national average drug acquisition cost list; and,

(j) A pharmacy benefits manager may not:

(1) Discriminate in reimbursement, assess any fees or adjustments, or exclude a pharmacy from the pharmacy benefit manager's network on the basis that the pharmacy dispenses drugs subject to an agreement under 42 U.S.C. § 256b; or

(2) Engage in any practice that:

(A) In any way bases pharmacy reimbursement for a drug on patient outcomes, scores, or metrics. This does not prohibit pharmacy reimbursement for pharmacy care, including dispensing fees from being based on patient outcomes, scores, or metrics so long as the patient outcomes, scores, or metrics are disclosed to and agreed to by the pharmacy in advance;

(B) Includes imposing a point-of-sale fee or retroactive fee; or

(C) Derives any revenue from a pharmacy or insured in connection with performing pharmacy benefits management services: *Provided*, That this may not be construed to prohibit

pharmacy benefits managers from receiving deductibles or copayments.

(k) A pharmacy benefits manager shall offer a health plan the option of charging such health plan the same price for a prescription drug as it pays a pharmacy for the prescription drug: *Provided*, That a pharmacy benefits manager shall charge a health benefit plan administered by or on behalf of the state or a political subdivision of the state, the same price for a prescription drug as it pays a pharmacy for the prescription drug.

(l) A pharmacy benefits manager shall pay 100% of all credits, rebates, discounts, or other such payments negotiated with drug manufacturers to the health benefit plan or covered entity. The health benefit plan or covered entity shall apply 100% of the credits, rebates, discounts, or other such payments to reduce insurance premiums or rates on a yearly basis: *Provided*, That this subsection does not apply to a 340B entity.

(m) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2022. This section applies to all policies, contracts, plans, or agreements subject to this section that are delivered, executed, amended, adjusted, or renewed on or after the effective date of this section.

§33-51-11. Freedom of consumer choice for pharmacy.

(a) A pharmacy benefits manager or health benefit plan may not:

(1) Prohibit or limit any covered individual from selecting a pharmacy or pharmacist of his or her choice who has agreed to participate in the plan according to the terms offered by the insurer;

(2) Deny a pharmacy or pharmacist the right to participate as a contract provider under the policy or plan if the pharmacy or pharmacist agrees to provide pharmacy services, including, but not limited to, prescription drugs, that meet the terms and requirements set forth by the insurer under the policy or plan and agrees to the terms of reimbursement set forth by the insurer;

(3) Impose upon a beneficiary of pharmacy services under a health benefit plan any copayment, fee, or condition that is not equally imposed upon all beneficiaries in the same benefit category, class, or copayment level under the health benefit plan when receiving services from a contract provider;

(4) Impose a monetary advantage or penalty under a health benefit plan that would affect a beneficiary's choice among those pharmacies or pharmacists who have agreed to participate in the plan according to the terms offered by the insurer. Monetary advantage or penalty includes higher copayment, a reduction in reimbursement for services, or promotion of one participating pharmacy over another by these methods;

(5) Reduce allowable reimbursement for pharmacy services to a beneficiary under a health benefit plan because the beneficiary selects a pharmacy of his or her choice, so long as that pharmacy has enrolled with the health benefit plan under the terms offered to all pharmacies in the plan coverage area;

(6) Require a beneficiary, as a condition of payment or reimbursement, to purchase pharmacy services, including prescription drugs, exclusively through a mail-order pharmacy; or

(7) Impose upon a beneficiary any copayment, amount of reimbursement, number of days of a drug supply for which reimbursement will be allowed, or any other payment or condition relating to purchasing pharmacy services from any pharmacy, including prescription drugs, that is more costly or more restrictive than that which would be imposed upon the beneficiary if such services were purchased from a mail-order pharmacy or any other pharmacy that is willing to provide the same services or products for the same cost and copayment as any mail order service.

(b) If a health benefit plan providing reimbursement to West Virginia residents for prescription drugs restricts pharmacy participation, the entity providing the health benefit plan shall notify, in writing, all pharmacies within the geographical coverage area of the health benefit plan, and offer to the pharmacies the opportunity to participate in the health benefit plan at least 60 days

prior to the effective date of the plan. All pharmacies in the geographical coverage area of the plan shall be eligible to participate under identical reimbursement terms for providing pharmacy services, including prescription drugs. The entity providing the health benefit plan shall, through reasonable means, on a timely basis and on regular intervals, inform the beneficiaries of the plan of the names and locations of pharmacies that are participating in the plan as providers of pharmacy services and prescription drugs. Additionally, participating pharmacies shall be entitled to announce their participation to their customers through a means acceptable to the pharmacy and the entity providing the health benefit plans. The pharmacy notification provisions of this section shall not apply when an individual or group is enrolled, but when the plan enters a particular county of the state.

(c) The Insurance Commissioner shall not approve any pharmacy benefits manager or health benefit plan providing pharmaceutical services which do not conform to this section.

(d) Any covered individual or pharmacy injured by a violation of this section may maintain a cause of action to enjoin the continuance of any such violation.

(e) This section shall apply to all pharmacy benefits managers and health benefit plans providing pharmaceutical services benefits, including prescription drugs, to any resident of West Virginia. For purposes of this section, 'health benefit plan' means any entity or program that provides reimbursement for pharmaceutical services. This section shall also apply to insurance companies and health maintenance organizations that provide or administer coverages and benefits for prescription drugs. This section shall not apply to any entity that has its own facility, employs or contracts with physicians, pharmacists, nurses and other health care personnel, and that dispenses prescription drugs from its own pharmacy to its employees and dependents enrolled in its health benefit plan; but this section shall apply to an entity otherwise excluded that contracts with an outside pharmacy or group of pharmacies to provide prescription drugs and services.

§33-51-12. Reporting requirements.

(a) A pharmacy benefits manager shall report to the commissioner on an annual basis, or more often as the commissioner deems necessary, for each health plan or covered entity the following information:

(1) The aggregate amount of rebates received by the pharmacy benefits manager;

(2) The aggregate amount of rebates distributed to each health plan or covered entity contracted with the pharmacy benefits manager;

(3) The aggregate amount of rebates passed on to the enrollees of each health plan or covered entity at the point of sale that reduced the enrollees applicable deductible, copayment, coinsurance, or other cost-sharing amount;

(4) The individual and aggregate amount paid by the health plan or covered entity to the pharmacy benefits manager for pharmacist services itemized by pharmacy, by product, and by goods and services; and

(5) The individual and aggregate amount a pharmacy benefits manager paid for pharmacist services itemized by pharmacy, by product, and by goods and services.

(b) A pharmacy benefits manager shall annually report in the aggregate to the commissioner and to a health plan or covered entity the difference between the amount the pharmacy benefits manager reimbursed a pharmacy and the amount the pharmacy benefits manager charged a health plan.

(c) A health benefit plan or covered entity shall annually report to the commissioner the aggregate amount of credits, rebates, discounts, or other such payments received by the health benefit plan or covered entity from a pharmacy benefits manager or drug manufacturer and disclose whether or not those credits, rebates, discounts or other such payments were passed on to reduce insurance premiums or rates. The commissioner shall consider the

information in this report in reviewing any premium rates charged for any individual or group accident and health insurance policy as set forth in §33-6-9(e), §33-24-6(c), and §33-25A-8 of this code.

(d) A pharmacy benefits manager shall produce a quarterly report to the commissioner of all drugs appearing on the national average drug acquisition cost list reimbursed 10 percent and below the national average drug acquisition cost, as well as all drugs reimbursed 10 percent and above the national average drug acquisition cost. For each drug in the report, a pharmacy benefits manager shall include the month the drug was dispensed, the quantity of the drug dispensed, the amount the pharmacy was reimbursed, whether the dispensing pharmacy was an affiliate of the pharmacy benefits manager, whether the drug was dispensed pursuant to a government health plan, and the average national drug acquisition cost for the month the drug was dispensed. The report shall exclude drugs dispensed pursuant to 42 U.S.C. § 256b. A copy of this report shall also be published on the pharmacy benefits manager's publicly available website for a period of at least 24 months. This report is exempt from the confidentiality provisions of subsection (f).

(e) The reports shall be filed electronically on a form and manner as prescribed by the commissioner pursuant to a legitimate rule promulgated by the commissioner.

(f) With the exception of the quarterly report noted in subsection (d) of this section all data and information provided by the pharmacy benefits manager, health plan, or covered entity pursuant to these established reporting requirements shall be considered proprietary and confidential and exempt from disclosure under the West Virginia Freedom of Information Act §29B-1-4(a)(1) of this code.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2263 – “A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended; to amend

and reenact §33-51-2, §33-51-3, §33-51-8, and §33-51-9 of said code; and to amend said code by adding thereto two new sections, designated §33-51-11 and §33-51-12, all relating to the regulation of pharmacy benefit managers; amending reporting requirements related Public Employees Insurance Agency; expanding scope; defining terms; regulating the reimbursements of pharmacy benefit managers; addressing network adequacy; providing an effective date; requiring filing of certain methodologies utilized by pharmacy benefit managers; prohibiting certain practices by pharmacy benefits managers; providing consumer choice for pharmacies; setting guidelines for pharmacy benefit plans; requiring rebates to be passed on to the health plan; requiring reporting; and requiring commissioner to consider information in reviewing rates.”

With the further amendment, sponsored by Delegate Summers, being as follows:

On page 18, section 9, line 74, by striking out subsection (l) in its entirety and inserting a new subsection (l) all to read as follows:

“(l) A covered individual’s defined cost sharing for each prescription drug shall be calculated at the point of sale based on a price that is reduced by an amount equal to at least 100% of all rebates received, or to be received, in connection with the dispensing or administration of the prescription drug. Nothing precludes an insurer from decreasing a covered individual’s defined cost sharing by an amount greater than what is previously stated.”

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On passage of the bill, the yeas and nays were taken (**Roll No. 212**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Ellington and Kessinger.

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. 2263) passed.

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. 2372, Allow pre-candidacy papers to be filed the day after the general election.

On motion of Delegate Summers, the House of Delegates 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 3. ELECTIONS.

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-5e. Pre-candidacy financing and expenditures.

(a) Notwithstanding any other provisions of this code, it is lawful for a person, otherwise qualified to be a candidate for any public office or position to be determined by public election, to receive contributions or make expenditures, or both personally or by another individual acting as a treasurer, to determine the advisability of becoming such a candidate or preparing to be such a candidate: *Provided*, That an individual may file his or her pre-candidacy papers, and may receive contributions and make expenditures related thereto, beginning on the day after the general election is held for the term of office immediately preceding the term of office for which the person may become a candidate, if such term of office is four years or less: *Provided, however*, That such pre-candidacy papers may be filed, such contributions may be

received, and such expenditures may be made only during the four years immediately preceding the term of office for which such person may be a candidate ~~or during the term of office immediately preceding the term for which such person may be a candidate, whichever is less, if such term of office is more than four years:~~ *Provided, however, further.* That no person is disqualified from receiving contributions or making expenditures as permitted under the provisions of this section solely because such person then holds a public office or position.

(b) Any person undertaking to determine the advisability of becoming or preparing to be a candidate, who desires to receive contributions before filing a certificate of candidacy, shall designate himself or another individual to act as a treasurer and shall file a designation of treasurer in the manner provided in §3-8-4 of this code before receiving any contributions permitted by this section. Any expenditures made before the filing of a designation of treasurer shall be reported in accordance with the provisions of §3-8-5 of this code regardless of the source of funds used for such expenditures.

(c) A person who receives a contribution who is acting for and by himself or herself or as treasurer or agent for another pursuant to the provisions of this section shall keep detailed accounts of every sum of money or other thing of value received by him or her, and of all expenditures and disbursements made, and liabilities incurred, in the same manner as such accounts are required by §3-8-5 of this code.

(d) Regardless of whether such person becomes a candidate as originally intended, becomes a candidate for some office other than the office or position originally intended, or does not become a candidate, all limits on campaign contributions and campaign expenditures applicable to the candidacy of or advocacy of the candidacy of such person for the office he or she actually seeks shall be applicable to and inclusive of the receipts had and expenditures made during such pre-candidacy period as well as after the person becomes a candidate.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2372 - “A Bill to amend and reenact §3-8-5e of the Code of West Virginia, 1931, as amended, relating to modifying the date to file pre-candidacy registration papers, receive contributions, and make expenditures for persons undertaking to determine the advisability of becoming or preparing to be a candidate for a public office or position.”

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. 213**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Ellington and Kessinger.

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. 2372) 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. 2616 - Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification’s website.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate.

On page three, section two, line fifty, by striking out “§25-1-3 or”.

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. 214**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Ellington and Kessinger.

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. 2616) 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 July 1, 2021, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2682, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements.

On motion of Delegate Summers, the House of Delegates 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 12. INSURANCE PRODUCERS AND SOLICITORS.

§33-12-8. Continuing education required.

The purpose of this ~~provision~~ section is to provide continuing education requirements under guidelines set up under the Insurance Commissioner’s office ~~with the guidelines to be set up under in conjunction with the board~~ Board of Insurance Agent Education.

(a) This section applies to individual insurance producers licensed to engage in the sale of the following types of insurance:

(1) Life. — Life insurance coverage on human lives, including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income;

(2) Accident and health or sickness. — Insurance coverage for sickness, bodily injury, or accidental death and may include benefits for disability income;

(3) Property. — Property insurance coverage for the direct or consequential loss or damage to property of every kind;

(4) Casualty. — Insurance coverage against legal liability, including that for death, injury, or disability or damage to real or personal property;

(5) Variable life and variable annuity products. — Insurance coverage provided under variable life insurance contracts and variable annuities;

(6) Personal lines. — Property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes; and

(7) Any other line of insurance permitted under state laws or regulations.

(b) This section does not apply to:

(1) Individual insurance producers holding limited line credit insurance licenses for any kind or kinds of insurance offered in connection with loans or other credit transactions or insurance for which an examination is not required by the commissioner, nor does it apply to any limited or restricted license as the commissioner may exempt; and

(2) Individual insurance producers selling credit life or credit accident and health insurance.

(c)(1) The Board of Insurance Agent Education as established by ~~section seven of this article §33-12-7 of this code~~ shall develop a program of continuing insurance education and submit the proposal for the approval of the commissioner on or before ~~the thirty first day of December of each year~~ December 31 of each year. No program may be approved by the commissioner that includes a requirement that any individual insurance producer complete more than 24 hours of continuing insurance education biennially. No program may be approved by the commissioner that includes a requirement that any of the following individual insurance producers complete more than six hours of continuing insurance education biennially:

(A) Individual insurance producers who sell only preneed burial insurance contracts; and

(B) Individual insurance producers who engage solely in telemarketing insurance products by a scripted presentation which scripted presentation has been filed with and approved by the commissioner.

(C) The biennium mandatory continuing insurance education provisions of this section become effective on the reporting period beginning ~~the first day of July, two thousand six~~ July 1, 2006.

(2) The commissioner and the board, under standards established by the board, may approve any course or program of instruction developed or sponsored by an authorized insurer, accredited college or university, agents' association, insurance trade association, or independent program of instruction that presents the criteria and the number of hours that the board and commissioner determine appropriate for the purpose of this section.

(d) Individual insurance producers licensed to sell insurance and who are not otherwise exempt shall satisfactorily complete the courses or programs of instructions the commissioner may prescribe.

(e) Every individual insurance producer subject to the continuing education requirements shall furnish, at intervals and on forms as may be prescribed by the commissioner, written certification listing the courses, programs, or seminars of instruction successfully completed by the person. The certification shall be executed by, or on behalf of, the organization sponsoring the courses, programs, or seminars of instruction.

(f) Subject to the approval by the commissioner, the active annual membership by an individual insurance producer in an organization or association recognized and approved by the commissioner as a state, regional, or national professional insurance organization or association may be approved by the commissioner for up to two hours of continuing insurance education: *Provided*, That not more than two hours of continuing insurance education may be awarded to an individual insurance producer for membership in a professional insurance organization during a biennial reporting period. Credit for continuing insurance education pursuant to this subdivision may only be awarded to individual insurance producers who are required to complete more than six hours of continuing education biennially.

(g) Individual insurance producers who are required to complete more than six hours of continuing education biennially and who exceed the minimum continuing education requirement for the biennial reporting period may carry-over a maximum of six credit hours only into the next reporting period.

(h) Any individual insurance producer failing to meet the requirements mandated in this section and who has not been granted an extension of time, with respect to the requirements, or who has submitted to the commissioner a false or fraudulent certificate of compliance shall have his or her license automatically suspended and no further license may be issued to the person for any kind or kinds of insurance until the person demonstrates to the satisfaction of the commissioner that he or she has complied with all of the requirements mandated by this section and all other applicable laws or rules.

(i) The commissioner shall notify the individual insurance producer of his or her suspension pursuant to §33-12-8(h) of this code by certified electronic mail return receipt requested or regular mail, if requested, to the last address respective address on file with the commissioner pursuant to subsection (e), section nine of this article §33-12-9(f) of this code. Any individual insurance producer who has had a suspension ~~order~~ notice entered against him or her pursuant to this section may, within 30 calendar days of receipt of the ~~order~~ notice, file with the commissioner a request for a hearing for reconsideration of the matter.

(j) Any individual insurance producer who does not satisfactorily demonstrate compliance with this section and all other laws applicable thereto as of the last day of the biennium following his or her suspension shall have his or her license automatically canceled and is subject to the education and examination requirements of ~~section five of this article §33-12-5 of this code.~~

(k) The commissioner is authorized to hire personnel and make reasonable expenditures considered necessary for purposes of establishing and maintaining a system of continuing education for insurers. The commissioner shall charge a fee of \$25 to continuing education providers for each continuing education course submitted for approval which shall be used to maintain the continuing education system. The commissioner may, at his or her discretion, designate an outside administrator to provide all of or part of the administrative duties of the continuing education system subject to direction and approval by the commissioner. The fees charged by the outside administrator shall be paid by the continuing education providers. In addition to fees charged by the outside administrator, the outside administrator shall collect and remit to the commissioner the \$25 course submission fee.

§33-12-9. Issuance of license.

(a) Unless denied licensure pursuant to ~~article twenty-four of this chapter §33-12-24 of this code,~~ individuals who have met the requirements of ~~articles five and six of this chapter §33-12-5 and §33-12-6 of this code~~ shall be issued an insurance producer license.

An insurance producer may receive qualification for a license in one or more of the following lines of authority:

(1) Life insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income;

(2) Accident and health or sickness. — Insurance coverage for sickness, bodily injury, or accidental death and may include benefits for disability income;

(3) Property insurance coverage for the direct or consequential loss or damage to property of every kind;

(4) Casualty. — Insurance coverage against legal liability, including that for death, injury, or disability or damage to real or personal property;

(5) Variable life and variable annuity products. — Insurance coverage provided under variable life insurance contracts and variable annuities;

(6) Personal lines. — Property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes;

(7) Credit. — Limited line credit insurance; or

(8) Any other line of insurance permitted under state laws or regulations.

(b) An insurance producer license shall remain in effect unless revoked or suspended as long as the fee set forth in ~~section thirteen, article three of this chapter~~ §33-3-13 of this code is paid and education requirements for resident individual producers are met by the due date.

(c) An individual insurance producer who allows his or her license to lapse may, within 12 months from the due date of the renewal fee, reinstate the same license without the necessity of

passing a written examination. However, a penalty in the amount of double the unpaid renewal fee shall be required for any renewal fee received after the due date.

(d) An individual licensed insurance producer who is unable to comply with license renewal procedures due to military service or some other extenuating circumstance (e.g., a long-term medical disability) may request a waiver of those procedures. The producer may also request a waiver of any examination requirement or any other fine or sanction imposed for failure to comply with renewal procedures.

(e) The license shall contain the licensee's name, address, personal identification number, and the date of issuance, the lines of authority, the expiration date, and any other information the Insurance Commissioner considers necessary.

(f) ~~Licensees shall inform the Insurance Commissioner by any means acceptable to the Insurance Commissioner of a change of address or residency within 30 days of the change. At the time of application for licensure, the applicant shall inform the Insurance Commissioner of the applicant's full name, physical and mailing address, if different, and electronic mail address. Each agent, insurance agency, solicitor, or service representative that is licensed on July 1, 2021, shall provide the Insurance Commissioner with the licensee's electronic mail address in connection with the next license renewal application of the respective licensee. If a change occurs to the licensee's name, physical address, mailing address, or electronic mail address after licensure, the licensee shall inform the Insurance Commissioner by any means acceptable to the Insurance Commissioner of the updated contact information within 30 days of the change. Failure to timely inform the Insurance Commissioner of a change in legal name, residency, or mailing address, or electronic mail address may result in a penalty pursuant to section twenty-four of this article §33-12-24 of this code. The commissioner shall maintain the mailing address of information provided pursuant to this subsection for each agent, insurance agency, solicitor, and service representative on file.~~

(g) In order to assist in the performance of the Insurance Commissioner's duties, the Insurance Commissioner may contract with nongovernmental entities, including the ~~national association~~ National Association of Insurance Commissioner Commissioners (NAIC) or any affiliates or subsidiaries that the NAIC oversees, to perform any ministerial functions, including the collection of fees, related to producer licensing that the Insurance Commissioner and the nongovernmental entity may consider appropriate.

ARTICLE 12B. ADJUSTERS.

§33-12B-13. Continuing education.

(a) The purpose of this section is to provide continuing education requirements for individual adjusters under guidelines established by the commissioner's office in conjunction with the Board of Insurance Agent Education as provided in §33-12-7 of this code.

(b) This section applies to company adjusters, independent adjusters, and public adjusters licensed pursuant to §33-12B-2 of this code.

(c) This section shall not apply to:

(1) Licensees not licensed for one full year prior to the end of the applicable continuing education biennium; or

(2) Licensees holding nonresident adjuster licenses who have met substantially similar continuing education requirements of their designated home state and whose home state gives credit to residents of this state on the same basis.

(d)(1) The Board of Insurance Agent Education as established by §33-12-7 of this code shall develop a program of continuing education for adjusters and submit the proposal for the approval of the commissioner on or before December 31 of each year. No program may be approved by the commissioner that includes a requirement that any individual adjuster complete more than 24 hours of continuing insurance education biennially.

(2) The biennium mandatory continuing education provisions of this section become effective on the reporting period beginning July 1, 2021.

(3) The commissioner and the Board of Insurance Agent Education, under standards established by the board, may approve any course or program of instruction developed or sponsored by an authorized insurer, accredited college or university, adjusters' association, insurance trade association, or independent program of instruction that presents the criteria and the number of hours that the board and commissioner determine appropriate for the purpose of this section.

(e) An individual who holds an adjuster license and who is not exempt shall satisfactorily complete a minimum of 24 hours of continuing education courses, of which three hours must be in ethics, reported to the commissioner on a biennial basis in conjunction with their license renewal cycle.

(f) Every individual adjuster subject to the continuing education requirements shall furnish, at intervals and on forms as may be proposed by the commissioner, written certification listing the courses, programs, or seminars of instruction successfully completed by the adjuster. The certification shall be executed by, or on behalf of, the organization sponsoring the courses, programs, or seminars of instruction.

(g) Subject to the approval of the commissioner, the active annual membership by an adjuster in an organization or association recognized and approved by the commissioner as a state, regional, or national professional insurance organization or association may be approved by the commissioner for up to two hours of continuing insurance education: *Provided, That* not more than two hours of continuing education may be awarded to an adjuster for membership in a professional insurance organization during a biennial reporting period.

(h) Adjusters who exceed the minimum continuing education requirement for the biennial reporting period may carry over a maximum of six credit hours only into the next reporting period.

(i) Any individual adjuster failing to meet the requirements mandated in this section and who has not been granted an extension of time with respect to the requirements, or who has submitted to the commissioner a false or fraudulent certificate of compliance, shall have his or her license automatically suspended and no further license may be issued to the person until the person demonstrates to the satisfaction of the commissioner that he or she has complied with all of the requirements mandated by this section and all other applicable laws or rules.

(j) The commissioner shall notify the individual adjuster of his or her suspension pursuant to §33-12B-13(i) of this code by certified electronic mail return receipt requested or regular mail, if requested, to the last ~~address~~ respective address on file with the commissioner pursuant to ~~§33-12B-2(b)~~ §33-12B-14(a) of this code. Any individual insurance adjuster who has had a suspension ~~order~~ notice entered against him or her pursuant to this section may, within 30 calendar days of receipt of the ~~order~~ notice, file with the commissioner a request for a hearing for reconsideration of the matter.

(k) Any individual adjuster who does not satisfactorily demonstrate compliance with this section and all other laws applicable thereto as of the last day of the biennium following his or her suspension shall have his or her license automatically terminated and is subject to the licensing and examination requirements of §33-12B-5 of this code.

(l) The commissioner is authorized to hire personnel and make reasonable expenditures considered necessary for purposes of establishing and maintaining a system of continuing education for adjusters. The commissioner shall charge a fee of \$25 to continuing education providers for each continuing education course submitted for approval which shall be used to maintain the continuing education system. The commissioner may, at his or her discretion, designate an outside administrator to provide all of or part of the administrative duties of the continuing education system subject to direction and approval by the commissioner. The fees charged by the outside administrator shall be paid by the continuing education providers. In addition to fees charged by the outside

administrator, the outside administrator shall collect and remit to the commissioner the \$25 course submission fee.

§33-12B-14. Current address of adjusters to be filed; effective notice of appearance at hearing before commissioner.

(a) Each adjuster shall file with the commissioner the complete address of his principal place of business and the complete address of his residence including the name and number of the street, or if the street where the business is located is not numbered, the number of the post office box. An adjuster shall also file with the commissioner the adjuster's electronic mail address. An adjuster licensed on July 1, 2021, shall provide the commissioner with the licensee's electronic mail address in connection with the licensee's next license renewal application. Within 30 days of a change of business or residence address or electronic mail address by an adjuster, the adjuster must file with the commissioner notice of such change of address. The commissioner shall maintain the information provided pursuant to this subsection for each adjuster on file.

(b) When conducting any hearing authorized by ~~section thirteen, article two of this chapter~~ §33-2-13 of this code which concerns any adjuster, the commissioner shall give notice of such hearing and the matters to be determined therein to such adjuster by certified mail, return receipt requested, sent to the last address filed by such person or entity pursuant to this section.

(c) If an adjuster fails to appear at such hearing, the hearing may proceed, at which time the commissioner shall establish that notice was sent to such person pursuant to this section prior to the entry of any orders adverse to the interests of such adjuster based upon the allegations against such person which were set forth in the notice of hearing. Certified copies of all orders entered by the commissioner shall be sent to the person affected therein by certified mail, return receipt requested, at the last address filed by such person with the ~~division~~ commissioner.

(d) An adjuster who fails to appear at a hearing of which notice has been provided pursuant to this section, and who has had an

adverse order entered by the commissioner against them as a result of their failure to so appear may, within 30 calendar days of the entry of such adverse order, file with the commissioner a written verified appeal with any relevant documents attached thereto, which demonstrates good and reasonable cause for the adjuster's failure to appear, and may request reconsideration of the matter and a new hearing. The commissioner in his or her discretion, and upon a finding that the adjuster has shown good and reasonable cause for his or her failure to appear, shall issue an order that the previous order be rescinded, that the matter be reconsidered, and that a new hearing be set.

(e) Orders entered pursuant to this section are subject to the judicial review provisions of §33-2-14 of this code.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2682 – “A Bill to amend and reenact §33-12-8 and §33-12-9 of the Code of West Virginia, 1931, as amended, and to amend and reenact §33-12B-13 and §33-12B-14 of said code, all relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements; changing the requirement that the Insurance Commissioner send license suspensions to insurance producers by certified mail with a requirement that the suspensions be sent by electronic mail or regular mail; providing that each agent, insurance agency, solicitor, or service representative must report his or her respective electronic mail address to the Insurance Commissioner and providing time periods to report changes of information provided to Insurance Commissioner; changing the requirement that the Insurance Commissioner send license suspensions to insurance adjusters by certified mail with a requirement that the suspensions be sent by electronic mail or regular mail; providing that each insurance adjuster must report his or her respective electronic mail address to the Insurance Commissioner and providing time periods to report changes of information provided to Insurance Commissioner; and

requiring the Insurance Commissioner to maintain certain information.”

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. 215**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Ellington and Kessinger.

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. 2682) passed.

Delegate Summers moved that the bill take effect July 1, 2021.

On this question, the yeas and nays were taken (**Roll No. 216**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Ellington and Kessinger.

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. 2682) takes effect July 1, 2021.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 562 - “A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto nine new sections, designated §49-4-727, §49-4-728, §49-4-729, §49-4-730, §49-4-731, §49-4-732, §49-4-733, §49-4-734, and §49-4-735, all relating to juvenile competency proceedings generally; creating a process to raise and resolve questions of a competency in juvenile delinquency matters; prohibiting a juvenile found to be incompetent to stand trial to be placed in Bureau of Juvenile Services facility; defining terms; creating a rebuttable presumption that juveniles 14 years of age and older are competent to proceed; creating a rebuttable presumption that juveniles under 14 years of age are incompetent to proceed; providing all proceedings stayed until competency resolved; requiring the appointment of a guardian ad litem when a juvenile is determined to be incompetent; establishing qualifications for qualified forensic evaluators; requiring written competency evaluation report; requesting the Supreme Court to establish a training program for guardians ad litem; establishing time frames for jurisdiction and competency attainment services; establishing procedures for competency hearings; and providing disposition alternatives for incompetent juveniles and staying transfer to criminal jurisdiction”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 566 - “A Bill to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to upholding and applying the Superintendent of Schools’ interpretation of school law and State Board of Education rules”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by

its title and referred to the Committee on Technology and Infrastructure then Rules:

S. C. R. 16 - "Requesting the Division of Highways name a stretch of West Virginia Route 85 beginning at the southern end of Dunlap Brothers Road at Uneeda and ending one mile south near Quinland in Madison, West Virginia, as the 'U.S.M.C. 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 where he was raised; and

Whereas, Roger Lee Boothe graduated from Scott High School, and at age 18, he entered the U.S. Marine Corps; and

Whereas, While at Quang Tri, Vietnam, with only eight days left until his deployment home, the bunker where CPL Roger Lee Boothe was assigned was shelled. He was left paralyzed from the waist down; and

Whereas, When CPL Roger Lee Boothe returned home, he enrolled at the West Virginia Rehab Center to study accounting and played on their wheelchair basketball team; and

Whereas, Roger Lee Boothe went on to earn a chemistry degree from West Virginia State University, and then to West Virginia University, where he successfully completed their pharmacy program; and

Whereas, CPL Roger Lee Boothe then returned to Uneeda to help his mother, who was ill, and also opened a pharmacy there in 1976 to help his community; and

Whereas, CPL Roger Lee Boothe was always a guiding light for his community and never turned down the opportunity to help someone in need, whether it was loaning money for food or 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, and 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 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, where he 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, and he did not speak of his many outreach and assistance efforts on his own. 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 name a stretch of West Virginia Route 85 beginning at the southern end of Dunlap Brothers Road

at Uneeda and ending one mile south near Quinland in Madison, West Virginia, as the “U.S.M.C. 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 identifying the road as the “U.S.M.C. CPL Roger Lee Boothe Memorial Road”; and, be it

Further Resolved, That the Clerk of Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.”

Resolutions Introduced

Delegate Sypolt offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. R. 16 - “Urging Congress to allow vehicles traveling on interstate highways in West Virginia to have the same maximum gross vehicle weight and axle configuration as currently permissible for vehicles traveling on U.S. routes in West Virginia.”

Whereas, Federal law currently imposes a maximum gross vehicle weight of 80,000 pounds on interstate highways, without any tolerance, and with axle weight restrictions and the bridge formula often reducing such maximum weight; and

Whereas, West Virginia has an 80,000-pound maximum gross vehicle weight limit, but permits a 10-percent tolerance, raising the permissible maximum weight to 88,000 pounds; and

Whereas, Vehicles transporting commodities through West Virginia often reach our state on interstate highways, but leave the interstate highways system and switch to West Virginia’s local roads, taking advantage of the higher weight limit on such routes; and

Whereas, Such practice increases traffic on West Virginia’s mountainous country roads, raises safety concerns, and limits economic avenues; and

Whereas, Interstates could safely support the same weight restrictions as those on U.S. routes in West Virginia given that the design standards used for both systems are identical and the weight increase would be minimal; and

Whereas, The West Virginia Department of Transportation, Division of Highways, is poised to address any questions Congress or the U.S. Department of Transportation, Federal Highway Administration, may have to demonstrate the feasibility of this request; and

Whereas, Providing an exception to the existing weight limits and restrictions in Title 23 of the United States Code, including the bridge formula, for vehicles operating on interstate highways in West Virginia will allow more vehicles to travel the safer interstate highways and expand economic access throughout West Virginia; and

Whereas, Congress has previously provided exceptions to the maximum gross vehicle weight on interstate highways for several states of the United States; therefore, be it

Resolved by the House of Delegates:

That Congress is urged to allow vehicles traveling on interstate highways in West Virginia to have the same maximum gross vehicle weight and axle configuration as currently permissible for vehicles traveling on U.S. routes in West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, and to the members of West Virginia's Congressional Delegation.

Delegate Burkhammer offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 61 - "Requesting the Division of Highways name a bridge bearing the bridge number: 21-030/12-000.25 (21a172),

(38.94030, -80.42246) locally known as Hog Hollow w-beam, carrying CR 30/12 over Skin Creek in Lewis County as the ‘Army Reserve Nurse Rose V. Davis Forinash West Memorial Bridge’.”

Whereas, Rose V. Davis Forinash West was born on January 30, 1887, in Lewis County to the late David and Susan Bennett Davis, and was raised on Hog Hollow Road near the community of Vandalia, West Virginia; and

Whereas, Rose V. Davis Forinash West worked at the Bailey House in Weston, West Virginia, for Sally Vanderbolt to earn enough money for nursing school; and

Whereas, In 1913, at age 26, she attended the Philadelphia School of Nursing where she graduated in 1915 third in her class; and

Whereas, On February 24, 1915, she received her certificate in the American Red Cross Nursing Service; and

Whereas, After nursing school and receiving her nursing certification, Rose V. Davis Forinash West returned to Weston to work at the Weston State Hospital where she became head nurse and medical supervisor; and

Whereas, On February 24, 1915, she received her certificate in the American Red Cross Nursing Service; and

Whereas, On December 22, 1917, Rose V. Davis Forinash West entered World War I by joining the U.S. Army Nursing Corp; and

Whereas, Rose V. Davis Forinash West began her Army career at Camp Lee, and worked at the following hospitals throughout her career: Queen Mary’s Military Hospital at Walley, England; Base Hospital No. 18 at Etap, France; Hospital No. H12 France, and New York City Base Hospital No. 1; and

Whereas, The stories of heroism were endless as she was known for running into foxholes to reach the wounded while enemy artillery fire was still happening; and

Whereas, Rose V. Davis Forinash West often worked days at a time without relief and one specific story, she was known for performing surgery to remove shrapnel from a wounded soldier's leg in the foxhole before the ambulance could reach him; and

Whereas, Upon her death, President Nixon offered the following citation, "The United States of America honors the memory of Rose V. West. This certificate is awarded by a grateful nation in recognition of devoted and selfless consecration to the service of our country in the Armed Forces of the United States;" and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Rose V. Davis Forinash West; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is requested to name a bridge bearing the bridge number: 21-030/12-000.25 () (21a172), (38.94030, -80.42246) locally known as Hog Hollow w-beam, carrying CR 30/12 over Skin Creek in Lewis County as the "Army Reserve Nurse Rose V. Davis Forinash West Memorial Bridge"; and, be it

Further Resolved, That the commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "Army Reserve Nurse Rose V. Davis Forinash West Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the commissioner of the Division of Highways.

Special Calendar

Third Reading

Com. Sub. for S. B. 469, Permitting and establishing requirements for appearance by video for purpose of notarial acts; 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. 217**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Ellington and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 469) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for H. B. 2174, West Virginia Monument and Memorial Protection Act of 2021; on third reading, coming up in regular order, with amendments pending and the right to amend, was reported by the Clerk.

On motion of Delegates Pushkin, Fluharty, Rowe, Zukoff and Young the bill was amended as follows:

On page 1, section 8c, line 3, by striking out the word “school”.

On page 2, section 8c, line 14, by striking out the word “school”.

On page 2, section 8c, line 19, by striking out the word “school”.

On page 2, section 8c, line 24, by striking out the word “school”;

And,

On page 2, section 8c, line 30, by striking out the word “school”.

Delegate Young moved to amend the bill on page 3, section 8c, line 49, by striking out the period, inserting a colon and the following proviso:

“Provided, That a citizen or citizens of West Virginia may petition for removal of an item, structure, or area described in subsection (b) to the entity exercising control of public property on which an item, structure or area is located, and if the entity refuses to apply for a permit, then that citizen or citizens may request the West Virginia State Historic Preservation Office to issue the permit, and upon its issuance, the entity shall comply.”

On this question, division was demanded and the Speaker declared the amendment adopted.

An amendment, offered by Delegates Hornbuckle, Walker, Pushkin, Fluharty, Young and Hansen was read by the Clerk, on page 3, section 8c, line 43, following the word “Office”, by inserting the words: “for state owned or leased property, or the governing body of a local political subdivision for its owned or leased property,”.

And,

On page 3, Section 8c, line 45, following the word “Office” by inserting the words: “for state owned or leased property, or the governing body of a local political subdivision for its owned or leased property,”.

Delegate Steele arose to inquire of the Chair regarding the amendment conflicting with a previously adopted amendment. The Speaker replied that the amendments did not conflict as a matter of parliamentary procedure.

Delegate Hornbuckle, subsequently asked and obtained unanimous consent that the amendment be withdrawn.

On motion of Delegates Hornbuckle, Rowe and Fluharty, the bill was amended on page 1, section 8c, line 7, by striking out the words “the War between the states” and inserting in lieu thereof the words “the American Civil War”.

On motion of Delegates Hornbuckle, Fluharty and Young, the bill was amended on page 3, section 8c, lines 50 through 53,

following the subsection (e) designation by striking out the following:

“(1) This section shall apply to items, structures, or areas described in subsection (b) in existence prior to January 1, 1970, and those lawfully erected, named or dedicated on or after January 1, 1970.

(2)”.

Delegates Hornbuckle, Fluharty, Hansen and Young moved to amend the bill on page 3, section 8c, line 60, following the period, by inserting the following:

“(g) Any Civil War related monument, memorial, nameplate or plaque that is removed pursuant to this section shall be donated to the Guyandotte Civil War Days, Inc. located in Guyandotte, West Virginia, for retention and display at its museum or upon museum grounds.”

The question being the adoption of the amendment offered by Delegates Hornbuckle, Fluharty, Hansen and Young, the same was put and did not prevail.

Delegates Fluharty, Skaff, Hansen, Rowe and Walker moved to amend the bill on page 2, section 8c, line 13, following the word “disturbed”, by striking out the period and inserting a colon and the following proviso:

“*Provided*, That this subsection does not apply to a statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve which has been erected, named or dedicated in honor of events in our military history that honors any person, group or event that owned slaves or was motivated by racism, bigotry or hate against our citizens, our form of government, or its institutions.”

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. 218**), and there were—yeas 24, nays 74, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Barach, Barrett, Bates, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Ellington and Kessinger.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

An amendment offered by Delegates Pinson, Burkhammer, Foster, Martin and Phillips, was reported by the Clerk, on page 2, section 8c, line 34, following the conclusion of subdivision (5), by inserting a new subsection to read as follows:

“(6) No statue, monument, memorial, nameplate, plaque, historical flag display, school, street, bridge, building, park, preserve, or reserve which has been erected for, or named or dedicated in honor of events of historical religious significance, and is located on public property, may be relocated, removed, altered, renamed, rededicated, or otherwise disturbed.”

And,

Renumbering the remaining subdivision accordingly.

Whereupon,

Delegate Pinson asked and obtained unanimous consent that the amendment be reformed as follows:

On page 2, section 8c, line 34, following the conclusion of subdivision (5), by inserting a new subsection to read as follows:

“(6) No statue, monument, memorial, nameplate, plaque, historical flag display, street, bridge, building, park, preserve, or reserve which has been erected for, or named or dedicated in honor of events of historical religious significance, and is located on

public property, may be relocated, removed, altered, renamed, rededicated, or otherwise disturbed.”

And,

Renumbering the remaining subdivision accordingly.

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. 219**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Rowe.

Absent and Not Voting: Ellington and Kessinger.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

Having been engrossed, the bill was read a third time.

Speaker Pro Tempore Howell in the Chair

Delegate Hornbuckle was addressing the House when Delegate Steele arose to a point of order regarding the Delegate visually displaying a sign during his remarks.

The Speaker Pro Tempore replied, then clarified that the rule applies to the gallery.

Mr. Speaker, Delegate Hanshaw in the Chair

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 220**), and there were, including pairs—yeas 70, nays 28, absent and not voting 2, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Burkhammer Nay: Lovejoy

Nays: Barach, Barrett, Bates, Capito, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Higginbotham, Hornbuckle, Lovejoy, Pack, Pushkin, Queen, Reed, Riley, Rowe, Skaff, Thompson, Walker, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Ellington and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2174) passed.

On motion of Delegate Steele, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2174 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2021; prohibiting the relocation, removal, alteration, renaming, rededication, or other disturbance of any statue, monument, memorial, nameplate, or plaque which is located on public property and has been erected for, or named, or dedicated in honor of certain historical military, civil rights, natural disasters or accidents, Native American events, figures, and organizations, historical religious significance; permitting any citizen of this state to petition the governmental entity that has control of a statue, monument, memorial, nameplate, or plaque; permitting a citizen a mechanism to petition the West Virginia State Historical Preservation Office to remove a statue, monument, memorial, nameplate, or plaque in certain circumstances; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2496, Relating to assessments of real property; 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. 221**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Sypolt.

Absent and Not Voting: Burkhammer, Ellington and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2496) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2499, Tax reduction for arms and ammo manufacturing; 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. 222**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Doyle, Fleischauer, Kimes and Walker.

Absent and Not Voting: Burkhammer, Ellington and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2499) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2633, Creating the 2021 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. 223**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Ellington and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2633) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2742, Providing explicit authority to process an online driver's license or identification renewal or reissuance when the applicant needs to update the address; 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. 224**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Ellington and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2742) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2777, Repeal municipal amusement tax; 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. 225**), and there were—yeas 88, nays 9, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bridges, Doyle, Hansen, Hornbuckle, Pushkin, Rowe, Thompson, Walker and Young.

Absent and Not Voting: Burkhammer, Ellington and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2777) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2782, Repeal domestic animal tax; on third reading, coming up in regular order, was read a third time.

Delegate Martin moved the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 226**), and there were—yeas 58, nays 39, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Anderson, Barach, Bates, Boggs, Brown, Diserio, Doyle, Espinosa, Evans, Fleischauer, Fluharty, Garcia, Graves, Griffith, Hansen, Hornbuckle, Householder, Jennings, D. Kelly, J. Kelly, Linville, Lovejoy, J. Pack, Pethtel, Pushkin, Queen, Rowan, Rowe, Skaff, Storch, Sypolt, Thompson, Walker, B. Ward, Williams, Worrell, Young, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Burkhammer, Ellington and Kessinger.

So, a majority of the members present having voted in the affirmative, the motion prevailed.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 227**), and there were—yeas 76, nays 21, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Boggs, Diserio, Doyle, Evans, Fleischauer, Garcia, Griffith, Hansen, Hornbuckle, J. Kelly, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Burkhammer, Ellington and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2782) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2808, Remove salt from list and definition of “mineral” for severance tax purposes; 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. 228**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Kimes and Zatezalo.

Absent and Not Voting: Brown, Burkhammer, Ellington and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2808) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2823, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code; 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. 229**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Young.

Absent and Not Voting: Brown, Burkhammer, Ellington, Kessinger and Queen.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2823) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2914, To remove certain ex officio, voting members from the Archives and History Commission and update formatting; 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. 230**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Pushkin, Walker and Young.

Absent and Not Voting: Brown, Burkhammer, Ellington, Kessinger and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2914) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3130, Relating to elimination of sunset provisions concerning towing rates; on third reading, coming up in regular order, was reported by the Clerk.

Delegates Capito asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegates Capito and Hanshaw (Mr. Speaker), the bill was amended on page 1, section 2b, line 1, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 2. COMMON CARRIER BY MOTOR VEHICLES

§24A-2-2b. Rule-making authority; establishing rates for recovering, towing, hauling, carrying, or storing wrecked or disabled vehicles; complaint process; ~~and required Legislative Audit.~~

(a) On or before July 1, 2016, the Commission shall promulgate rules to effectuate the provisions of this article: *Provided, That no rules which are promulgated under the authority granted in this section may require a wrecker company to:*

(1) Permit the registered owner or any other person to access the towed vehicle in any manner whatsoever unless and until the registered owner or his or her designee has remitted to the wrecker company all fees and charges which have been lawfully assessed by the wrecker company and for which the registered owner is responsible; or

(2) Destroy or otherwise dispose of a vehicle which has been abandoned by its owner. *Provided, however,* That the Commission may promulgate rules governing the procedures by which a wrecker company may sell a vehicle which has been abandoned by its owner.

(b) The rules promulgated pursuant to the provisions of this section shall describe:

(1) Factors determining the fair, effective, and reasonable rates levied by a carrier for recovering, towing, hauling, carrying, or storing a wrecked or disabled vehicle. The commission shall consider, but shall not be limited to:

(A) Tow vehicle(s) and special equipment required to complete the recovery/or tow;

(B) Total time to complete the recovery or tow;

(C) Number of regular and extra employees required to complete the recovery or tow;

(D) Location of vehicle recovered or towed;

(E) Materials or cargo involved in recovery or tow;

(F) Comparison with reasonable prices in the region;

(G) Weather conditions; and

(H) Any other relevant information having a direct effect on the pricing of the recovery, towing, and/or storage of a recovered or towed vehicle;

(2) The process for filing a complaint, and the review and investigation process to ensure ~~it~~ that each is fair, effective, and timely: *Provided,* That in any formal complaint against a carrier relating to a third-party tow, the burden of proof to show that the carrier's charges are just, fair, and reasonable shall be upon the carrier;

(3) The process for aggrieved parties to recover the cost, from the carrier, for the charge or charges levied by a carrier for recovering, towing, hauling, carrying, or storing a wrecked or disabled vehicle where the commission determines that such charge or charges are not otherwise just, fair, and/or reasonable; and

(4) The process to review existing maximum statewide wrecker rates and special rates for the use of special equipment in towing and recovery work to ensure that rates are just, fair, and reasonable: *Provided, That* the commission shall generally disapprove hourly and flat rates for ancillary equipment.

(c) All carriers regulated under this article shall list their approved rates, fares, and charges on every invoice provided to an owner, operator, or insurer of a wrecker or disabled motor vehicle.

~~(d) The rules promulgated pursuant to this article shall sunset on July 1, 2021, unless reauthorized.~~

~~(e) On or before December 31, 2020, the Legislative Auditor shall review the rules promulgated by the Public Service Commission under this section. The audit shall evaluate the rate-making policy for reasonableness, the complaint process for timeliness, the penalties for effectiveness, and any other metrics the Legislative Auditor deems appropriate. The Legislative Auditor may recommend that the rule be reauthorized, reauthorized with amendment, or repealed.”~~

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 231**), and there were—yeas 57, nays 39, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barach, Boggs, Bridges, Bruce, Conley, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Gearheart, Graves, Griffith, Hanna, Hansen, Holstein, Hornbuckle, Horst, J. Kelly, Kimble, Kimes, Lovejoy, Miller, Nestor, Pethtel, Phillips, Pushkin, Rowe,

Skaff, Storch, Thompson, Tully, Walker, Wamsley, G. Ward, Williams, Young and Zukoff.

Absent and Not Voting: Brown, Burkhammer, Ellington and Kessinger.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3130) passed.

On motion of Delegates Capito and Hanshaw (Mr. Speaker), the title of the bill was amended to read as follows:

H. B. 3130 - “A Bill to amend §24A-2-2b of the Code of West Virginia, 1931, as amended, relating to prohibiting the Public Service Commission from promulgating rules or regulations requiring wrecker companies to permit the registered owner of a towed vehicle to access the vehicle without a fee to retrieve his or her personal property; to restricting the Public Service Commission from promulgating rules requiring wrecker companies to destroy abandoned vehicles in lieu of selling such vehicles; eliminating the sunset provisions for rules promulgated concerning towing rates; to eliminating the provision relating to review of those rules by the legislative auditor; and other technical corrections.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Second Reading

Com. Sub. for S. B. 156, Authorizing Department of Homeland Security to promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF
HOMELAND SECURITY TO PROMULGATE
LEGISLATIVE RULES.**

§64-6-1. Fire Commission.

The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of ~~§29-3-5b~~ §15A-11-5 of this code, relating to the Fire Commission (standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners, 87 CSR 07), is authorized.

§64-6-2. Fire Marshal.

The legislative rule filed in the State Register on August 13, 2020, authorized under the authority of §15A-10-5(a) of this code, relating to the Fire Marshal (standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners, 103 CSR 06), is authorized with the following amendment:

On page six, after subdivision 8.1.a, by adding a new subdivision 8.1.b to read as follows: ‘Each inspector, during the inspection, shall maintain and have readily available the current provisions in paper or electronic format of the appropriate standard for the relevant discipline available for review. The Code Official is responsible for ensuring that this is done, and that the inspector shall inform the building owner or agent, in writing, of the specific violation of the code by number and or title.’

§64-6-3. State Emergency Response Commission.

(a) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §15-5A-5 of this code, relating to the State Emergency Response Commission (emergency planning and community right-to-know, 55 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §15-5A-5 of this code, relating to the State Emergency Response Commission (emergency planning grant program, 55 CSR 02), is authorized with the following amendments:”

On page 1, section 2, by striking out all of subsection 2.4;

And,

By renumbering the remaining subsection.

The bill was then ordered to third reading.

Com. Sub. for S. B. 160, Authorizing Department of Revenue to promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page 4, by striking out all of section four.

By renumbering the remaining sections.

And,

On page 5, section 7, line 3, by striking §11-5C-5(b) and inserting in lieu thereof “11-1C-5(b)”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 182, Authorizing miscellaneous agencies and boards to promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk, on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.

§64-9-1. Commissioner of Agriculture.

(a) The legislative rule filed in the State Register on August 27, 2020, authorized under the authority of §19-9-2 of this code, relating to the Commissioner of Agriculture (animal disease control, 61 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on August 27, 2020, authorized under the authority of §19-16-6 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 23, 2020, relating to the Commissioner of Agriculture (West Virginia Seed Law, 61 CSR 09), is authorized.

(c) The legislative rule filed in the State Register on August 17, 2020, authorized under the authority of §19-2B-3 of this code, relating to the Commissioner of Agriculture (inspection of meat and poultry, 61 CSR 16), is authorized.

(d) The legislative rule filed in the State Register on July 27, 2020, authorized under the authority of §19-9-2 of this code, relating to the Commissioner of Agriculture (poultry litter and manure movement into primary poultry breeder rearing areas, 61 CSR 28), is authorized.

(e) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §19-16-3a of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 22, 2020, relating to the Commissioner of Agriculture (seed certification program, 61 CSR 39), is authorized.

(f) The legislative rule filed in the State Register on September 21, 2020, authorized under the authority of §19-22E-8 of this code, relating to the Commissioner of Agriculture (WV-exempted dairy

farms and milk and milk products processing rules, 61 CSR 40), is authorized.

§64-9-2. Auditor.

The legislative rule filed in the State Register on September 17, 2020, authorized under the authority of §12-3-10 of this code, modified by the Auditor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 19, 2020, relating to the Auditor (standards for requisitions for payment issued by state officers on the Auditor, 155 CSR 01), is authorized with the following amendments:

On page 2, subsection 2.15., by striking the word “or” and following the acronym “(PRC)”, by inserting the following, “, or WIRE”;

On page 4, subdivision 3.1.3., after the word “signature.” by adding a new sentence to read as follows, “Alternative certifications may be approved by the Auditor if required by business processes.”;

On page 10, by inserting a new subsection 12.2. to read as follows:

“12.2. The auditor may approve alternative documents if necessitated by business processes.”;

And,

On page 10, subsection 13.1., following the words “For all nonrecurring wires, the”, by inserting the following, “State Treasurer’s Office (STO)”.

§64-9-3. Board of Funeral Service Examiners.

(a) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §30-6-6 of this code, modified by the Board of Funeral Service Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 18, 2020, relating to the

Board of Funeral Service Examiners (funeral director, embalmer, apprentice, courtesy card holders, and funeral establishment requirements, 6 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of §30-6-6 of this code, modified by the Board of Funeral Service Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 18, 2020, relating to the Board of Funeral Service Examiners (crematory requirements, 6 CSR 02), is authorized with the following amendments:

On page 3, after paragraph 4.1.1.6. by adding a new subdivision 4.1.3. to read as follows:

“4.1.3. An applicant must attend a crematory operator certification program approved by the Board prior to submitting an application. The completion certificate must be submitted with the registration application.”;

And,

On page 21, Subdivision 22.5.3., by striking out the words “or courtesy card holder”.

(c) The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of §30-6-6 of this code, modified by the Board of Funeral Service Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 18, 2020, relating to the Board of Funeral Service Examiners (fee schedule, 6 CSR 07), is authorized with the following amendment:

On page 3, Subdivision 4.2.2., by striking out the words “three hundred fifty dollars (\$350.00)” and inserting in lieu thereof the words “two hundred seventy five dollars (\$275.00)”

§64-9-4. Board of Hearing Aid Dealers.

The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §30-26-3 of this code,

modified by the Board of Hearing Aid Dealers to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 1, 2020, relating to the Board of Hearing Aid Dealers (rule governing the West Virginia Board of Hearing Aid Dealers, 8 CSR 01), is authorized.

§64-9-5. Board of Landscape Architects.

(a) The legislative rule filed in the State Register on August 27, 2020, authorized under the authority of §30-22-7 of this code, modified by the Board of Landscape Architects to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 1, 2020, relating to the Board of Landscape Architects (registration of landscape architects, 9 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §30-22-7 of this code, modified by the Board of Landscape Architects to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 23, 2020, relating to the Board of Landscape Architects (application for waiver of initial licensing fees for certain individuals, 9 CSR 04), is authorized.

§64-9-6. Livestock Care Standards Board.

The legislative rule filed in the State Register on August 21, 2020, authorized under the authority of §19-1C-4 of this code, relating to the Livestock Care Standards Board (livestock care standards, 73 CSR 01), is authorized.

§64-9-7. Board of Medicine.

The legislative rule filed in the State Register on June 24, 2020, authorized under the authority of §30-3-7 of this code, relating to the Board of Medicine (registration to practice during declared state of emergency, 11 CSR 14), is authorized.

§64-9-8. Municipal Pensions Oversight Board.

The legislative rule filed in the State Register on August 7, 2020, authorized under the authority of §8-22-18a of this code,

modified by the Municipal Pensions Oversight Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 17, 2020, relating to the Municipal Pensions Oversight Board (exempt purchasing, 211 CSR 02), is authorized.

§64-9-9. Board of Occupational Therapy.

The legislative rule filed in the State Register on August 10, 2020, authorized under the authority of §30-28-7 of this code, relating to the Board of Occupational Therapy (telehealth practice requirements, definitions, 13 CSR 09), is authorized.

§64-9-10. Board of Osteopathic Medicine.

(a) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §30-14-14 of this code, modified by the Board of Osteopathic Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 23, 2020, relating to the Board of Osteopathic Medicine (licensing procedures for osteopathic physicians, 24 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on June 22, 2020, authorized under the authority of §30-14-14 of this code, modified by the Board of Osteopathic Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 23, 2020, relating to the Board of Osteopathic Medicine (emergency temporary permits to practice during states of emergency or states of preparedness, 24 CSR 09), is authorized.

§64-9-11. Board of Pharmacy.

(a) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §30-5-7 of this code, relating to the Board of Pharmacy (licensure and practice of pharmacy, 15 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §60A-3-301 of this

code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2020, relating to the Board of Pharmacy (Uniform Controlled Substances Act, 15 CSR 02), is authorized.

(c) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2020, relating to the Board of Pharmacy (board of pharmacy rules for continuing education for licensure of pharmacists, 15 CSR 03), is authorized.

(d) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §60A-8-9 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2020, relating to the Board of Pharmacy (licensure of wholesale drug distributors, third-party logistics providers, and manufacturers, 15 CSR 05), is authorized.

(e) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2020, relating to the Board of Pharmacy (Controlled Substances Monitoring Program, 15 CSR 08), is authorized.

(f) The legislative rule filed in the State Register on September 4, 2020, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2020, relating to the Board of Pharmacy (board of pharmacy rules for immunizations administered by pharmacists and pharmacy interns, 15 CSR 12), is authorized.

§64-9-12. Board of Physical Therapy.

(a) The legislative rule filed in the State Register on October 19, 2020, authorized under the authority of §30-20-6 of this code,

modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 18, 2020, relating to the Board of Physical Therapy (general provisions for physical therapist and physical therapist's assistants, 16 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §30-20-6 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 16, 2020, relating to the Board of Physical Therapy (fees for physical therapist and physical therapist's assistants, 16 CSR 04), is authorized.

(c) The legislative rule filed in the State Register on October 19, 2020, authorized under the authority of §30-20A-2 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 21, 2020, relating to the Board of Physical Therapy (general provisions for athletic trainers, 16 CSR 05), is authorized.

(d) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §30-20A-2 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 16, 2020, relating to the Board of Physical Therapy (fees for athletic trainers, 16 CSR 06), is authorized.

§64-9-13. Board of Professional Surveyors.

The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of §30-13A-6 of this code, modified by the Board of Professional Surveyors to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 19, 2020, relating to the Board of Professional Surveyors (examination and licensing of professional surveyors in West Virginia, 23 CSR 01), is authorized.

§64-9-14. Real Estate Commission.

The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of §30-40-8 of this code, modified by the Real Estate Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2020, relating to the Real Estate Commission (licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business, 174 CSR 01), is authorized.

§64-9-15. Board of Respiratory Care.

The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §30-34-6 of this code, modified by the Board of Respiratory Care to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 17, 2020, relating to the Board of Respiratory Care (criteria for licensure, 30 CSR 01), is authorized.

§64-9-16. Secretary of State.

(a) The legislative rule filed in the State Register on June 23, 2020, authorized under the authority of §3-1-48 of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 4, 2020, relating to the Secretary of State (loan and grant programs under the Help America Vote Act for the purchase of voting equipment, election systems, software, services, and upgrades, 153 CSR 10), is authorized.

(b) The legislative rule filed in the State Register on June 25, 2020, authorized under the authority of §39-4-25 of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 4, 2020, relating to the Secretary of State (guidelines and standards for electronic notarization, 153 CSR 45), is authorized.

§64-9-17. Bureau of Senior Services.

The legislative rule filed in the State Register on August 25, 2020, authorized under the authority of §16-5P-6 of this code,

modified by the Bureau of Senior Services to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 30, 2020, relating to the Bureau of Senior Services (shared table initiative for senior citizens, 76 CSR 06), is authorized with the following amendments:

On page 1, subsection 1.1., by striking out “Share tables are tables or stations where food service staff, senior citizens, and volunteers may return unopened prepackaged items, whole fruit and unopened beverage items they choose not to eat. These food and beverage items are then available to other senior citizens who may need additional nutritional servings.”;

On page 1, section 2, by adding a new subsection 2.6 to read as follows:

“2.6. “Sharing tables” are tables or stations at senior centers or other locations where congreg7ate meals are provided to senior citizens where senior citizens may return unopened prepackaged items, whole fruit and unopened beverage items they choose not to eat. These food and beverage items are then available to other senior citizens who may need additional nutritional servings.”;

On page 2, section 3, by striking out all of subsection 3.1 and inserting in lieu thereof the following:

“3.1. Any unopened pre-packaged items, including, but not limited to pretzels, crackers, bags of fruits and vegetables stored in a cooling bin, wrapped whole fruit, such as apples and bananas and unopened milk which has been stored in a cooling bin maintained at 41 degrees Fahrenheit or below may be distributed at a sharing table. Nutrition providers shall be aware of and comply with all Federal, state, and local laws, rules, regulations, and codes regarding standards for the preparation and distribution of food and beverages.”;

On page 2, section 4, by striking out all of subsection 4.1. and inserting in lieu thereof the following:

“4.1. “Food and beverages which may be distributed under section three of this rule may be distributed at sharing table or to senior citizens who receive home-delivered meals.”;

On page 2, subsection 5.1. after the words “serving times or” by inserting the words “the food or beverage item”;

On page 2, subsection 5.1. by deleting the words “where the Federal and State standards have been maintained”;

On page 2, section 6, by striking out all of subsection 6.1 and inserting in lieu thereof the following:

“Senior centers or other locations where congregate meals are provided to senior citizens’ which receive, prepare, or donate food and beverages to a food bank or other nonprofit charitable organization under this rule, shall comply with and are subject to the Good Samaritan Food Donation Act, W.Va. Code §55-7D-1 *et seq.*”;

And,

On page 2, section 6, by striking out all of subsection 6.2.

On motion of Delegate Foster, the amendment offered by the Committee on Government Organization, was amended on page 4, section 1, line 21, by striking §19-22E-8 and inserting in lieu thereof §19-11E-8.

The amendment recommended by the Committee on Government Organization, as amended, was then adopted.

The being no further amendments, the bill was ordered to third reading.

Com. Sub. for H. B. 2026, Relating to the modernization of the collection of income taxes by adopting uniform provisions relating to the mobile workforce; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2796, Supplemental appropriation bill is to expire funds to the surplus balance of General Revenue and to supplement and increase an item of appropriation in the aforesaid account for the designated spending unit for expenditure during the fiscal year 2021; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2829, Providing for the amortization of annual funding deficiencies for municipal police or firefighter pension and relief funds; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2897, Expiring funds to the balance of the Department of Commerce; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2899, Making a supplementary appropriation to the Department of Commerce; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2920, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 9, Continuing Licensed Racetrack Modernization Fund,

S. B. 10, Modifying racetrack licensing due date,

S. B. 305, Providing exemption from consumers sales and service tax for certain aircraft maintenance,

Com. Sub. for H. B. 2195, Relating to motor vehicle crash reports,

Com. Sub. for H. B. 2368, Mylissa Smith's Law, creating patient visitation privileges,

Com. Sub. for H. B. 2760, Relating to economic development incentive tax credits,

H. B. 2874, Extend the current veteran's business fee waivers to active duty military members, their spouses and immediate family members,

Com. Sub. for H. B. 2933, Anti-Discrimination Against Israel Act,

And,

H. B. 3010, To extend the special valuation method for cellular towers to towers owned by persons not subject to regulation by the Board of Public Works,

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington and Kessinger.

Miscellaneous Business

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 3137: Delegate Barrett;

H. B. 3107: Delegate L. Pack;

H. B. 3191: Delegate Hott;

H. B. 3215: Delegate Pinson;

H. B. 3225: Delegate Worrell;

H. B. 3238: Delegate Worrell;

And,

H. B. 3293: Delegate Phillips.

At 2:50 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 22, 2021.

Monday, March 22, 2021

FORTY-FIRST DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Friday, March 19, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 3191, Requiring employers to send certain notifications when retirants are hired as temporary, part-time employees,

And reports the same back with the recommendation that it do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. J. R. 3, Property Tax Modernization Amendment,

And reports the same back, with amendment, with the recommendation that it be adopted, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the resolution (H. J. R. 3) was referred to the Committee on the Judiciary.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 3137, To accelerate the conversion of the transfer tax on the privilege of transferring real property from a state excise tax to a county excise tax,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3137 - "A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax,"

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 3231, Public Utilities not required to pay interest on security deposits,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3231 - "A Bill to amend and reenact §24-3-8 of the Code of West Virginia, 1931, as amended, relating to public utility security deposits and interest thereon; prohibiting the charging of interest on security deposits held for up to eighteen months; and updating reference to prior law,"

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Capito, Fast, Young, L. Pack, Lovejoy, Zukoff and Pushkin:

H. B. 3294 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21A-2D-1, §21A-2D-2, §21A-2D-3, §21A-2D-4, §21A-2D-5, §21A-2D-6, §21A-2D-7, §21A-2D-8, and §21A-2D-9; amending said code by adding thereto a new article designated §21A-6B-1, §21A-6B-2, §21A-6B-3, §21A-6B-4, §21A-6B-5, §21A-6B-6, and §21A-6B-7, all generally relating to unemployment insurance; creating the Unemployment Insurance Program Integrity Act; providing short title; providing definitions; providing the commissioner, on a weekly basis, check unemployment insurance rolls against Division of Corrections and Rehabilitation’s list of imprisoned individuals, check new hire records against the National Directory of New Hires, and check unemployment insurance rolls against the Integrity Data Hub; providing for data sharing between Workforce West Virginia and other departments, agencies, or divisions; providing for action by bureau to make new eligibility determinations; requiring commissioner to implement internal administrative policies regarding the recovery of fraudulent unemployment overpayments, cooperative agreements with the U.S. Department of Labor to investigate unemployment fraud, and recover overpayments of unemployment benefits; providing a mechanism for an employer to contact Workforce when an employee is offered their job back but refuses to be rehired; reporting of relevant data, to the extent permitted by federal law, by commissioner to the Legislature; providing for rulemaking; providing an effective date; establishing the Short Time Compensation Program within Workforce West Virginia; defining terms; providing that the commissioner of Workforce West Virginia establish and implement a short-time compensation program by July 1, 2023; requiring program to meet applicable federal and state law; providing that an employer that wishes to

participate submit an application; requiring the commissioner to develop an employer application form to request approval of a plan and an approval process to participate in the program; establishing requirements for an application; providing procedure for commissioner approval or disapproval of a plan; providing for the effective date of a plan, expiration of a plan, revocation of a plan, and modification of a plan; employee eligibility requirements to receive short-time compensation under a plan; prescribing employee benefits and limitations on benefits; and providing for rulemaking.”

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2726, Allowing for the lease of air space above public roads for the safe operation of unmanned aircraft,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2726 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-30-1 and §17-30-2; to amend and reenact §29-2A-3 and §29-2A-12 of said code; and to amend said code by adding thereto a new section, designated §29-2A-12a, all relating to use of airspace; use of space above and below public roads; permit by political subdivisions of space above or below public roads owned or controlled by political subdivisions; procedure to be followed in permitting by political subdivisions of space above or below public roads owned or controlled by political subdivisions; powers and duties of the West Virginia State Aeronautics Commission; operation of manned aircraft at low altitude; low or dangerous flight of unmanned aircraft; landing of unmanned aircraft on land or water of another;”

H. B. 2953, To clarify that counties can hire fire fighters as paid staff and to modify the existing procedures to include a procedure of public hearing to commission a vote,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2953 - “A Bill to amend and reenact §7-17-3 and §7-17-12 of the Code of West Virginia, 1931, as amended, all relating to clarifying that counties may hire firefighters as paid staff; delineating that a county commission may contract with the fire department of any political subdivision for fire protection services; and, modifying the existing procedures for amending fire fees to add a procedure for a referendum to take place without the current threshold requiring 10 percent of voters petitioning for such referendum,”

And,

H. B. 3293, Relating to single-sex participation in interscholastic athletic events,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3293 - “A Bill to amend and reenact §18-2-5c and §18-2-25 of the Code of West Virginia, 1931, as amended, all relating to single-sex participation in interscholastic athletic events; providing county school districts must confirm the sex of pupil at time of birth prior to pupil’s participation in single-sex interscholastic athletic events under the control, supervision, and regulation of the West Virginia Secondary Schools Activities Commission; providing sex at birth be identified by original birth certificate or by a signed physician’s statement; providing that the commission must verify with each county board that each student participating in single-sex interscholastic events is participating according to the student’s sex at the time of the student’s birth; and clarifying that these requirements do not apply to co-educational secondary school interscholastic athletic events,”

With the recommendation that the committee substitutes each do pass.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 19, 2021, he approved **Com. Sub. for S. B. 126, Com. Sub. for S. B. 272, Com. Sub. for S. B. 277, S. B. 296, S. B. 338 and S. B. 372.**

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 2709, Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the title amendment of the House of Delegates and the passage, as amended, of

S. B. 404, Modifying well work permits issued by DEP Office of Oil and Gas.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 2764, Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 422 - “A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to establishing that the intent and policy of the Legislature is that common law corporate ‘veil piercing’ claims may not be used to impose personal liability on a member or manager of a limited liability company; and nullifying the Supreme Court of Appeals of West Virginia’s decision in *Joseph Kubican v. The Tavern, LLC*. 232 W.Va. 268, 752 S.E.2d 299 (2013)”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

S. B. 531 - “A Bill to amend and reenact §11-10-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-10-14e, all relating to incomplete, duplicative, or redundant claims for refund; providing that interest does not run a claim for refund until a lawful, mathematically, uncontested correct claim for refund has been filed; providing for definitions; providing that incomplete, overlapping, duplicative, and conflicting claims for refund or credit will be rejected and requiring taxpayers to file one comprehensive claim for refund or credit; providing that the Tax Commissioner may require additional documentation to substantiate claims for refund or credit; providing time for the Tax Commissioner to review the documentation before any appeal; and clarifying existing language”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

S. B. 532 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5ee, relating to limitations on claiming state tax credits and rebates;

and providing rule-making authority”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 626 - “A Bill to amend and reenact §61-3-49 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3-49c, all relating to the purchase and possession of certain scrap metal; updating the regulation of the purchase of automobile catalytic converters; requiring certain evidence and documentation from a seller of an automobile catalytic converter; placing restrictions on the payment for automobile catalytic converters; placing restrictions on the sale or transfer of an automobile catalytic converter by a scrap metal dealer; requiring scrap metal dealer to record identifying information on a catalytic converter; creating the criminal offense of possession of a catalytic converter without proof of ownership or authority to possess; requiring that persons charged with possession of a single catalytic converter are to be charged by citation and not be subject to arrest; establishing an absolute defense to the criminal action; and establishing criminal penalties”; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Veterans’ Affairs and Homeland Security then Rules:

S. C. R. 20 - “Expressing support for the Jones Act and celebrating the centennial anniversary of the Jones Act.”

Whereas, West Virginia is committed to creating and maintaining a safe, effective, and efficient transportation system

that enhances opportunity for the people and communities of West Virginia and the United States; and

Whereas, The current pandemic has demonstrated the critical importance of maintaining resilient domestic industries and transportation services to the citizens and workforce of West Virginia; and

Whereas, The Merchant Marine Act of 1920, known as the Jones Act and codified in Title 46 of the United States Code, requires that vessels carrying cargo between locations in the United States be owned by American companies, crewed by American mariners, and built in American shipyards; and

Whereas, America's ability to project and deploy forces globally, and supply and maintain military installations domestically, depends on the civilian fleet of Jones Act vessels and mariners; and

Whereas, Mariners aboard Jones Act vessels strengthen America's homeland security as added eyes and ears monitoring the nation's 95,000 miles of shoreline and 25,000 miles of navigable inland waterways; and

Whereas, West Virginia is home to over 3,300 maritime jobs supported by the Jones Act, which generates \$171.7 million in labor income; and

Whereas, Maritime industry jobs create ladders of opportunity through high-paying, family wage careers that offer significant career advancement without generally necessitating advanced formal education and extensive student loans; and

Whereas, The more than 40,000-vessel strong Jones Act fleet supports nearly 650,000 family wage jobs and over \$154 billion in economic output nationally, and \$800 million to the West Virginia economy; therefore, be it

Resolved by the Legislature of West Virginia:

That the Senate expresses its support for the Jones Act and celebrates the centennial anniversary of the Jones Act; and, be it

Further Resolved, That the Senate affirms its resolute support for the Jones Act and in fostering a strong domestic maritime industry that is critical to West Virginia's and the nation's economic prosperity and national security; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to each member of the West Virginia Congressional Delegation

Resolutions Introduced

Delegate Mazzocchi offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 62 - "Requesting the Division of Highways name bridge number 23-044/00-011.44 (23A309), locally known as Switzer Monty Bro Bridge, carrying West Virginia Route 44 over Island Creek in Logan County, the 'U.S. Air Force Major Samuel Wilson Rogers, Jr. Memorial Bridge'."

Whereas, Samuel Wilson Rogers, Jr., later known as 'Sam' was born to Samuel Rogers, Sr., and Delphia Rogers at Sarah Ann, in Logan County, on November 2, 1939; and

Whereas, Sam Rogers enlisted in the United States Air Force in 1957 and during his time in this service, he obtained a high school diploma, an undergraduate degree from the University of Nebraska at Omaha, and a master's degree from Troy State University; and

Whereas, Sam Rogers retired from the Air Force in 1988 after serving 31 years; and

Whereas, Following his military service; Sam Rogers became the West Virginia University Extension Agent for Logan County and he wrote a weekly column for the Logan Banner newspaper; and

Whereas, Sam Rogers was also a devoted member of the Logan County Historical Society and he authored three books about Logan County; and

Whereas, Sam Rogers passed away on June 17, 1999, and was subsequently buried at Arlington National Cemetery with full military honors; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Air Force Major Samuel Wilson Rogers, 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 23-044/00-011.44 (23A309), locally known as Switzer Monty Bro Bridge, carrying West Virginia Route 44 over Island Creek in Logan County, the “U.S. Air Force Major Samuel Wilson Rogers, 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. Air Force Major Samuel Wilson Rogers, Jr. Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the commissioner of the Division of Highways.

Delegate Barrett offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 63 - “Requesting the Division of Highways name bridge number 02-009/56-000.25 (02A166), (39.46467, - 77.96611) locally known as Raleigh Street over Winchester and Western RR South, carrying CR 9/56 over Winchester & Western RR in Berkeley County, the ‘Mayor George Karos Bridge’.”

Whereas, George Karos, Mayor of Martinsburg, West Virginia was born September 10, 1931, in Martinsburg, West Virginia. He attended local schools, graduating from Martinsburg High School.

After high school, he attended Shepherd College and received his Bachelor of Science Degree in Pharmacy from the Medical College of Virginia, School of Pharmacy in Richmond, Virginia. Before receiving his degree, he served in the United States Navy as a hospital corpsman and attained the rank of PO3; and

Whereas, Mayor George Karos was the previous owner and operator of Patterson's Drug Store, Inc. and is now retired, since June, 2015. He has received numerous awards for his devotion to civic and church activities, including the Sam Walton Wal-Mart Business Leadership Award for Service to the Customer; the West Virginia A.H. Robin's Award for Outstanding Service to the Community and to Pharmacies in West Virginia and the West Virginia School of Pharmacy Honorary Alumnus Award; and

Whereas, George Karos has served the City of Martinsburg for more than four decades, including five terms as Mayor; and

Whereas, During his tenure, Mayor Karos was part of numerous multiple public capital-improvement and economic development projects, including the construction of the current city hall building, in the mid-1980s, the development of the Foxcroft Avenue commercial district, annexation of more than 700 acres west of Interstate 81, construction of the Caperton Train Station and the redesign of the town square, gateway signage and police department-municipal court building projects, as well as the extension of North Raleigh Street, from West Race Street to Edwin Miller Boulevard; and

Whereas, Mayor George Karos is also the recipient of "Who's Who in West Virginia Business", presented by the West Virginia State Journal, and has received the honor of 'Distinguished Citizenship Award — Lodge #778" by the Grand Lodge Elks USA. Mr. Karos was awarded the "Paul Harris Fellow Award for Humanity" from the Martinsburg International Rotary Club as well as the Chamber of Commerce "C. Leslie Golliday Award for Small Businessman of the Year"; and

Whereas, In August 2007, Mayor George Karos received the "2007 Mayor of the Year" award, presented by the West Virginia

Municipal League. He was awarded “Man of the Year 2008-2009” by the Berkeley County Chamber of Commerce sponsored by the Journal and in May 2009 Main Street Martinsburg bestowed the honor of “Public Official of the Year” on Mayor Karos. George Karos has also been listed in the “Top 25 Most Influential People in the Eastern Panhandle” as chosen by the Journal; and

Whereas, Professional affiliations of Mayor George Karos include president of the West Virginia Board of Pharmacy; member of the Chamber of Commerce; Berkeley County Development Authority; Berkeley County Health Department, the Eastern Panhandle Builder’s Association, the Rotary and Elks Club, Martinsburg/Berkeley County Library, the West Virginia and Virginia Pharmaceutical Association, the American Pharmaceutical Association and Eastern Panhandle Academy of Pharmacy; director of City National Bank; past president of Martinsburg/Berkeley County Chamber of Commerce; past Senior Warden of Trinity Episcopal Church; past member, officer and director of Berkeley County War Memorial Park and past member of Martinsburg Planning and Zoning Commission. He is also a member of the Equality Lodge #144 AF&M; Martinsburg Scottish Rite 32; Osiris Temple A.A.O.N.M.S., Wheeling, WV and Royal Order of Jesters #117, Cumberland, MD; and

Whereas, Mayor George Karos is also a member of the Governor’s Advisory Council on Substance Abuse and President and Director of Kings Daughter Housing, Inc. and Associates for Community Development, as well as a member of the Board of Directors for the Eastern WV Community Foundation; and

Whereas, Mayor George Karos is married to M. Renee Burkhart and has two children by his late wife, Sophia M. Karos: his daughter, Maria K. Karos, and his son, George K. Karos; and

Whereas, It is fitting that an enduring tribute be established to commemorate Mayor George Karos and his contributions to the City of Martinsburg, 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 02-009/56-000.25 (02A166), (39.46467, - 77.96611) locally known as Raleigh Street over Winchester and Western RR South, carrying CR 9/56 over Winchester & Western RR in Berkeley County, the “Mayor George Karos 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 “Mayor George Karos Bridge”; and, be it

Further Resolved, That the Clerk of the House is hereby directed to forward a copy of this resolution to the commissioner of the Division of Highways.

Delegates Forsht, Bruce, Conley, Hardy, Horst, Householder, Kessinger, Longanacre, Mallow, Miller, Reed and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 64 - “Requesting the Division of Highways name bridge number: 02-032/00-001.22 (02A152), (39.40678, - 78.02421) locally known as Tablers Station Overpass, carrying CR 32 over I 81 (X) in Berkeley county, the ‘Deputy CPL Scott D. Myers Memorial Bridge’.”

Whereas, Scott Douglas Myers was born on September 13, 1961, in Martinsburg WV, the second of six children of Cecil A. Myers and Virginia Ann Myers (Willen). Growing up, Scott lived his life in the area of Poor House Road in Martinsburg and attended Musselman High school; and

Whereas, Scott D. Myers met his wife Penny D. Myers (Brining) on May 16, 1987 and they married May 16, 1997; and

Whereas, Scott D. Myers was enlisted in the military with the 157th Army National Guard (Jan. 1981-Jan.1987); and

Whereas, Scott D. Myers had his own business called S&D plumbing (1990-1995), was an employee of Roach Oil Company

from 1995 until 2002 when he became a deputy sheriff for the Berkeley County Sheriff's Dept. in Martinsburg WV; and

Whereas, Deputy CPL Scott D. Myers during his years with the Berkeley County Sheriff's Department was promoted to Deputy CPL; however, he unfortunately had to medically retire due to being diagnosed with cancer in 2009 and underwent surgery in 2013, ending his career; and

Whereas, Deputy CPL Scott D. Myers was a very notable and respected man within the community of Berkeley County. He volunteered with the South Berkeley Fire Department and the Berkeley County Deputy Reserves as a K-9 Handler; and

Whereas, Many children in Berkeley County were very well influenced by Deputy CPL Scott D. Myers as well. He was a role model and a mentor to many as a coach and referee, and for several years, coached baseball in Berkeley County Little League as well as Martinsburg Girls Softball; and

Whereas, Deputy CPL Scott D. Myers served on the Berkeley County Civil Service Commission; he also was a Republican candidate for Berkeley County Sheriff in 2012 as well as a candidate for the Martinsburg City Council in 2020 and remained on the ballot even after his passing; and

Whereas, Deputy CPL Scott D. Myers was a notable deputy; he was recognized by the M.A.D.D organization for his outstanding ability to remove drunk drivers off the road; as a deputy reserve, Deputy CPL Scott D. Myers has found many missing persons, from the Appalachian trail up to Sleepy Creek; and

Whereas, Deputy CPL Scott D. Myers passed away, due to cancer, at his home on July 7 2020, surrounded by all of his loved ones. He is survived by his wife, Penny (Brining) Myers; one daughter, Erin J. Myers; two sons, Corey Gano and wife, Cindy, and James Gano; grandchildren, Jaidyn, Carmyn, Logan, Claire and J.G.; two brothers, Jeff Myers, and Dwayne Myers and wife,

Brittany; three sisters, Mary Myers, Lisa Dawson, and Sandy Hess and husband, David; and numerous nieces and nephews; and

Whereas, It is fitting that an enduring memorial be established to commemorate the life of Deputy CPL Scott D. Myers 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: 02-032/00-001.22 (02A152), (39.40678, -78.02421) locally known as Tablers Station Overpass, carrying CR 32 over I 81 (X) in Berkeley county, the “Deputy CPL Scott D. Myers 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 CPL Scott D. Myers Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Holstein offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 65 - “Requesting the Division of Highways name bridge number 03-001/00-008.66 (03A004), (38.18093,-81.70618) locally known as Falling Rock Br 8.66, carrying CR 1 over Falling Rock Creek in Boone County, the ‘Alex Perdue Memorial Bridge’.”

Whereas, Alex Perdue was born June 2, 2005, in Ashford, West Virginia, to Dema and Ben Perdue; and

Whereas, Alex Perdue attended Ashford Rumble Elementary School, in Ashford, West Virginia, and Sherman Jr. High School in Seth, West Virginia; and

Whereas, Alex was known for his love of hunting and sports; Alex was always happy to help anyone with anything and did so with a smile and a happy heart; and

Whereas, Alex Perdue was fatally wounded in an ATV accident at the young age of 14, leaving behind family, friends, and a community who adored him; and

Whereas, Alex Perdue, died on Saturday, January 11, 2020 and his outgoing personality and kindness has been greatly missed by the community; and

Whereas, It is fitting that an enduring memorial be established to commemorate the life of Alex Perdue 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 03-001/00-008.66 (03A004), (38.18093, -81.70618) locally known as Falling Rock Br 8.66, carrying CR 1 over Falling Rock Creek in Boone County, the ‘Alex Perdue 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 ‘Alex Perdue Memorial Bridge’; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the commissioner of the Division of Highways.

Special Calendar

Third Reading

Com. Sub. for S. B. 156, Authorizing Department of Homeland Security 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. 232**), and there were—yeas 93, nays 2, absent

and not voting 5, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Hamrick, Higginbotham, Maynard, Steele and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 156) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 233**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Hamrick, Higginbotham, Maynard, Steele and Thompson.

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. 156) 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. 160, Authorizing 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. 234**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Fast, Miller, Paynter, Pinson and Worrell.

Absent and Not Voting: Hamrick, Higginbotham and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 160) passed.

An amendment to the title of the bill, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the title to read as follows:

S. B. 160 - “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; directing the amendment of a legislative-exempt rule 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 distilleries, mini-distilleries, and micro-distilleries; relating to authorizing the Financial Institutions Division to promulgate a legislative rule relating to a rule pertaining to the Fintech Regulatory Sandbox; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to fingerprinting requirements for applicants for insurance producer and insurance adjuster license; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance adjusters; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance continuing education for individual insurance producers and individual insurance adjusters; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to mental health parity; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to health benefit plan network access and adequacy; 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 greyhound racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to advance deposit account wagering; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery interactive wagering rule; relating to directing the State Tax Department to amend a legislative-exempt rule relating to valuation of farmland and structures situated thereon for ad valorem property tax purposes; relating to authorizing the State Tax Department to promulgate a legislative rule relating to a tax credit for providing vehicles to low-income workers; relating to authorizing the State Tax Department to promulgate a legislative rule relating to the downstream natural gas manufacturing investment tax credit; and relating to authorizing the State Tax Department to promulgate a legislative rule relating to the high-wage growth business tax credit.”

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 235**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Paynter, Pinson and Worrell.

Absent and Not Voting: Hamrick, Higginbotham 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. 160) 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. 182, Authorizing miscellaneous agencies and boards 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. 236**), and there were—yeas 97, nays 1, absent

and not voting 2, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Higginbotham and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 182) passed.

An amendment to the title of the bill, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 182 - "A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed, as modified 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 animal disease control; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Seed Law; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to a seed certification program; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia-exempted dairy farms and milk and milk products processing rules; authorizing the Auditor to promulgate a legislative rule relating to standards for requisitions for payment issued by state officers on the Auditor; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders and funeral establishment requirements; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to

crematory requirements; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to a fee schedule; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to governing the West Virginia Board of Hearing Aid Dealers; authorizing the Board Landscape Architects to promulgate a legislative rule relating to registration of landscape architects; authorizing the Board of Landscape Architects to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Livestock Care Standards Board to promulgate a legislative rule relating to livestock care standards; authorizing the Board of Medicine to promulgate a legislative rule relating to registration to practice during declared state of emergency; relating to authorizing the Municipal Pensions Oversight Board to promulgate a legislative rule relating to exempt purchasing; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to telehealth practice requirements, and definitions; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to emergency temporary permits to practice during states of emergency or state of preparedness; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substances Act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for continuing education for licensure of pharmacists; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure of wholesale drug distributors, third-party logistics providers, and manufacturers; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Controlled Substances Monitoring Program; authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy Rules for immunizations administered by pharmacists and pharmacy interns; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for physical therapist and physical therapist's assistants; authorizing the Board of

Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist's assistants; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for athletic trainers; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for athletic trainers; authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to examination and licensing of professional surveyors in West Virginia; authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to criteria for licensure; authorizing the Secretary of State to promulgate a legislative rule relating to loan and grants programs under the Help America Vote Act (HAVA) for the purchase of voting equipment, election systems, software, services, and upgrades; authorizing the Secretary of State to promulgate a legislative rule relating to guidelines and standards for electronic notarizations; and authorizing the Board of Senior Services to promulgate a legislative rule relating to a shared table initiative for senior citizens.”

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 237**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Higginbotham 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. 182) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2026, Relating to the modernization of the collection of income taxes by adopting uniform provisions relating to the mobile workforce; on third reading, coming up in regular order, was read a third time.

During debate on the bill, Delegate Fluharty arose to a point of order regarding the enforcement of H. R. 5 and the wearing of face masks. The Speaker instructed all members to wear masks and also instructed members to not use vulgarity on the floor of the House.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 238**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Martin and Miller.

Absent and Not Voting: Higginbotham, Hornbuckle and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2026) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2796, Expiring funds from the WV Board of Examiners for Registered Professional Nurses and making a supplementary appropriation to the Department of Commerce, Development Office; on third reading, coming up in regular order, was read a third time.

Delegate Tully requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 239**), and there were—yeas 97, nays 1, absent

and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2796) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 240**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2796) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2829, Providing for the amortization of annual funding deficiencies for municipal police or firefighter pension and relief funds; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 241**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Higginbotham and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2829) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2897, Expiring funds to the balance of the Department of Commerce; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 242**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2897) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 243**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2897) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2899, Making a supplementary appropriation to the Department of Commerce; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 244**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Foster, McGeehan and Pushkin.

Absent and Not Voting: Higginbotham and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2899) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 245**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2899) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2920, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 246**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2920) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 247**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2920) 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.

Second Reading

Com. Sub. for S. B. 9, Continuing Licensed Racetrack Modernization Fund; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page two, section ten, line nineteen, following the words “up to”, by striking out the words “\$10 million” and inserting in lieu thereof the words “\$9 million”.

And,

On page nine, section ten, following line two hundred eighteen, by inserting a new subsection (j) to read as follows:

“(j) If a court of competent jurisdiction finds that the provisions of this section as amended and reenacted in 2021 and the provisions of §29-22A-10d of this code conflict and cannot be harmonized, the provisions of §29-22A-10d shall control.”

The bill was then ordered to third reading.

S. B. 10, Modifying racetrack licensing due date; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 305, Providing exemption from consumers sales and service tax for certain aircraft maintenance; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2195, Relating to motor vehicle crash reports; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2368, Mylissa Smith’s Law, creating patient visitation privileges; on second reading, coming up in regular order, was read a second time.

On motion of Delegate D. Jeffries and Steele, the bill was amended on page 3, section 8, line 5, after the word “applicable”, by removing the word “guidance” and inserting the words “law or rule”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2760, Relating to economic development incentive tax credits; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page 1, following the enacting clause, by striking the remainder of the bill in its entirety and inserting in lieu thereof the following:

“ARTICLE 13Q. ECONOMIC OPPORTUNITY TAX CREDIT.

§11-13Q-9. New jobs percentage.

(a) *In general.* — The new jobs percentage is based on the number of new jobs created in this state directly attributable to the qualified investment of the taxpayer.

(b) *When a job is attributable.* — An employee’s position is directly attributable to the qualified investment if:

(1) The employee’s service is performed or his or her base of operations is at the new or expanded business facility;

(2) The position did not exist prior to the construction, renovation, expansion, or acquisition of the business facility and the making of the qualified investment; and

(3) But for the qualified investment, the position would not have existed.

(c) *Applicable percentage.* —

(1) For the purpose of subsection (a) of this section, the applicable new jobs percentage is determined under the following table:

If number of new jobs is at least:	The applicable percentage is:
20	20%
280	25%
520	30%

(2) *Provided, That for credit applications filed for taxable years beginning on and after January 1, 2022, for the purpose of subsection (a) of this section, the applicable new jobs percentage is determined under the following table:*

<u>If number of</u>	<u>The applicable</u>
<u>new jobs is at least:</u>	<u>percentage is:</u>
<u>10</u>	<u>10%</u>
<u>20</u>	<u>20%</u>
<u>280</u>	<u>25%</u>
<u>520</u>	<u>30%</u>

(d) *Certification of new jobs.* — With the annual return for the applicable taxes filed for the taxable year in which the qualified investment is first placed in service or use in this state, the taxpayer shall estimate and certify the number of new jobs reasonably projected to be created by it in this state within the period prescribed in subsection (f) of this section that are, or will be, directly attributable to the qualified investment of the taxpayer. For purposes of this section, ‘applicable taxes’ means the taxes imposed by ~~articles thirteen §11-13-1, et seq., twenty-one §11-21-1, et seq., twenty-three and twenty-four §11-24-1, et seq.~~ of this ~~chapter~~ code against which this credit is applied.

(e) *Equivalency of permanent employees.* — The hours of part-time employees shall be aggregated to determine the number of equivalent full-time employees for the purpose of this section.

(f) *Redetermination of new jobs percentage.* — With the annual return for the applicable taxes imposed, filed for the third taxable year in which the qualified investment is in service or use, the taxpayer shall certify the actual number of new jobs created by it in this state that are directly attributable to the qualified investment of the taxpayer.

(1) If the actual number of jobs created would result in a higher new jobs percentage, the credit allowed under this article shall be redetermined and amended returns filed for the first and second taxable years that the qualified investment was in service or use in this state.

(2) If the actual number of jobs created would result in a lower new jobs percentage, the credit previously allowed under this article shall be redetermined and amended returns filed for the first and second taxable years. In applying the amount of redetermined credit allowable for the two preceding taxable years, the redetermined credit shall first be applied to the extent it was originally applied in the prior two years to personal income taxes, then to corporation net income taxes, ~~then to business franchise taxes~~ and, lastly, to business and occupation taxes. Any additional taxes due under this chapter shall be remitted with the amended returns filed with the commissioner, along with interest, as provided in §11-10-17 of this code, and a 10-percent penalty determined on the amount of taxes due with the amended return, which may be waived by the commissioner if the taxpayer shows that the overclaimed amount of the new jobs percentage was due to reasonable cause and not due to willful neglect.

(g) *Additional new jobs percentage.* — When the qualified investment is \$20 million or more and ~~the new or expanded business facility is constructed using construction laborers and mechanics who are paid an average wage equal to or greater than the prevailing wage for their respective classes of work determined under chapter 21 of this code, then,~~ if the number of full-time construction laborers and mechanics working at the job site of the new or expanded business facility is 75 or more, or if the number of hours of all construction laborers and mechanics working at the job site is equal to or greater than the number of hours ~~75~~ ^{five} full-time construction laborers and mechanics would have worked at the job site during a 12 consecutive month period, a taxpayer that is allowed a new jobs percentage determined under subsection (a) of this section shall be allowed a new jobs percentage that is five percentage points higher than the new jobs percentage allowed under subsection (a) of this section. In no event may construction laborers and mechanics be used to attain or retain a subsection (a) new jobs percentage. The number of full-time construction laborers and mechanics working at the job site shall be determined by dividing the total number of hours worked by all construction laborers and mechanics on a new or expanded business facility during a 12 consecutive month period by 2,080 hours per year. A

taxpayer may not claim the additional new jobs percentage allowed by this section unless the taxpayer includes with the certification filed under subsection (d) of this section a certification signed by the general contractor or the construction manager certifying that construction laborers employed at the job site during a consecutive 12 month period aggregated the equivalent of at least 75 full-time employees and the taxpayer has received from the general contractor or construction manager records substantiating the certification, which records shall be retained by the taxpayer for 13 years after the day the expansion to an existing business facility, or the new business facility, is first placed in service or use by the taxpayer. For purposes of ~~subsection (g)~~ of this subsection ~~section~~:

(1) The term ‘construction laborers and mechanics’ means those workers, utilized by a contractor or subcontractor at any tier, whose duties are manual or physical in nature, including those workers who use tools or are performing the work of a trade, as distinguished from mental or managerial and working foremen who devote more than 20 percent of their time during a workweek performing the duties of a laborer or mechanic; and

(2) The term ‘job site’ is limited to the physical place or places where the construction called for in the contract will remain when the work on it is completed and nearby property, as described in subdivision (3) of this subsection, used by the contractor or subcontractor during construction that, because of proximity, can reasonably be included in the ‘site’.

(3) Except as provided in subdivision (4) of this subsection, fabrication plants, mobile factories, batch plants, borrow pits, job headquarters and tool yards are part of the ‘job site’ provided they are dedicated exclusively, or nearly so, to performance of the contract or project and are located in proximity to the actual construction location so that it would be reasonable to include them.

(4) The term ‘job site’ does not include permanent home offices, branch offices, branch plant establishments, fabrication yards or tool yards of a contractor or subcontractor whose locations and continuance in operation are determined without regard to the

contract or subcontract for construction of a new or expanded business facility.

§11-13Q-10. Credit for small business.

(a) *Small business defined.* — For purposes of this section, the term ‘small business’ means a business which has annual gross receipts of not more than \$7 million (including the gross receipts of any affiliates in its controlled group): *Provided*, That beginning January 1, 2004, and on January 1 of each year thereafter, the commissioner shall prescribe an amount that shall apply in lieu of the \$7 million amount during that calendar year. This amount is prescribed by increasing the \$7 million amount by the cost-of-living adjustment for that calendar year. The requirements for annual gross receipts, once met by a given taxpayer in that taxable year when qualified investment is first placed in service or use, may not again be applied to that same taxpayer in subsequent years to defeat the small business credit to which the taxpayer gained entitlement in that year.

(1) *Cost-of-living adjustment.* — For purposes of subsection (a) of this section, the cost-of-living adjustment for any calendar year is the percentage (if any) by which the consumer price index for the preceding calendar year exceeds the consumer price index for the calendar year 2002.

(2) *Consumer price index for any calendar year.* — For purposes of subdivision (1) of this subsection, the consumer price index for any calendar year is the average of the federal consumer price index as of the close of the 12-month period ending on August 31 of that calendar year.

(3) *Consumer price index.* — For purposes of subdivision (2) of this subsection ~~above~~, the term “Federal Consumer Price Index” means the most recent consumer price index for all urban consumers published by the United States department of labor.

(4) *Rounding.* — If any increase under subdivision (1) ~~above~~ of this subsection is not a multiple of \$50, the increase shall be rounded to the next lowest multiple of \$50.

(b) *Amount of credit allowed.* —

(1) *Credit allowed.* — An eligible small business taxpayer is allowed a credit against the portion of taxes imposed by this state that are attributable to and the direct consequence of the eligible small business taxpayer's qualified investment in a new or expanded business in this state which results in the creation of at least 10 new jobs within 12 months after placing qualified investment into service. The amount of this credit is determined as provided in subdivision (2) of this subsection.

(2) *Amount of credit.* — The annual amount of credit allowable under this subsection is determined by dividing the amount of the eligible small business taxpayer's 'qualified investment' (determined under §11-13Q-8. of this code) in 'property purchased for business expansion' (as defined in §11-13Q-3 of this code) by 10. The amount of qualified investment so apportioned to each year of the 10-year credit period is the annual measure against which a taxpayer's annual new jobs percentage (determined under subsection (d) of this section;) is applied. The product of this calculation establishes the maximum amount of credit allowable each year for 10 consecutive years under this section due to the qualified investment.

(3) *Application of credit.* — The annual credit allowance ~~must~~ shall be taken beginning with the taxable year in which the taxpayer places the qualified investment into service or use in this state, unless the taxpayer elects to delay the beginning of the 10-year credit period until the next succeeding taxable year. This election is made in the annual income tax return filed under this chapter by the taxpayer for the taxable year in which the qualified investment is first placed in service or use. Once made, this election cannot be revoked. The annual credit allowance shall be taken and applied in the manner prescribed in §11-13Q-7 of this code.

(c) *New jobs.* — The term "new jobs" has the meaning ascribed to it in §11-13Q-3 of this code.

(1) The term "new employee" has the meaning ascribed to it in §11-13Q-3 of this code: *Provided*, That this term does not include employees filling new jobs who:

(A) Are related individuals, as defined in subsection (i), section 51 of the Internal Revenue Code of 1986, or a person who owns 10 percent or more of the business with such ownership interest to be determined under rules set forth in subsection (b), section 267 of said Internal Revenue Code; or

(B) Worked for the taxpayer during the six-month period ending on the date the taxpayer's qualified investment is placed in service or use and is rehired by the taxpayer during the six-month period beginning on the date taxpayer's qualified investment is placed in service or use.

(2) *When a job is attributable.* — An employee's position is directly attributable to the qualified investment if:

(A) The employee's service is performed or his or her base of operations is at the new or expanded business facility;

(B) The position did not exist prior to the construction, renovation, expansion, or acquisition of the business facility and the making of the qualified investment; and

(C) But for the qualified investment, the position would not have existed.

(d) *New jobs percentage.* — The annual new jobs percentage is based on the number of new jobs created in this state by the taxpayer directly attributable to taxpayer's qualified investment.

(1) If at least 10 new jobs are created and filled during the taxable year in which the qualified investment is placed in service or use, the applicable new jobs percentage is 10 percent.

(2) During each of the remaining nine years of the 10-year credit period, the annual new jobs percentage is based on the average number of new jobs filled during that taxable year: *Provided*, That for purposes of estimating the new jobs percentage that will be applicable for each subsequent credit year, the taxpayer shall use the new jobs percentage allowable for the taxable year immediately prior thereto, and in the annual income tax return filed under this chapter for the then current tax year, the taxpayer shall redetermine his or her allowable new jobs percentage for that year

based on the average number of new employees employed in new jobs during that year (determined on a monthly basis) created as the direct result of the taxpayer's qualified investment.

(e) *Certification of new jobs.* — With the annual income tax return filed under this chapter for each taxable year during the 10-year credit period, the taxpayer shall certify:

(1) The new jobs percentage for that taxable year;

(2) The amount of the credit allowance for that year;

(3) If the business is a partnership, limited liability company or electing small business corporation, the amount of credit allocated to the partners, members, or shareholders, as the case may be for that year;

(4) That qualified investment property continue to be used in the business, or if any of it was disposed of during the year the date of disposition and that the property was not disposed of prior to expiration of its useful life, as determined under §11-13Q-8 of this code; and

(5) That the new jobs created by the qualified investment continue to exist and are filled by persons who meet the definition of new employee (as defined in this section).

(f) *Small business project.* — A small business may apply to the commissioner under ~~§11-13Q-3-6f~~ §11-13Q-6 of this code for certification as a project if that project will create at least 10 new jobs.

(g) *Rules.* — The commissioner may prescribe such rules as he or she determines necessary in order to determine the amount of credit allowed under this section to a taxpayer; to verify a taxpayer's continued entitlement to claim the credit; and to verify proper application of the credit allowed.

(h) The commissioner may require a taxpayer intending to claim credit under this section to file with the commissioner a notice of intent to claim this credit, before the taxpayer begins reducing his or her monthly or quarterly installment payments of estimated tax for the credit provided in this section.

(i) Termination of Credit — No credit is allowable under this section to any taxpayer for investment placed in service or use in any tax year beginning on or after January 1, 2022. Taxpayers that have gained lawful entitlement to the credit allowable under this section pursuant to qualified investment placed in service or use prior to January 1, 2022, shall retain that entitlement and apply the credit in due course pursuant to the requirements and limitations of this article.

§11-13Q-10a. Credit allowed for specified high technology manufacturers.

(a) *High technology manufacturing business defined.* –

For purposes of this section, the term ‘high technology manufacturing business’ means and is limited to only those businesses ~~engaging in a~~ engaged in a business enumerated in subdivision (1) of this subsection: *Provided, That for tax years beginning on and after January 1, 2022, the term ‘high technology manufacturing business’ means and is limited to only those businesses engaged in a business enumerated in subdivision (1) or subdivision (2), or both, of this subsection.*

(1) ‘High technology manufacturing business’ means a manufacturing activity properly classified as having one or more of the following six-digit North American Industry Classification System code numbers.

North American Industry Classification System Code	Manufacturing Activity
	Computer & Peripheral Equipment
334111	Electronic Computers

334112	Computer Storage Devices
	Electronic Components
334411	Electron Tubes
334414	Electronic Capacitors
	Semiconductors
334413	Semiconductor & Related Devices
333295	Semiconductor Machinery

(2) 'High technology manufacturing business' means, in addition to those activities enumerated in subdivision (1) of this subsection:

(A) The activity of manufacturing drones, target drones, unmanned aircraft or unmanned robotic aircraft,

(B) The activity of manufacturing autonomous motor vehicles,

(C) The activity of manufacturing robots, robotic medical machines or equipment or robotic surgical machines or equipment,

(D) The activity of manufacturing machines, equipment and products predominantly operated by and incorporating artificial intelligence.

(E) The activity of manufacturing biotechnology products.

(F) The activity of manufacturing medical devices.

(3) Definitions – For purposes of this section.

(A) Artificial Intelligence — For purposes of this section ‘artificial intelligence’ means computers and computer systems that, by design and function, perform tasks that would typically require human intelligence, including decision-making, visual perception, speech recognition, or translation of one human language into another human language.

(B) Autonomous — For purposes of this section ‘autonomous’ means that set of characteristics of a machine which taken as a whole cause the machine to be capable of performing designated tasks without immediate direct or explicit human control or intervention beyond initial programming and preliminary set up and initiation.

(C) Autonomous Motor Vehicle — For purposes of this section, The term ‘autonomous motor vehicle’ means a motor vehicle that conforms to Level 3, level 4 or level 5 of the Society of Automotive Engineers automation level definitions specified in SAE International Standard J3016.

(D) Biotechnology

(i) ‘Biotechnology’ means scientific invention, processes and methods, or industrial invention, processes and methods, based on the science of biology, microbiology, molecular biology, cellular biology, biochemistry, or biophysics, or any combination thereof. Biotechnology includes, but is not limited to, recombinant DNA techniques, genetics and genetic engineering, cell fusion techniques, and bioprocesses, using living organisms, or parts of organisms.

(ii) Biotechnology does not include farming, agriculture, or animal or apiary husbandry, or the production of any crop or agricultural product by traditional growing processes or by hydroponic growing processes, or fish farming, or the raising or growing or production of fish or any aquatic animal or product.

(iii) Biotechnology does not include zymurgy, wine making, brewing, preparation of yeast used in food production or preparation, or any food or drink preparation or production.

(E) ‘Biotechnology product’ means any virus, therapeutic serum, antibody, protein, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product produced through the application of biotechnology that is used in the prevention, treatment, or cure of diseases or injuries to humans, animals, or plants.

(F) Drone – For purposes of this section ‘drone’ means an unmanned aircraft that may be controlled either remotely or by an autonomous system, which may work with internal systemic sensors or ground positioning satellite systems, or both.

(G) ‘Medical device’ means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, that is:

(i) Recognized in the national formulary or any supplement thereof, or the United States pharmacopeia, or any supplement thereof;

(ii) Intended for use in the diagnosis of disease, or in the cure, mitigation, treatment, or prevention of disease or other conditions in human beings or animals; or

(iii) Intended to affect the structure or any function of the body of human beings or animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of human beings or animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(H) Program – For purposes of this section ‘program’ means a set of instructions that can be executed by a computer, or other machine or device to perform calculations, processes or operations, or a combination thereof, to execute a specific task or series of tasks.

(I) Robot – For purposes of this section “robot” means a programmable machine, for which operating instructions are typically derived from computer programming, which machine is: (i) Capable of performing operations and processes involving physical movement; (ii) designed to operate with a degree of autonomy; (iii) capable of processing data and information, including data or information derived from visual perception or other physical perceptions; and (iv) capable of engaging in intelligent behavior derived from artificial intelligence.

(b) Amount of credit allowed.

(1) *Credit allowed.* — An eligible high technology manufacturing business taxpayer is allowed a credit against the portion of taxes imposed by this state that are attributable to and the direct consequence of the eligible high technology manufacturing business taxpayer’s qualified investment in a new or expanded high technology manufacturing business in this state which results in the creation of at least 20 new jobs within 12 months after placing qualified investment into service. The amount of this credit is determined as provided in this section.

(2) *Amount of credit.* — The annual amount of credit allowable under this subsection is 100 percent of the tax attributable to qualified investment, for each consecutive year of a 20-year credit period.

(3) *Application of credit.* — The annual credit allowance ~~must~~ shall be taken beginning with the taxable year in which the taxpayer places the qualified investment into service or use in this state, unless the taxpayer elects to delay the beginning of the 20-year credit period until the next succeeding taxable year. This election is made in the annual income tax return filed under this chapter by the taxpayer for the taxable year in which the qualified

investment is first placed in service or use. Once made, this election cannot be revoked. The annual credit allowance shall be taken and applied against the taxes enumerated in ~~section seven of this article~~ §11-13Q-7 of this code. The credit shall offset 100 percent of tax attributable to qualified investment and shall be applied for a period of 20 consecutive years without carryover.

(c) *New jobs*. — The term ‘new jobs’ has the meaning ascribed to it in §11-13Q-3 of this code.

(1) The term ‘new employee’ has the meaning ascribed to it in §11-13Q-3 of this code: *Provided*, That this term does not include employees filling new jobs who:

(A) Are related individuals, as defined in subsection (i), section 51 of the Internal Revenue Code of 1986, or a person who owns 10 percent or more of the business with such ownership interest to be determined under rules set forth in subsection (b), section 267 of the Internal Revenue Code of 1986; or

(B) Worked for the taxpayer during the six-month period ending on the date the taxpayer’s qualified investment is placed in service or use and is rehired by the taxpayer during the six-month period beginning on the date taxpayer’s qualified investment is placed in service or use.

(2) *When a job is attributable*. — An employee’s position is directly attributable to the qualified investment if:

(A) The employee’s service is performed or his or her base of operations is at the new or expanded business facility;

(B) The position did not exist prior to the construction, renovation, expansion, or acquisition of the business facility and the making of the qualified investment;

(C) But for the qualified investment, the position would not have existed; and

(D) The median compensation of the new jobs attributable to the qualified investment is greater than \$45,000 per year: *Provided*,

That this median compensation amount shall be adjusted for inflation each year in accordance with the provisions of this section.

(3) *Median compensation adjusted for inflation.* — The median compensation requirements applicable to high technology manufacturing business taxpayers for purposes of this section, shall be adjusted for inflation by application of a cost-of-living adjustment. The adjusted median compensation amount shall be applicable, as adjusted, each year throughout the 20-year credit period. Failure of a taxpayer entitled to credit under this section to meet the median compensation requirement for any year will result in forfeiture of the credit for that year. However, if in any succeeding year within the original 20 year credit period, the taxpayer pays a median compensation to its employees which exceeds the inflation adjusted median compensation amount for that year, the taxpayer shall regain entitlement to take the credit for that year only. No credit forfeited in a prior year shall be taken, and the tax year or years to which the forfeited credit would have been applied shall be forfeited and deducted from the remainder of the years over which the credit can be taken.

(A) *Cost-of-living adjustment.* — For purposes of this section, the cost-of-living adjustment for any calendar year is the percentage, if any, by which the consumer price index for the preceding calendar year exceeds the consumer price index for the calendar year 2007.

(B) *Consumer price index for any calendar year.* — For purposes of this section, the consumer price index for any calendar year is the average of the federal consumer price index as of the close of the 12-month period ending on ~~the thirty first day of~~ August 31 of such calendar year.

(C) *Consumer price index.* — For purposes of this section, the term ‘Federal Consumer Price Index’ means the last consumer price index for all urban consumers published by the United States Department of Labor.

(D) *Rounding.* — If any increase in the median compensation amount under this section is not a multiple of \$50, such increase shall be rounded to the next lowest multiple of \$50.

(d) *Credit exclusion.* —

(1) Any taxpayer that has taken the credit against tax authorized under this section shall not be eligible for application of the credit allowed under any other section of this article during the twenty year credit period authorized by this section for the same qualified investment on which credit allowed by this article was taken.

(2) Any taxpayer that has taken the credit against tax authorized under this section may not take the credit authorized under any other provision of this code for the same qualified investment on which credit allowed by this article was taken.

(e) *Rules.* — The commissioner may prescribe such rules as he or she determines necessary in order to determine the amount of credit allowed under this section to a taxpayer; to verify a taxpayer's continued entitlement to claim the credit; and to verify proper application of the credit allowed.

(f) *Notices and reports.* — The commissioner may require a taxpayer intending to claim credit under this section to file with the commissioner a notice of intent to claim this credit before the taxpayer begins reducing his or her monthly or quarterly installment payments of estimated tax for the credit provided in this section.

~~(g) *Report to the Legislature.* — The Tax Commissioner shall report to the Legislature by January 1, 2014, regarding the use of this tax credit. The Tax Commissioner shall forward this report to the Joint Committee on Government and Finance and the House and Senate Finance Committees.~~

§11-13Q-22. Credit available for taxpayers which do not satisfy the new jobs percentage requirement.

(a) Notwithstanding any provision of this article to the contrary, a taxpayer engaged in one or more of the industries or business activities specified in ~~section nineteen of this article~~ §11-13Q-19 of this code which does not satisfy the new jobs percentage requirement prescribed in ~~subsection (e), section nine of this article~~ §11-13Q-9(c) of this code or, if the taxpayer is a small business as

~~defined in section ten of this article, does not create at least ten new jobs within twelve months after placing qualified investment into service as required by section ten of this article, but which otherwise fulfills the requirements prescribed in this article, is permitted to claim a credit against the taxes specified in section seven of this article §11-13Q-7 of this code in the order so specified that are attributable to and the consequence of the taxpayer's business operations in this state which result in the creation of net new jobs. Credit under this section is allowed in the amount of \$3,000 per year, per new job created and filled by a new employee, as those terms are defined in section three of this article §11-13Q-3 of this code for a period of five consecutive years beginning in the tax year when the new employee is first hired. In no case may the number of new employees determined for purposes of this section exceed the total net increase in the taxpayer's employment in this state. Credit allowed under this section shall be allowed beginning in the tax year when the new employee is first hired: *Provided*, That each new job:~~

(1) Pays at least \$32,000 annually. Beginning January 1, 2010, and on January 1 of each year thereafter, the commissioner shall prescribe an amount that shall apply in lieu of the \$32,000 amount during that calendar year. This amount is prescribed by increasing the \$32,000 figure by the cost-of-living adjustment for that calendar year;

(2) Provides health insurance and may offer benefits including child care, retirement or other benefits; and

(3) Is a full-time, permanent position, as those terms are defined in section three of this article.

(b) Jobs that pay less than \$32,000 annually, or less than the amount prescribed by the commissioner pursuant to subdivision (1) ~~of this subsection, of subsection (a) of this section,~~ whichever is higher, or that pay that salary but do not also provide benefits in addition to the salary do not qualify for the credit authorized by this section. Jobs that are less than full-time, permanent positions do not qualify for the credit authorized by this section.

The employer having obtained entitlement to the credit shall not be required to raise wages of employees currently employed in jobs upon which the initial credit was based by reason of the cost-of-living adjustment.

~~(b)~~ (c) For purposes of this section, the following definitions apply:

(1) *Cost-of-living adjustment.* — For purposes of subsection (a) of this section, the cost-of-living adjustment for any calendar year is the percentage (if any) by which the consumer price index for the preceding calendar year exceeds the consumer price index for the calendar year 2009.

(2) *Consumer price index for any calendar year.* — For purposes of subdivision (1) ~~of this subsection,~~ subsection (a) of this section, the consumer price index for any calendar year is the average of the federal consumer price index as of the close of the twelve-month period ending on August 31 of that calendar year.

(3) *Consumer price index.* — For purposes of subdivision (2) of this subsection, the term ‘federal consumer price index’ means the most recent consumer price index for all urban consumers published by the United States Department of Labor.

(4) *Rounding.* — If any increase under subdivision (1) of this subsection is not a multiple of \$50, the increase shall be rounded to the next lowest multiple of \$50.

~~(e)~~ (d) Unused credit remaining in any tax year after application against the taxes specified in section seven of this article is forfeited and does not carry forward to any succeeding tax year and does not carry back to a prior tax year.

~~(d)~~ (e) The tax credit authorized by this section may be taken in addition to any credits allowable under ~~article thirteen e,~~ ~~thirteen d,~~ ~~thirteen e,~~ ~~thirteen f,~~ ~~thirteen g,~~ ~~thirteen j,~~ ~~thirteen r~~ ~~or~~ ~~thirteen s~~ ~~of this chapter~~ §11-13C-1 et seq., §11-13D-1 et seq., §11-13E-1 et seq., §11-13F-1 et seq., §11-13G-1 et seq., §11-13J-1 et seq., §11-13R-1 et seq., or §11-13S-1 et seq. of this code. However, any taxpayer that is taking, or that has taken, any credit

against tax authorized under this article may not take the credit authorized under any other provision of this code for the same qualified investment on which credit allowed by this article was taken.

(e) (f) *Reduction in number of employees credit forfeiture.* — If, during the year when a new job was created for which credit was granted under this section or during any of the next succeeding four tax years thereafter, net jobs that are attributable to and the consequence of the taxpayer's business operations in this state decrease, counting both new jobs for which credit was granted under this section and preexisting jobs, then the total amount of credit to which the taxpayer is entitled under this section shall be decreased and forfeited in the amount of \$3,000 for each net job loss.

(g) Amendments to this section enacted during the 2021 regular session of the Legislature shall be effective for tax years beginning on or after January 1, 2022.”

The bill was then ordered to engrossment and third reading.

H. B. 2874, Extend the current veteran's business fee waivers to active duty military members, their spouses and immediate family members; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2933, Anti-Discrimination Against Israel Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3010, To extend the special valuation method for cellular towers to towers owned by persons not subject to regulation by the Board of Public Works; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Howell, the bill was amended on page 1, following the article heading, by inserting the following:

“§11-6L-2. Definitions.

For the purposes of this article:

(1) ‘Tower’ means a structure which hosts an antenna or other equipment used for the purposes of transmitting cellular or wireless signals for communications purposes, including telephonically, or for computing purposes, including any antenna and all associated equipment, and which is constructed or erected ~~between~~ on or after July 1, 2019, and July 1, 2024; and

(2) ‘Salvage value’ means five percent of original cost.”

The bill was then ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 517, Relating to sunset provisions of legislative rules,

H. B. 2028, Exempting veterinarians from the requirements of controlled substance monitoring,

H. B. 2029, Relating to teacher preparation clinical experience programs,

Com. Sub. for H. B. 2427, Authorizing the Department of Health and Human Resources to promulgate legislative rules,

Com. Sub. for H. B. 2982, Relating to the Second Chances at Life Act of 2021,

Com. Sub. for H. B. 3009, Relating to the publication of county board financial statements,

H. B. 3045, Relating to firefighter disability claims,

H. B. 3079, Relating to exempting recovery residences from certain standards,

H. B. 3107, Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders,

H. B. 3164, Relating generally to kidnapping,

H. B. 3177, Removing expired, outdated, inoperative and antiquated provisions and report requirements in education,

And,

Com. Sub. for H. B. 3215, Amending the requirements to become an elected prosecutor.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Higginbotham and Steele.

Miscellaneous Business

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2044: Delegate Barnhart;

H. B. 3285: Delegate Hanna;

And,

H. B. 3293: Delegate Burkhammer.

At 11:55 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, March 23, 2021.

Tuesday, March 23, 2021

FORTY-SECOND DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Monday, March 22, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 2933, on Third reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for H. B. 3009 and Com. Sub. for H. B. 3079 on Second reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 2630 and Com. Sub. for H. B. 2785, on Third reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2694, Create the 2nd Amendment Preservation Act,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2694 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, and §61-7B-5, all relating to creating the “Second Amendment Preservation Act”; stating legislative findings; providing prohibitions for agencies of the state, political subdivision of the state, or employees, while acting in their official capacity, of an agency or political subdivision of the state; requiring the Attorney General to publish model policies; and providing for severability,”

With the recommendation that the committee substitute do pass.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2981, Providing veterans with suicide prevention assistance,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2981 - “A Bill to amend and reenact §9A-1-9 and §9A-1-10; of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-5-19 of said code, all relating to establishing suicide prevention assistance to veterans in this state; requiring the Department of Veterans’ Assistance to create program; requiring the medical examiner to share information; and providing an internal effective date,”

With the recommendation that the committee substitute do pass.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 377, Relating to extension for boil water advisories by water utility or public service district,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 377) was referred to the Committee on the Judiciary.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2831, Nursing Program Expansion Pilot Program,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2831) was referred to the Committee on Finance.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

S. B. 390, Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database,

And reports the same back with the recommendation that it do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Ellington, Clark, Horst and Griffith:

H. B. 3299 - "A Bill to amend and reenact §18B-17-2 of the Code of West Virginia, 1931, as amended, relating to authorizing legislative rules for the Higher Education Policy Commission regarding the Mental Health Loan Repayment Program and Administrative Exemption."

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 3285, To provide for the HSTA scholarships,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

The Speaker referred the bill to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 356, Allowing for written part of drivers' exam given in high school drivers' education course,

Com. Sub. for S. B. 431, Relating to school attendance notification requirements to DMV,

And,

Com. Sub. for S. B. 435, Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students,

And reports the same back with the recommendation that they each do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 2145, Relating to student aide class titles,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2145 - “A Bill to amend and reenact §18A-4-8 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to class titles for school service personnel; adding class titles for Aide V and Aide VI and their associated qualifications, posting requirements; county discretion; and respective pay grades,”

H. B. 3102, Requiring Director of transportation to have experience in transportation department,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 3102 - “A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to class titles for school service personnel; providing for special education assistant teacher and behavioral support assistant teacher classifications and pay grades; and providing minimum experience requirement for director or coordinator of services class title involving school transportation,”

And,

H. B. 3266, Providing for termination of extracurricular contact upon retirement,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 3266 - “A Bill to amend and reenact §18A-4-16 of the Code of West Virginia, 1931, as amended, relating to the termination of extracurricular contracts upon

retirement; providing effective date; not prohibiting post-retirement employment with county board consistent with rules of consolidated public retirement board,”

With the recommendation that the committee substitutes each do pass.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

S. B. 67, Relating to authority of Emergency Medical Services Advisory Council,

And reports the same back with the recommendation that it do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2573, Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2573 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-9-1, §5B-9-2, §5B-9-3, §5B-9-4, §5B-9-5, §5B-9-6, §5B-9-7, §5B-9-8 and §5B-9-9, and to amend and reenact §12-4-14 of said code, all generally relating to providing transparency regarding the spending of public monies; enacting the West Virginia Development Achievements Transparency Act; providing a short title for the West Virginia Development Achievements Transparency Act; providing legislative purpose and findings; providing for definitions; outlining reporting requirements for

entities providing a development subsidy; directing the Auditor to create a searchable website to view development subsidy data; detailing the items required to be provided on the Auditor's searchable website; protecting confidentiality of certain subsidy data; providing that a granting body may compile information from a recipient corporation; providing that a granting body shall review information from a recipient corporation to ensure reasonable accuracy; providing that the State Auditor shall publish a list detailing any granting body or recipient corporation that fails to comply with article 9, chapter 5B of this code; providing that the Auditor shall publish a list of any granting body or recipient corporation that intentionally submits false, misleading, or fraudulent information; providing that the Auditor shall notify the Joint Committee on Government and Finance of any granting body or recipient corporation that intentionally submits false, misleading or fraudulent information; permitting the Auditor to hold public hearings or training sessions to ensure compliance with the article; reenacting §12-4-14 of this code as the West Virginia Grant Transparency and Accountability Act; providing a short title for West Virginia Grant Transparency and Accountability Act; providing legislative intent; defining terms; providing that any grantee of state grant funds that grants said funds to a subgrantee, such funds shall be treated as a state grant; providing that the Auditor shall notify the Treasurer regarding any grantor agency that fails to comply with reporting and recordkeeping provisions of this code and that such agency shall not encumber or expend grant funds until State Auditor determines that reporting and recordkeeping are brought into compliance with this code; requiring each state grantmaking agency designate a Chief Accountability Officer; allowing grantor agencies or the State Auditor to issue stop payment orders; requiring the State Auditor to maintain a searchable and publicly accessible database of state grants; requiring State Auditor, in cooperation with state grant making agencies, to promulgate legislative, procedural and interpretive rules regarding stop payment procedures; providing for informal conference to resolve conflicts between grantor agency and grantee when grantor agency reasonably believes grant funds are subject to recovery; providing formal procedures for grantor agency to follow to determine if grant funds are subject to recovery,

including notice and hearing requirements; requiring grantor agencies to take affirmative and timely action to recover misspent and improperly held grant funds, once said funds are determined to be misspent or improperly held; providing grantor agencies methods to recover misspent or improperly held grant funds; allowing the Attorney General to take action to recover any grants funds that have been misapplied or improperly held; creating a special revenue fund known as the Grant Recovery Fund for recovered grant funds for which the use is not restricted by law or otherwise appropriated; providing for rulemaking by the State Auditor; requiring the State Auditor to adopt conflicts of interest policies for state grants and requiring grantors, grantees, and subgrantees to disclose such conflicts; changing the notification requirement from the Legislative Auditor to the State Auditor for state agencies administering a state grant; requiring the State Auditor to maintain a debarred list in the form of a computerized database accessible by state agencies and the public, with public disclosure to the extent allowed by federal law; defining prohibited political activity; requiring grantors, grantees, subgrantees, and personnel thereof to not use grant funds for prohibited political activities or to be knowingly compensated with grant funds for prohibited political activities; providing exception for 501(c)(3) and 501(c)(4) organizations that receive state grant funds for federally permissible advocacy; providing criminal penalties; and providing for reporting by the State Auditor to the Joint Legislative Committee on Government and Finance that demonstrates efficiencies cost savings, and reductions in fraud, waste and abuse,”

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2842, Preventing cities from banning utility companies in city limits,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2842 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-22, relating to placing limitations on the authority of municipalities, political subdivisions, and local governing bodies generally; forbidding a municipality, political subdivision, or a local governing body to enact any code, ordinance, or land use regulation that would prohibit, have the effect of prohibiting, or regulate in any manner a public utility or department of public utilities from furnishing a utility service to a utility customer based on an energy source which is provided or used by a utility service; forbidding a municipality, political subdivision, or a local governing body to enact any code, ordinance, or land use regulation that would prohibit or regulate a customer of a public utility or department of public utilities from purchasing, using, or connecting or reconnecting to a utility service based on the energy source provided or used by a utility service, forbidding a municipality, political subdivision, or a local governing body to enact any code, ordinance, or land use regulation that would prohibit or regulate a public utility or department of public utilities from utilizing vehicles, equipment, machinery, or tools, to provide utility services to a utility customer based on the energy source used by or powering those vehicles, equipment, machinery, or tools used by the utility service; and defining terms,"

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 3254, Authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a voluntary basis,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3254 - “A Bill to amend and reenact §61-10-15 of the Code of West Virginia, 1931, as amended, relating to authorizing members of development authorities to accept compensation for services which the members rendered,”

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Finance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Householder, Criss, Barrett, Espinosa, Gearheart, Linville, Maynard, Hott, Hardy, Ellington and J. Pack:

H. B. 3300 - “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-4g; and to amend said code by adding thereto a new section, designated §11B-2-33, all relating to reducing personal income tax rates generally; reducing rates by certain amounts after December 31, 2021; incrementally reducing rates thereafter to zero based upon annual calculations and actions by the Tax Commissioner; creating, and providing funding for, personal income tax reduction fund; providing for deposits by Secretary of Revenue from income tax reduction fund into general revenue fund; and providing for investment and disposition of fund.”

On motion for leave, a bill was introduced (Originating in the Committee on Finance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Storch, Hardy, Rowan, Boggs, Rowe, Hott, Williams, Anderson, Howell, Hornbuckle and Rohrbach:

H. B. 3301 - “A Bill to amend and reenact §7-11B-3, §7-11B-7, §7-11B-8, §7-11B-9, §7-11B-10, §7-11B-18, and §7-11B-22 of the Code of West Virginia, 1931, as amended, relating generally to property tax increment financing districts; authorizing payment in lieu of tax agreements for property located within property tax increment financing districts; authorizing a county commission or municipality to modify the termination time of certain districts;

extending length of certain districts; providing clarification as to the discharge of any tax increment financing obligations outstanding on the termination date of a property tax district; eliminating certain existing limitations on the terms of property tax increment financing obligations issued to refund existing obligations; providing clarifications with respect to the base assessed value and termination date when two or more tax increment financing districts have been combined; and changing the notice required to be given to other levying bodies prior to a new project plan for a property tax district being considered for approval.”

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 22nd day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 2006, Relating to the West Virginia Contractor Licensing Act,

Com. Sub. for H. B. 2008, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers,

And,

Com. Sub. for H. B. 2013, Relating to the Hope Scholarship Program.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 22nd day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 295, Relating generally to economic development loans and loan insurance issued by state,

And,

S. B. 404, Modifying well work permits issued by DEP Office of Oil and Gas.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 2701, Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2789, Supplementing and amending the appropriations to Public Defender Services.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the

balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021.

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. 9, Urging Congress to call a convention of states to limit terms of office of the US House of Representatives.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 36 - "A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Secondary School Activities Commission; prohibiting any rule of the commission from being enforced

without the approval of the rule by the State Board of Education; requiring the commission to make the results of the annual audit of its funds available to the public; authorizing the Legislative Auditor, at reasonable and prudent intervals, to conduct performance audits of the commission to determine how well it is accomplishing its mission; and requiring an initial performance audit of the commission by December 1, 2022”; which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 569 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; providing that an increased risk of disease is not a compensable basis for damages in any civil action; providing that, where awarded, payment of medical monitoring expenses shall not be paid to a prevailing plaintiff until the procedure is completed; requiring that, where awarded, defendants pay medical monitoring expenses into a fund established by the court for that purpose; and providing for the return of any money remaining in the fund after medical monitoring is no longer required to the defendants”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 636 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to imposing additional requirements for the courses required for all public, private, parochial, and denominational schools in the history of the State of West Virginia, the history of the United States, in civics, in the Constitution of the United States, and in the government of West Virginia; requiring the State Board of

Education to consult with certain other entities in prescribing the courses of study; requiring the State Board of Education to include the basic course requirements for middle school and high school and the academic standards when prescribing the courses of study; requiring the State Board of Education to publish an approved list of instructional resources; requiring the State Board of Education to provide testing or assessment instruments for the history and civics courses of instruction; and expanding amendments to the Constitution of the United States to be emphasized as a part of the instruction in each social studies class required during Celebrate Freedom Week”; which was referred to the Committee on Education.

Resolutions Introduced

Delegates Summers, Ellington, Rohrbach and J. Pack offered the following resolution, which was reported by the Clerk:

H. R. 17 - “Urging the President of the United States to appoint Dr. Rahul Gupta as the Director of the Office of National Drug Control Policy.”

Whereas, The Office of National Drug Control Policy is a component of the Executive Office of the President of the United States; and

Whereas, The mission of the Office of National Drug Control Policy is to reduce substance use disorder and its consequences by coordinating the nation’s drug control policy through the development and oversight of the National Drug Control Strategy and Budget; and

Whereas, The Office of National Drug Control Policy leads and coordinates the nation’s drug policy so that it improves the health and lives of the American people; and

Whereas, Dr. Rahul Gupta, MD, MPH, MBA, FACP, is the former public health commissioner for the state of West Virginia; and

Whereas, Dr. Rahul Gupta currently holds the position of Senior Vice President and Chief Medical and Health Officer of the March of Dimes. He is also the Interim Chief Scientific Officer for Research and Global Programs; and

Whereas, As Commissioner and State Health Officer in West Virginia, Dr. Gupta led the state's opioid crisis response and launched several pioneering public health initiatives, such as the Birthscore program to identify high-risk infants; and

Whereas, Dr. Rahul Gupta, a specialist in internal medicine and preventive medicine, served as an academic faculty in Tennessee and Alabama before going to West Virginia originally in 2009 to lead the Kanawha-Charleston Health Department; and

Whereas, Dr. Rahul Gupta has extensive public health experience working in local, state, and federal governments, and working with and advising nonprofit organizations on local national, and international public health policy and programs; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby urges the President of the United States to appoint Dr. Rahul Gupta as the Director of the Office of National Drug Control Policy; and, be it

Further Resolved, That the House of Delegates extends its full support to the nomination of Dr. Rahul Gupta as appoint Dr. Rahul Gupta as the Director of the Office of National Drug Control Policy; and

Further Resolved, That the House of Delegates strongly encourages West Virginia's congressional delegation to support the nomination of Dr. Rahul Gupta as the Director of the Office of National Drug Control Policy; and, be it

Further Resolved, That the Clerk hereby forward a copy of this resolution to the Honorable Joseph R. Biden, Jr., President of the United States.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 17) to a committee was dispensed with, and it was taken up for immediate consideration, and adopted.

Delegates Rowe, Pushkin, Barach, Capito, Pritt, Young, L. Pack, D. Jeffries, Skaff, Graves and Ferrell offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 66 - "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-Fallen Heroes Memorial Bridge'."

Whereas, Charleston Police Officer Cassie Johnson was a lifelong resident of the City of Charleston, West Virginia, and was a graduate of Capital High School; and

Whereas, Charleston Police Officer Cassie Johnson was a 2019 graduate of the West Virginia State Police Academy; and

Whereas, On January 11, 2019, Charleston Police Officer Cassie Johnson was sworn in as a member of the Charleston Police Department, where her love for her community quickly made her one of the most likeable members of the force; and

Whereas, Charleston Police Officer Cassie Johnson had worked as a humane officer for the Kanawha-Charleston Humane Association, and regularly sought convictions in animal cruelty cases; and

Whereas, Charleston Police Officer Johnson's classmates at the West Virginia State Police Academy remember how much of a positive impact she had on them by her uplifting spirit and encouraging words; and

Whereas, On December 1, 2020, Charleston Police Officer Cassie Johnson was shot and wounded in the line of duty while responding to a routine call in Charleston, West Virginia and

tragically, she passed away on December 3, 2020, after succumbing to her injuries; and

Whereas, Charleston Police Officer Cassie Johnson was given a hero's funeral in the City of Charleston, West Virginia on December 8, 2020, attended by law enforcement from across the state and country; and

Whereas, Charleston Police Officer Cassie Johnson will forever be remembered for her commitment to the City of Charleston and to the great State of West Virginia; and

Whereas, Charleston Police Officer Cassie Johnson is missed by her family, friends, colleagues, the community of Charleston, the State of West Virginia, and all those whose lives she touched; and

Whereas, Charleston Police Officer Cassie Johnson is survived by her mother, Sheryl S. Casto; brother, Charles Terrance Johnson and Jessica; sister, Chelsea Johnson; several uncles, aunts, cousins, other family and friends, as well as her brothers and sisters in Blue, The Charleston Police Department; and

Whereas, It is fitting that an enduring memorial be established to commemorate Charleston Police Officer Cassie Johnson and her contributions to the City of Charleston, our state and country and to commemorate the lives of the fallen heroes of the Charleston Police Department, by naming the bridge across the Elk River on the street known as Washington Street in the City of Charleston in their honor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to 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-Fallen Heroes 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 “Charleston Police Officer Cassie Johnson-Fallen Heroes Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Diserio, Garcia, Criss, Young, Barach, Rowan, Storch, Fluharty, Zukoff, Boggs and Pethtel offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 67 - “Requesting the Division of Highways to name a portion of Commerce Street; beginning at the corner of 12th and Commerce Streets and ending at the Department of Highways facility located just north of Kroger in Wellsburg, in Brooke County, the ‘U. S. Army SGT Roy E. Givens Memorial Road’.”

Whereas, U. S. Army SGT Roy E. Givens was born April 27, 1929, in Wellsburg, Brooke County; and

Whereas, U. S. Army SGT Roy E. Givens served the 2nd District of West Virginia in the West Virginia House of Delegates for a total of 24 years. During that time, he served with seven governors, five House speakers and secured approximately \$60 million for a variety of projects, including the growth of the Brooke County Public Library, the creation of the Brook Pioneer Trail, assisting the Brook County 4-H, Brooke County Senior Center and local police and fire departments and the expansion of state Route 2. He was also instrumental in establishing the West Virginia Veterans Nursing facility in Clarksburg, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army SGT Roy E. Givens 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 Commerce Street; beginning at the corner of 12th and Commerce Streets and ending at the Department of Highways facility located just north of Kroger in Wellsburg, in Brooke County, the “U. S. Army SGT Roy E. Givens 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. Army SGT Roy E. Givens Memorial Road”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

**By Delegates Hanshaw (Mr. Speaker) and Skaff
[By Request of the Executive]:**

H. B. 3295 - “A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing and increasing existing items of appropriation to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511 and increasing existing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2021, organization 0506, by supplementing and amending appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff
[By Request of the Executive]:**

H. B. 3296 - “A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of

appropriation and adding a new item of appropriation to Executive, Governor's Office, fund 0101, fiscal year 2021, organization 0100, by supplementing and amending appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 3297 - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021 in the amount of \$550,000 from the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 0456, fiscal year 2012, organization 0613, appropriation 34400 and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Veterans' Assistance – Department of Veterans' Assistance - Veterans' Home, fund 0460, fiscal year 2021, organization 0618, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 3298 - "A Bill supplementing and amending Chapter eleven , Acts of the Legislature, Regular Session, 2020, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2021, organization 0307; the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2021, organization 0402 and the Bureau of Senior Services, Bureau of Senior Services, fund 0420, fiscal year 2021, organization 0508; and to Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2021, organization 0100 by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

Special Calendar

Third Reading

Com. Sub. for S. B. 9, Continuing Licensed Racetrack Modernization Fund; 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. 248**), and there were—yeas 63, nays 34, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Booth, Bridges, Bruce, Burkhammer, Conley, Ellington, Fast, Ferrell, Foster, Gearheart, Hanna, Howell, D. Jeffries, Jennings, Keaton, Kessinger, Kimble, Kimes, Linville, Longanacre, Mandt, Martin, Mazzocchi, J. Pack, L. Pack, Paynter, Pinson, Pritt, Rohrbach, Rowan, Toney, B. Ward, G. Ward and Worrell.

Absent and Not Voting: Maynard, Steele and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 9) 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. 10, Modifying racetrack licensing due date; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 249**), and there were—yeas 80, nays 17, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bruce, Burkhammer, Conley, Fast, Foster, D. Jeffries, Jennings, Kimes, Longanacre, Mandt, Martin, Mazzocchi, Paynter, Pinson, Toney, B. Ward and Worrell.

Absent and Not Voting: Maynard, Steele and Thompson.

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.

S. B. 305, Providing exemption from consumers sales and service tax for certain aircraft maintenance; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 250**), and there were—yeas 84, nays 13, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Burkhammer, Conley, Fleischauer, Fluharty, Higginbotham, Hornbuckle, Kimes, Pinson, Pushkin, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Maynard, Steele and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 305) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for H. B. 2195, Relating to motor vehicle crash reports; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 251**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Nestor.

Absent and Not Voting: Maynard, Steele and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2195) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2368, Mylissa Smith’s Law, creating patient visitation privileges; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 252**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Maynard and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2368) passed.

On motion of Delegate Capito, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2368 - “A Bill to repeal §16-39-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-39-1 of the code; and to amend said code by adding thereto new sections, designated §61-39-2 and §61-39-8, generally relating to visitation of a patient in a healthcare facility during a declared public health state of emergency for contagious disease, to be known as ‘Mylissa Smith’s Law’; establishing a short title; providing definitions; establishing that visitation of a patient is allowed at any time if the patient’s death is imminent; further providing that if death is not imminent visitation shall be not less than once every five days; requiring a visitor to comply with applicable facility procedures; and, establishing that the health care entity is not liable for civil damages due to disease exposure to visitors or other patients or residents during visitation unless

facility failed to substantially comply with applicable procedures established by the health care entity.”

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 253**), 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: Maynard 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 H. B. 2368) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2630, Requiring DEP to reimburse fines paid by towns, villages and communities in certain instances; 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. 254**), and there were—yeas 89, nays 9, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Doyle, Fleischauer, Hansen, Hornbuckle, Kimes, Thompson, Walker, Williams and Young.

Absent and Not Voting: Maynard and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2630) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2760, Relating to economic development incentive tax credits; on third reading, coming up in regular order, was read a third time.

Delegate Espinosa requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 255**), 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: Maynard and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2760) 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 H. B. 2760 – “A Bill to amend and reenact §11-13Q-9, §11-13Q-10, §11-13Q-10a and §11-13Q-22 of the Code of West Virginia, 1931, as amended, all relating to economic development incentive tax credits; authorizing credit for the creation of 10 jobs under certain circumstances; terminating small business credit after a certain date; eliminating credit to business franchise tax; authorizing certain manufacturing activities to qualify for high technology manufacturing tax credit; providing definitions; limiting certain multiple tax credits for the same qualified investment; eliminating prevailing wage requirement for certain additional credit; providing effective dates.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2785, Relating to public school enrollment for students from out of state; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Ellington asked and obtained unanimous consent to amend the bill on third reading and the rule was suspended to permit the offering and consideration of an amendment on third reading.

On motion of Delegate Ellington, the bill was amended on page 2, section 18-8-1a, following line 19, by inserting a new subsection (b) to read as follows:

“(b) A parent, as defined in §18-31-2 of this code, shall have the option, prior to enrolling in a publicly supported kindergarten program, to apply for a Hope Scholarship on behalf of his or her child as set forth in §18-31-1 et seq. of this code. Every year thereafter, a parent shall have the option to renew his or her child’s enrollment in the Hope Scholarship Program pursuant to §18-31-8 of this code.”

And, re-lettering the subsequent subsections.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 256**), 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: Maynard and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2785) passed.

On motion of Delegate Ellington, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2785 – “A Bill to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, relating to

requirements for compulsory school attendance; providing that parent and guardian make determination to remove child from kindergarten program; updating references and removing outdated language; providing option to parent to apply for Hope Scholarship for child prior to enrollment in kindergarten and every year thereafter; prohibiting further placement testing for first grade placement in certain instances; requiring enrollment in same grade level as state or program from which student transferred; and requiring certain transcripts or credentials to be accepted as record of students previous performance for placement and credit assignment.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2874, Extend the current veteran’s business fee waivers to active duty military members, their spouses and immediate family members; on third reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

H. B. 3010, To extend the special valuation method for cellular towers to towers owned by persons not subject to regulation by the Board of Public Works; 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. 257**), 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: Maynard and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3010) passed.

On motion of Delegate Howell, the title of the bill was amended to read as follows:

H. B. 3010 – “A Bill to amend and reenact §11-6L-2 and §11-6L-4 of the Code of West Virginia, 1931, as amended, relating to the valuation of new cell towers at salvage value for ad valorem property tax purposes, authorizing provisions apply to towers built on or after July 1, 2024; and providing that cell towers not subject to valuation by the Board of Public Works will be valued and assessed according to procedures set forth in §11-3-1 *et seq.* of the West Virginia Code.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Second Reading

Com. Sub. for S. B. 517, Relating to sunset provisions of legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 3. RULEMAKING.

§29A-3-19. Sunset provision in rules.

(a) Any new legislative rule promulgated pursuant to this article after April 1, 2016, shall include a sunset provision terminating the rule on August 1 of the fifth year following its promulgation; ~~after five years~~. *Provided*, That the rule may be renewed ~~for additional terms of five years or less~~ by the Legislature pursuant to the rule-making procedures and authority in this article: *Provided, however*, That if a different sunset or termination provision exists in the statute under which the proposed rule is promulgated, the enabling statute’s provision shall control: *Provided further*, That this subsection shall not apply to rules promulgated by the Department of Environmental Protection or emergency rules promulgated pursuant to §29A-3-15 of this code.

(b) Any legislative rule existing as of April 1, 2016, that is thereafter ~~modified~~ amended pursuant to this article, shall include a sunset provision terminating the rule on August 1 of the applicable year as part of the ~~modification~~ amendment setting forth a termination date for the rule. *Provided*, That the rule may be renewed ~~for additional terms of years~~ by the Legislature pursuant to the rule-making procedures and authority in this article: *Provided, however*, That if a different sunset or termination provision exists in the statute under which the legislative rule is promulgated, the enabling statute's provision controls: *Provided further*, That this subsection shall not apply to legislative rules promulgated by the Department of Environmental Protection or emergency rules promulgated pursuant to §29A-3-15 of this code.

(c) The existence of a sunset provision terminating a legislative rule shall not preclude the repeal of the legislative rule by the Legislature prior to its termination.

(d) As part of its rule review under this article, the Legislative Rule-Making Review Committee may establish a procedure for timely review of a legislative rule prior to its termination for those agencies that have affirmatively sought renewal prior to expiration. The procedure may include a requirement that the agency show cause as to why the terminating legislative rule is required and necessary to be continued for another term of years.

(e) The Secretary of State shall provide notice to the promulgating agency and the Legislative Rule-Making Review Committee at least 18 months prior to every legislative rule's termination date. The promulgating agency has 60 days from receipt of the notice to file the legislative rule with the Secretary of State and the Legislative Rule-Making Review Committee affirmatively seeking renewal of the legislative rule: *Provided*, That, if the legislative rule that is scheduled to sunset ~~may not be~~ is not being amended or changed, except for a new sunset date, ~~and~~ the rule is not subject to the public comment period requirements contained in §29A-3-5 of this code. The Legislative Rule-Making Review Committee, as part of its rule review under this article, may begin reviewing a legislative rule upon its filing.

(f) Any agency that has promulgated a legislative rule with a sunset date prior to May 1 of the applicable year, may file a technical amendment with the Secretary of State for the purposes of establishing a sunset date of August 1 of the applicable year.

(g) The Secretary of State shall file a notice of sunset in the State Register within 30 days following the expiration of a legislative rule.”

The bill was then ordered to third reading.

H. B. 2028, Exempting veterinarians from the requirements of controlled substance monitoring; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2029, Relating to teacher preparation clinical experience programs; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2427, Authorizing the Department of Health and Human Resources to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2982, Relating to the Second Chances at Life Act of 2021; on second reading, coming up in regular order, was read a second time.

Delegate Fleischauer moved to amend the bill on page 3, section 2, line 22, following the period, by inserting the following:

“There exist only limited studies that test the hypothesis that medication abortion can be reversed, and those that exist are scientifically weak and rely on ethically compromised methodology, but there is scientific evidence that attempting to reverse a medication abortion by not taking the second drug, misoprostol, may be associated with side effects including, but not limited to, severe hemorrhaging requiring hospitalization.”

And,

On page 6, Section 3, line 29, following the word “available”, by striking out the period, and inserting the following:

“as well as information about the potential side effects of this procedure, which is deemed experimental by some medical groups because of the lack of scientifically reliable studies.”

The question being on the adoption of the amendment offered by Delegate Fleischauer, the same was put and did not prevail.

Delegate Zukoff moved to amend the bill on page 4, section 2, line 47, by striking out the words “based upon his ability to” and inserting in lieu thereof, “including paying 50% of medical expenses that began at conception, including hospital and delivery costs and also”.

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. 258**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bridges.

Absent and Not Voting: Maynard and Steele.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

The bill was then ordered to engrossment and third reading.

H. B. 3045, Relating to firefighter disability claims; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3107, Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3164, Relating generally to kidnapping; on second reading, coming up in regular order, was reported by the Clerk.

Delegate Summers asked and obtained unanimous consent to return to consideration of H. B. 3107.

Delegate Summers then asked and obtained unanimous consent to postpone action on the bill one day.

H. B. 3164, Relating generally to kidnapping; having been reported in earlier proceedings, the bill was read a second time and ordered to engrossment and third reading.

H. B. 3177, Removing expired, outdated, inoperative and antiquated provisions and report requirements in education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3215, Amending the requirements to become an elected prosecutor; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for H. B. 2726, Allowing for the lease of air space above public roads for the safe operation of unmanned aircraft,

Com. Sub. for H. B. 2953, To clarify that counties can hire fire fighters as paid staff and to modify the existing procedures to include a procedure of public hearing to commission a vote,

Com. Sub. for H. B. 3137, To accelerate the conversion of the transfer tax on the privilege of transferring real property from a state excise tax to a county excise tax,

H. B. 3191, Requiring employers to send certain notifications when retirants are hired as temporary, part-time employees,

Com. Sub. for H. B. 3231, Public Utilities not required to pay interest on security deposits,

Com. Sub. for H. B. 3293, Relating to single-sex participation in interscholastic athletic events,

And,

H. B. 3294, Relating to unemployment insurance.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Maynard and Steele.

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 D. Jeffries, closing remarks regarding Com. Sub. for H. B. 2368

- Delegates Summers, Linville and Tully regarding Com. Sub. for H. B. 2368

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2145: Delegates Hanshaw and Rohrbach;

H. B. 2927: Delegate L. Pack;

H. B. 3106: Delegate Fleischauer;

And,

H. C. R. 48: Delegate Espinosa.

At 12:56 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, March 24, 2021.

Wednesday, March 24, 2021

FORTY-THIRD DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Tuesday, March 23, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 3102, on First reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 2702 and Com. Sub. for H. B. 2792, on Second reading, House Calendar, had been transferred to the Special Calendar.

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. 12, Charles E. Jarvis Memorial Bridge,

H. C. R. 25, William Edward Friese Memorial Bridge,

H. C. R. 26, Victor Yoak Memorial Bridge,

H. C. R. 33, Norman A. and Carrie G. Silver Memorial Bridge,

H. C. R. 48, To balance the judicial workload and realign the current court systems based on their caseloads.,

And,

H. C. R. 56, Create a resolution urging the FDA not to pass certain rules,

And reports the same back with the recommendation that they each be adopted.

On motion for leave, a bill was introduced (Originating in the Committee on Technology and Infrastructure and reported with the recommendation that it do pass, but that it first be referred to the Committee on Finance), which was read by its title, as follows:

By Delegates Linville and Garcia:

H. B. 3302 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31G-6-1, §31G-6-2, §31G-6-3, and §31G-6-4, all relating generally to broadband enhancement and expansion policies; providing for the creation and administration of four funds in the state treasury known as the Broadband Open Access Middle Mile Fund, the Broadband Grant Matching Fund, the Wired Wonderful West Virginia Fund, and the Broadband Provider Expansion Fund, all to be administered by and under the control of the Office of Broadband; providing for state budgeting and legislative appropriations concerning the funds; providing for the separate purposes of each of the funds and the separate conditions under which moneys in each fund may be expended, being generally broadband expansion in this state."

The Speaker referred the bill to the Committee on Finance.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2793, Permit out of state residents to obtain West Virginia concealed carry permits,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2793 - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to permitting nonresidents to obtain state licenses to carry a concealed deadly weapon; providing that concealed weapons licenses may only be issued for pistols and revolvers; establishing a fee; and providing how that fee is to be used,”

With the recommendation that the committee substitute do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2493, Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers,

And reports the same back with the recommendation that it do pass.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates D. Kelly, Boggs, Capito, Fast, Westfall and L. Pack:

H. B. 3303 - “A Bill to amend and reenact §3-5-11 of the Code of West Virginia, 1931, as amended, and to amend and reenact §3-5-19 of said Code; all relating to clarifying the process of filling vacancies on ballots; and, providing that no appointment to an unfilled vacancy may be made after a primary election, save in the case of the subsequent death, withdrawal, incapacity, or disqualification of a candidate.”

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 439, Allowing use or nonuse of safety belt as admissible evidence in civil actions,

And reports the same back with the recommendation that it do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 3261, Relating to adoption attorneys,

And reports the same back, with a title amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3261) was referred to the Committee on Finance.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2747, Transferring the Parole Board to the Office of Administrative Hearings,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2747 - "A Bill to amend and reenact §15A-9-1 and §62-12-12 of the Code of West Virginia, 1931 as amended, relating to transferring the Parole Board to the Office of Administrative Hearings; specifying that the Chief Hearing Examiner be a resident of the State for five years prior to appointment; removing limitations of practice for the Chief Hearing Examiner; requiring that the governor appoint the Chief Hearing Examiner; requiring that the Governor set the salary of the Chief Hearing Examiner; increasing the number of members of the

Parole Board to ten; making the Chief Hearing Examiner a member of the Parole Board; clarifying that no more than five of the board members, appointed to full time positions on the board may at any one time belong to the same political party; removing the residency requirements pertaining to congressional districts; requiring that the Chief Hearing Officer shall be chair of the Board; clarifying that the remaining nine members of the Board serve after being appointed by the Governor, with the advice and consent of the Senate; specifying the powers and duties of the vice chairperson shall be limited to Parole Board duties; clarifying the authority of the chair to hire an administrative employee; authorizing the Chief Hearing Officer to sit on parole panels as necessary; clarifying that the qualifications for board members may include being a graduate of a federal or state law enforcement academy; clarifying that temporary members serve at the will and pleasure of the governor; exempting the Board from Open Meetings; and requiring that parole hearings be open to the public,”

With the recommendation that the committee substitute do pass.

Delegate Foster, Vice Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 2719, Relating to the Division of Motor Vehicles use of electronic means and other alternate means to provide notice,

And,

H. B. 2721, Providing electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice,

And reports the same back with the recommendation that they each do pass.

Delegate Foster, Vice Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 2773, Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2773 - "A Bill to amend and reenact §20-7-23 of the Code of West Virginia, 1931, as amended, all relating to boating operations with motors greater than 10 horsepower; and permitting the Division of Natural Resources to promulgate emergency legislative rules and legislative rules relating to the operation of boats with motors greater than 10 horsepower,"

With the recommendation that the committee substitute do pass.

Delegate Foster, Vice Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 3059, Making contract consummation with state more efficient,

And reports the same back with the recommendation that it do pass.

Delegate Foster, Vice Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 3002, Update road abandonment process,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 3002 - “A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to requiring the commissioner of highways to post online any petition, notice, order, decision, or other record related to the abandonment or discontinuance of any state highway or road, or any part thereof; requiring notice as a Class I legal advertisement; and providing that any member of the public shall be allowed to participate in or attend a hearing relating to the abandonment or discontinuance of any state highway or road by virtual means,”

With the recommendation that the committee substitute do pass.

Delegate Foster, Vice Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 2890, To clarify the regulatory authority of the Public Service Commission of West Virginia over luxury limousine services,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2890 - “A Bill to amend and reenact §24A-1-2 and §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the Public Service Commission of West Virginia over luxury limousine services; and creating an exemption from certain contract and common carrier laws for luxury limousine services,”

With the recommendation that the committee substitute do pass.

Delegate Foster, Vice Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 2962, Relating generally to dental practice,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2962 - "A Bill to amend and reenact §30-4-13, §30-4-15, §30-4-16, §30-4-17, §30-4-19, §30-4-20, §30-4-22, §30-4-23, and §30-4-24 of the Code of West Virginia, 1931, as amended, all relating to the practice of dentistry; requiring a board authorization be present in the place of practice; making technical corrections to special volunteer dentists; permitting a dentist or group of dentists to form professional limited liability companies; requiring dentists offering anesthesia services to have a valid permit to offer such services; updating and making other technical corrections to the complaint process without removing any notice or other requirements of the board; updating the criteria used when considering disciplinary action and the availability of certain disciplinary sanctions; requiring any person who is a practicing dentist or dental hygienist have a valid license or otherwise be subject to criminal penalties; requiring any person who holds himself or herself out to the public as a dentist or dental hygienist have a valid license or otherwise be subject to criminal penalties; clarifying that a student enrolled in an accredited dental program may, under the supervision of a licensed dentist or dental hygienist perform certain tasks under certain conditions without necessitating a license; and making other technical changes for clarification or modernization,"

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Martin, Higginbotham, Ellington, Horst, Mazzocchi and Wamsley:

H. B. 3305 - "A Bill to amend and reenact §18-2-7c and §18-2-9 of the Code of West Virginia, 1931, as amended; and to further amend said Code by adding thereto a new section designated §18-

2-8c, all relating to required courses of instruction; requiring one credit course in personal finance; requiring all public schools to teach cursive writing in grades three through five; imposing additional requirements for the courses required for all public, private, parochial, and denominational schools in the history of the United States, civics, the Constitution of the United States, and the government of West Virginia; requiring state board to consult with certain other entities in prescribing such courses of study; requiring the state board to include basic course requirements for middle school and high school and academic standards when prescribing such courses of study; requiring state board to publish approved list of instructional resources; requiring the state board to provide testing or assessment instruments for the history and civics courses of instruction; requiring passing assessment score for credit; expanding the amendments to the Constitution of the United States to be emphasized as a part of the instruction during Celebrate Freedom Week; and requiring public middle and high schools to give instruction on Holocaust and other genocides.”

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Jennings, Ellington, Horst and Martin:

H. B. 3306 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to virtual instruction; permitting incorporation of instruction through virtual methods in instructional day; and permitting instructional days to be satisfied by virtual learning classes.”

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 3217, Student Rescue Act,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3217) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 3157, The Forming Open and Robust University Minds (FORUM) Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 3157) was referred to the Committee on the Judiciary.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

Com. Sub. for H. B. 2263, Update the regulation of pharmacy benefit managers.

On motion of Delegate Summers, the House of Delegates refused to recede from its amendment and requested the Senate to agree 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 J. Pack, D. Jeffries and Griffith.

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 concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 156, Authorizing Department of Homeland Security to promulgate legislative rules.

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. 160, Authorizing Department of Revenue to promulgate legislative rules.

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. 182, Authorizing miscellaneous agencies and boards to promulgate legislative rules.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 395 - "A Bill to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to expanding the membership of the Public Employees Insurance Agency Finance Board; providing for qualifications of newly appointed members; defining terms; and making technical corrections"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 398 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-29, relating to limiting employer eligibility for participation in plans by the Public Employees Insurance Agency”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 478 - “A Bill to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, relating to permitting the use of established federal or state contracts”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 479 - “A Bill to repeal §15-1G-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §9A-1-16, relating to the West Virginia veterans service decoration and West Virginia Service Cross”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 586 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to the development of an incentive plan for West Virginia veterans which includes reductions and discounts in fees and charges at state parks”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 693 - “A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates”; which was referred to the Committee on Finance.

Resolutions Introduced

Delegates Hanshaw (Mr. Speaker) and Skaff offered the following resolution, which was read by its title and referred to the Committee on Finance:

H. C. R. 68 - “Providing for the issuance of not to exceed \$22 million of refunding bonds pursuant to the Safe Roads Amendment of 1996, §13-2G-1 *et seq.* and §17-26-1 *et seq.* of the Code of West Virginia.”

Resolved by the Legislature of West Virginia:

That safe road refunding bonds in the principal amount not to exceed \$22 million are authorized to be issued by the State of West Virginia and sold by the Governor during the fiscal year ending June 30, 2021 or the fiscal year ending June 30, 2022. The bonds shall be issued in registered form and may be issued by the Governor in such amounts and in one or more series, in such denominations, at such times during that fiscal year and bearing the date or dates as the Governor may determine; and, be it

Further Resolved, That all bonds shall be payable at the Office of the Treasurer of the State of West Virginia or at a paying agent designated by the Governor. The bonds shall be dated and mature on dates and at times as the Governor shall determine. The bonds shall bear interest at rates not exceeding five percent per annum, payable semiannually or annually. The Treasurer of the State of West Virginia shall issue his or her check for the interest and principal then due on the same dates each year and mail it to the

registered owner at the addresses shown by the record of registration or shall provide the requisite funds by electronic means acceptable to the public municipal finance industry. The bonds may be redeemable on a date or dates prior to maturity as determined by the Governor; and, be it

Further Resolved, That the bonds shall be signed on behalf of the State of West Virginia as provided under §17-26-2 of the Code of West Virginia; and, be it

Further Resolved, That the Governor shall sell the bonds herein mentioned at a time or times during the fiscal year as he may determine necessary to provide funds for the purposes provided below; and, be it

Further Resolved, That the net proceeds of all sales of bonds herein authorized shall be paid into a special and irrevocable trust fund, separate and apart from other funds of the State of West Virginia, to be held in the custody of an escrow trustee to be designated by the Governor; and, be it

Further Resolved, That an irrevocable deposit of said moneys in trust for, and such moneys and the investments thereof, together with any income or interest earned thereon, shall be applied to the payment of the principal or redemption price of and interest on certain issued and outstanding state road bonds, to be selected by the Governor, as the same become due and payable.

Delegates Fleischauer, Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Brown, Bruce, Capito, Cooper, Dean, Diserio, Doyle, Evans, Ferrell, Fluharty, Garcia, Griffith, Hamrick, Hansen, Hardy, Higginbotham, Hornbuckle, D. Jeffries, Jennings, J. Kelly, Linville, Longanacre, Lovejoy, Mallow, Mandt, Martin, Miller, L. Pack, Pethel, Phillips, Pushkin, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Statler, Storch, Sypolt, Thompson, Toney, Tully, Walker, Wamsley, G. Ward, Williams, Young and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 69 - “Requesting that the Joint Committee of Government and Finance recognize the historical legacy of West Virginia suffragists through the creation of ‘The West Virginia Women’s Suffrage Memorial’ to be located on the Capitol grounds as a permanent reminder of the impact of the suffragists on West Virginia’s past, present, and future.”

Whereas, The definition of a suffragist is a person advocating to extend the right to vote to more people and especially women; and

Whereas, West Virginia suffragists worked for decades from the advent of statehood to 1920 to win the vote for women in West Virginia and expand the democratic participation in society of women; and

Whereas, The accomplishments and contributions of women have not been fully recognized in West Virginia; and

Whereas, Their sacrifices for a long, persistent, and heroic struggle is not well-known; and

Whereas, The beautiful grounds of our State Capitol would be a proper place to honor women’s struggle for their rights including the right to vote; and

Whereas, It is fitting that a permanent memorial be established to honor the lives and work of West Virginia suffragists; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Governor shall establish a nine member commission called the Suffragist Memorial Committee; and it shall be composed of one (1) member of the Senate, one (1) member of the House, one (1) representative of the Governor’s office, one (1) representative from the Office of the Secretary of State, one (1) representative of the League of Women Voters, one (1) representative of the Kanawha Valley National Organization for Women, one (1) member of the WVU Women’s Studies Program, one (1) member of the Marshall University Women’s studies

program, and one (1) representative of the West Virginia Division of Culture and History.

Further Resolved, That the work of the committee will be staffed by the West Virginia Women's Commission to provide administrative support to organize meetings and record minutes of all meetings;

Further Resolved, That meetings will begin in July of 2021 and meet monthly until December 31st of 2021. During this time, the committee will consult with the public about the project, research the suffragists active in getting the vote ratified in West Virginia, and choose one prominent suffragist to be honored.

Further Resolved, That beginning in January of 2022, the committee shall consult on cost of the project, begin to solicit funds, and ultimately solicit proposals for creation of a memorial on the Capitol Grounds upon approval of the Capitol Grounds Building Authority.

Further Resolved, That the Clerk of the House forward a certified copy to the Senate for consideration and to the West Virginia Women's Commission.

Delegate Howell offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 70 - "Calling for the construction of a licensed Off Highway Vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side."

Whereas, The U.S. Department of Commerce's Bureau of Economic Analysis shows that the outdoor recreation economy accounted for 2.2 percent (\$412 billion) of current-dollar GDP in 2016; and

Whereas, In 2017 Backcountry Discovery Routes generated \$17.3 million in new tourism expenditures, with the average traveling party spending \$3,769 per trip; and

Whereas, The construction of a licensed Off Highway Vehicle (OHV) semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side connecting existing OHV trails, and off-road parks where possible, would bring in significant tourism dollars. The proposed trail should enter West Virginia in the southern part of the state and exit in the Potomac Highlands; and

Whereas, The Legislature believes that the OHV trail will generate much needed economic stimulus to the state, create new jobs and increase tax revenue; therefore, be it

Resolved by the Legislature of West Virginia:

That the construction of a licensed Off Highway Vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side should be a high priority for State Government; and, be it

Further Resolved, That the construction of a licensed Off Highway Vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side can be supported by all West Virginians; and, be it

Further Resolved, That the Clerk of the House is hereby directed to forward a copy of this resolution to the Governor and the state legislatures of the states where the Appalachian Trail traverses, Georgia, North Carolina, Tennessee, Virginia, Maryland, Pennsylvania, New Jersey, New York, Massachusetts, Vermont, New Hampshire and Maine with the addition of Alabama which lies to the west of Georgia and the trail.

Delegates Fast and Rowe offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 71 - "Requesting the Division of Highways name a bridge bearing the number 10-060/00-000.32 (10A140), (38.18106, -81.30672) locally known as 'Smithers Creek Bridge', carrying US Route 60 over Smithers Ck. & CR 21/15 in Fayette County as the 'The Doctor Enrique Aguilar Memorial Bridge'."

Whereas, Dr. Enrique Aguilar was a long time physician in Montgomery, West Virginia, who delivered over 3,000 babies in the Montgomery area; and

Whereas, Dr. Enrique Aguilar was born in Mexico City on October 20, 1919, and he finished his medical training at the University of Mexico Medical School in September 1945, and began working as a doctor for a mining company in remote Baja California, Mexico; and

Whereas, In 1946, Dr. Aguilar married the former Sallie Hunter, who was managing the local office of American Airlines in their hometown of Monterey, Mexico, and they had five children: Enrique, Jr., Sarita, Francisco, Fernando, and Ricardo; and

Whereas, In Montgomery, Dr. Enrique Aguilar became an accomplished general surgeon, emergency room doctor, and family physician who performed a vast variety of medical procedures including orthopedics, OBGYN, FAA pilot physicals, and school physicals; and

Whereas, Dr. Enrique Aguilar opened his own medical practice in Montgomery in 1962, and also operated the Hillside Clinic in Charlton Heights in partnership with Dr. Lewis Elias until 1974; and

Whereas, Dr. Enrique Aguilar was a member of the staff at Montgomery General Hospital and member of Board of Trustees; and

Whereas, Dr. Enrique Aguilar also served as the medical doctor for Montgomery's police department as well as the plant doctor for the Elkem Metals plant (formerly Union Carbide) in Alloy; and

Whereas, Dr. Enrique Aguilar is believed to be the last doctor in the Kanawha Valley to perform house calls to patient's homes; and

Whereas, Dr. Enrique Aguilar was also an accomplished pilot who learned how to fly at Frank Thomas's airport in Fayetteville,

West Virginia, and as a pilot, he made nine trips with members of his family to his native Mexico where he flew his personal aircraft, and he was a member of the Flying Physicians Association; and

Whereas, Dr. Enrique Aguilar was instrumental in the transactions that relocated the state's primary correctional facility from Moundsville to the Bull Push area in Cannelton Hollow where the Mount Olive State Correctional Facility is now located; and

Whereas, Dr. Enrique Aguilar was a member of the board at Montgomery National Bank (now United Bank), 1978-1989 and the Upper Kanawha Valley Chamber of Commerce and served on the Board of Directors; and he was a Paul Harris Fellow at the Montgomery Rotary Club; and

Whereas, Dr. Enrique Aguilar was awarded membership to "The 500 Century Club" at the Devereux Foundation for handicapped children; and

Whereas, Dr. Enrique Aguilar received a State of West Virginia "Legislative Citation," for which citation former Circuit Judge Charles L. Garvin stated:

"Dr. Aguilar was believed to hold the first 'Pilot of the Year' award and was presented this award for his dedication and help to many pilots. Dr. Aguilar's efforts on behalf of his profession have far surpassed those required. To Judge Garvin's knowledge, there is no one in this state who has given so much of his time and talent to his fellow man as Dr. Aguilar. His compassion and love for his fellow man are unmatched, but he does not seek attention. You know that you have met a man of dedication, dignity, and character, and all of this you'll know before you know his name;" and

Whereas, Dr. Enrique Aguilar received the "Distinguished West Virginian Award" from Governor Gaston Caperton in 1994; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Doctor Enrique Aguilar; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a bridge bearing the number 10-060/00-000.32 (10A140), (38.18106, -81.30672) locally known as “Smithers Creek Bridge,” carrying US Route 60 over Smithers Creek & CR 21/15 in Fayette County as the “The Doctor Enrique Aguilar Memorial Bridge;” and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the “The Doctor Enrique Aguilar Memorial Bridge;” and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Special Calendar

Third Reading

Com. Sub. for S. B. 517, Relating to sunset provisions of 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. 259**), 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: Skaff and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 517) passed.

On motion of Delegate Foster, the title of the bill was amended to read as follows:

Com. Sub. for S. B. 517 – “A Bill to amend and reenact §29A-3-19 of the Code of West Virginia, 1931, as amended, relating to sunset provisions of legislative rules; requiring new legislative

rules to contain an sunset provision terminating the legislative rule on August 1 of the fifth year following promulgation; removing the five-year sunset requirement for new legislative rules after initial five-year sunset provision; requiring all legislative rules to sunset on August 1 of the applicable year; authorizing an agency to file a technical amendment with the Secretary of State to correct sunset dates in accordance with this requirement; and requiring the Secretary of State to file a notice of sunset in the State Register upon the expiration of a legislative rule.”

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 260**), 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: Skaff 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. 517) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2028, Exempting veterinarians from the requirements of controlled substance monitoring; 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. 261**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Hardy.

Absent and Not Voting: Skaff and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2028) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2029, Relating to teacher preparation clinical experience programs; 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. 262**), 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: Skaff and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2029) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2427, Authorizing the Department of Health and Human Resources 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. 263**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Paynter and Young.

Absent and Not Voting: Fleischauer, Skaff and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2427) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 264**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Skaff 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 H. B. 2427) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2874, Extend the current veteran's business fee waivers to active duty military members and spouses; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Householder asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Householder, the bill was amended on page 1, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 1. FEES AND ALLOWANCES.

§59-1-2. Fees to be charged by Secretary of State.

(a) Except as may be otherwise provided in this code, the Secretary of State shall charge for services rendered in his or her office the following fees to be paid by the person to whom the service is rendered at the time it is done:

(1) For filing, recording, indexing, preserving a record of, and issuing a certificate relating to, the formation, amendment, change

of name, registration of trade name, merger, consolidation, conversion, renewal, dissolution, termination, cancellation, withdrawal, revocation, and reinstatement of business entities organized within the state, as follows:

- (A) Articles of incorporation of for-profit corporation, \$100;
- (B) Articles of incorporation of nonprofit corporation, \$25;
- (C) Articles of organization of limited liability company, \$100;
- (D) Agreement of a general partnership, \$50;
- (E) Certificate of a limited partnership, \$100;
- (F) Agreement of a voluntary association, \$50;
- (G) Articles of organization of a business trust, \$50;

(H) Amendment or correction of articles of incorporation, including change of name or increase of capital stock, in addition to any applicable license tax, \$25;

(I) Amendment or correction, including change of name, of articles of organization of business trust, limited liability partnership, limited liability company, or professional limited liability company; ; or of certificate of limited partnership; or of agreement of voluntary association, \$25;

(J) Amendment and restatement of articles of incorporation, certificate of limited partnership, agreement of voluntary association or articles of organization of limited liability partnership, limited liability company or professional limited liability company or business trust, \$25;

(K) Registration of trade name, otherwise designated as a true name, fictitious name or D. B. A. (doing business as) name for any domestic business entity as permitted by law, \$25;

(L) Articles of merger of two corporations, limited partnerships, limited liability partnerships, limited liability

companies or professional limited liability companies, voluntary associations or business trusts, \$25;

(M) Plus for each additional party to the merger in excess of two, \$15;

(N) Statement of conversion, when permitted, from one business entity into another business entity, in addition to the cost of filing the appropriate documents to organize the surviving entity, \$25;

(O) Articles of dissolution of a corporation, voluntary association or business trust, or statement of dissolution of a general partnership, \$25;

(P) Revocation of voluntary dissolution of a corporation, voluntary association or business trust, \$15;

(Q) Articles of termination of a limited liability company, cancellation of a limited partnership or statement of withdrawal of limited liability partnership, \$25;

(R) Reinstatement of a limited liability company or professional limited liability company after administrative dissolution, \$25.

(2) For filing, recording, indexing, preserving a record of and issuing a certificate relating to the registration, amendment, change of name, merger, consolidation, conversion, renewal, withdrawal or termination within this state of business entities organized in other states or countries, as follows:

(A) Certificate of authority of for-profit corporation, \$100;

(B) Certificate of authority of nonprofit corporation, \$50;

(C) Certificate of authority of foreign limited liability companies, \$150;

(D) Certificate of exemption from certificate of authority, \$25;

(E) Registration of a general partnership, \$50;

(F) Registration of a limited partnership, \$150;

(G) Registration of a limited liability partnership for two-year term, \$500;

(H) Registration of a voluntary association, \$50;

(I) Registration of a trust or business trust, \$50;

(J) Amendment or correction of certificate of authority of a foreign corporation, including change of name or increase of capital stock, in addition to any applicable license tax, \$25;

(K) Amendment or correction of certificate of limited partnership, limited liability partnership, limited liability company or professional limited liability company, voluntary association or business trust, \$25;

(L) Registration of trade name, otherwise designated as a true name, fictitious name or D. B. A. (doing business as) name for any foreign business entity as permitted by law, \$25;

(M) Amendment and restatement of certificate of authority or of registration of a corporation, limited partnership, limited liability partnership, limited liability company or professional limited liability company, voluntary association or business trust, \$25;

(N) Articles of merger of two corporations, limited partnerships, limited liability partnerships, limited liability companies or professional limited liability companies, voluntary associations or business trusts, \$25;

(O) Plus, for each additional party to the merger in excess of two, \$5;

(P) Statement of conversion, when permitted, from one business entity into another business entity, in addition to the cost of filing the appropriate articles or certificate to organize the surviving entity, \$25;

(Q) Certificate of withdrawal or cancellation of a corporation, limited partnership, limited liability partnership, limited liability company, voluntary association or business, trust \$25;

Notwithstanding any other provision of this section to the contrary, after June 30, 2008, the fees described in this subdivision that are collected for the issuance of a certificate relating to the initial registration of a corporation, limited partnership, domestic limited liability company or foreign limited liability company shall be deposited in the general administrative fees account established by this section.

(3) For receiving, filing and recording a change of the principal or designated office, change of the agent of process and/or change of officers, directors, partners, members or managers, as the case may be, of a corporation, limited partnership, limited liability partnership, limited liability company or other business entity as provided by law, \$15.

(4) For receiving, filing and preserving a reservation of a name for each 120 days or for any other period in excess of seven days prescribed by law for a corporation, limited partnership, limited liability partnership or limited liability company, \$15;

(5) For issuing a certificate relating to a corporation or other business entity, as follows:

(A) Certificate of good standing of a domestic or foreign corporation, \$10;

(B) Certificate of existence of a domestic limited liability company and certificate of authorization foreign limited liability company, \$10;

(C) Certificate of existence of any business entity, trademark or service mark registered with the Secretary of State, \$10;

(D) Certified copy of corporate charter or comparable organizing documents for other business entities, \$15;

(E) Plus, for each additional amendment, restatement or other additional document, \$5;

(F) Certificate of registration of the name of a foreign corporation, limited liability company, limited partnership or limited liability partnership, \$25;

(G) And for the annual renewal of the name registration, \$10;

(H) Any other certificate not specified in this subdivision, \$10.

(6) For issuing a certificate other than those relating to business entities, as provided in this subsection, as follows:

(A) Certificate or apostille relating to the authority of certain public officers, including the membership of boards and commissions, \$10;

(B) Plus, for each additional certificate pertaining to the same transaction, \$5;

(C) Any other certificate not specified in this subdivision, \$10;

(D) For acceptance, indexing and recordation of service of process for any corporation, limited partnership, limited liability partnership, limited liability company, voluntary association, business trust, insurance company, person or other entity as permitted by law, \$15;

(E) For shipping and handling expenses for execution of service of process by certified mail upon any defendant within the United States, which fee is to be deposited to the special revenue account established in this section for the operation of the office of the Secretary of State, \$5;

(F) For shipping and handling expenses for execution of service of process upon any defendant outside the United States by registered mail, which fee is to be deposited to the special revenue account established in this section for the operation of the office of the Secretary of State, \$15;

(7) For a search of records of the office conducted by employees of or at the expense of the Secretary of State upon request, as follows:

(A) For any search of archival records maintained at sites other than the office of the Secretary of State no less than, \$10;

(B) For searches of archival records maintained at sites other than the office of the Secretary of State which require more than one hour, for each hour or fraction of an hour consumed in making a search, \$10;

(C) For any search of records maintained on site for the purpose of obtaining copies of documents or printouts of data, \$5;

(D) For any search of records maintained in electronic format which requires special programming to be performed by the state information services agency or other vendor any actual cost, but not less than, \$25;

(E) The cost of the search is in addition to the cost of any copies or printouts prepared or any certificate issued pursuant to or based on the search.

(F) For recording any paper for which no specific fee is prescribed, \$5.

(8) For producing and providing photocopies or printouts of electronic data of specific records upon request, as follows:

(A) For a copy of any paper or printout of electronic data, if one sheet, \$1;

(B) For each sheet after the first, 50 cents;

(C) For sending the copies or lists by fax transmission, \$5;

(D) For producing and providing photocopies of lists, reports, guidelines and other documents produced in multiple copies for general public use, a publication price to be established by the Secretary of State at a rate approximating \$2 plus 10 cents per page and rounded to the nearest dollar;

(E) For electronic copies of records obtained in data format on disk, the cost of the record in the least expensive available printed format, plus, for each required disk, which shall be provided by the Secretary of State, \$5.

(b) The Secretary of State may propose rules for legislative approval, in accordance with the provisions of §29A-3-1 *et seq.* of this code, for charges for online electronic access to database information or other information maintained by the Secretary of State.

(c) For any other work or service not enumerated in this section, the fee prescribed elsewhere in this code or a rule promulgated under the authority of this code.

(d) The records maintained by the Secretary of State are prepared and indexed at the expense of the state and those records shall not be obtained for commercial resale without the written agreement of the state to a contract including reimbursement to the state for each instance of resale.

(e) The Secretary of State may provide printed or electronic information free of charge as he or she considers necessary and efficient for the purpose of informing the general public or the news media.

(f) There is hereby continued in the State Treasury a special revenue account to be known as the Service Fees and Collections Account. Expenditures from the account shall be used for the operation of the office of the Secretary of State and are not authorized from collections, but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon the fulfillment of the provisions set forth in §5A-2-1 *et seq.* of this code. Notwithstanding any other provision of this code to the contrary, except as provided in subsection (h) of this section and §59-1-2a of this code, one half of all the fees and service charges established in the following sections and for the following purposes shall be deposited by the Secretary of State or other collecting agency to

that special revenue account and used for the operation of the office of the Secretary of State:

(1) The annual attorney-in-fact fee for corporations and limited partnerships established in §11-12C-5 of this code;

(2) The fees received for the sale of the State Register, Code of State Rules and other copies established by rule and authorized by §29A-2-7 of this code;

(3) The registration fees, late fees and legal settlements charged for registration and enforcement of the charitable organizations and professional solicitations established in §29-19-5, §29-19-9, and §29-19-15b this code;

(4) The annual attorney-in-fact fee for limited liability companies as designated in §31B-1-108 of this code and the annual report fee established in §31B-2-211 of this code: *Provided*, That after June 30, 2008, the annual report fees designated in §31B-1-108 of this code shall upon collection, be deposited in the General Administrative Fees Account described in subsection (h) of this section;

(5) The filing fees and search and copying fees for uniform commercial code transactions established by §46-9-525 of this code;

(6) The annual attorney-in-fact fee for licensed insurers established in §33-4-12 of this code;

(7) The fees for the application and record maintenance of all notaries public established by §39-4-20 of this code;

(8) The fees for registering credit service organizations as established by ~~§46-6C-5~~ §46A-6c-5 of this code;

(9) The fees for registering and renewing a West Virginia limited liability partnership as established by §47B-10-1 of this code;

(10) The filing fees for the registration and renewal of trademarks and service marks established in §47-2-17 of this code;

(11) All fees for services, the sale of photocopies and data maintained at the expense of the Secretary of State as provided in this section; and

(12) All registration, license and other fees collected by the Secretary of State not specified in this section.

(g) Any balance in the service fees and collections account established by this section which exceeds \$500,000 as of June 30, 2003, and each year thereafter, shall be expired to the state fund, General Revenue Fund

(h)(1) Effective July 1, 2008, there is hereby created in the State Treasury a special revenue account to be known as the General Administrative Fees Account. Expenditures from the account shall be used for the operation of the office of the Secretary of State and are not authorized from collections, but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon the fulfillment of the provisions set forth in §11B-2-1 *et seq.* of this code: *Provided*, That for the fiscal year ending June 30, 2009, expenditures are authorized from collections rather than pursuant to an appropriation by the Legislature. Any balance in the account at the end of each fiscal year shall not revert to the General Revenue Fund, but shall remain in the fund and be expended as provided by this subsection.

(2) After June 30, 2008, all the fees and service charges established in §59-1-2a of this code for the following purposes shall be collected and deposited by the Secretary of State or other collecting agency in the general administrative fees account and used for the operation of the office of the Secretary of State:

(A) The annual report fees paid to the Secretary of State by corporations, limited partnerships, domestic limited liability companies and foreign limited liability companies;

(B) The fees for the issuance of a certificate relating to the initial registration of a corporation, limited partnership, domestic

limited liability company or foreign limited liability company described in subdivision (a)(2) of this section; and

(C) The fees for the purchase of ~~date~~ data and updates related to the state's Business Organizations Database described in §59-1-2a of this code.

(i) There is continued in the office of the Secretary of State a noninterest-bearing, escrow account to be known as the Prepaid Fees and Services Account. This account shall be for the purpose of allowing customers of the Secretary of State to prepay for services, with payment to be held in escrow until services are rendered. Payments deposited in the account shall remain in the account until services are rendered by the Secretary of State and at that time the fees will be reallocated to the appropriate general or special revenue accounts. There shall be no fee charged by the Secretary of State to the customer for the use of this account and the customer may request the return of any moneys maintained in the account at any time without penalty. The assets of the prepaid fees and services account do not constitute public funds of the state and are available solely for carrying out the purposes of this section.

(j) A veteran-owned business, as defined in ~~paragraph thirteen, subsection (a), section two a of this article~~ §59-1-2a(a)(13), commenced on or after July 1, 2015, ~~or an active-duty member business, as defined in §59-1-2a(a)(13), commenced on or after July 1, 2021,~~ is exempt from paying the fees prescribed in paragraphs (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(1)(F), and (a)(1)(G) of this section.

(k) Notwithstanding any other provisions of this article, after July 1, 2017, the Secretary of State may offer a fee for expedited services which shall not exceed, \$500.

(l) The fees provided for in this section shall remain in effect until such time as the Legislature has approved rules promulgated by the Secretary of State, in accordance with the provisions of §29A-3-1 *et seq.* of this code, establishing a schedule of fees for services.

§59-1-2a. Annual business fees to be paid to the Secretary of State; filing of annual reports; purchase of data.

(a) *Definitions.* — As used in this section:

(1) ‘Annual report fee’ means the fee described in ~~§59-1-2a(e) of this code~~ subsection (c) of this section that is to be paid to the Secretary of State each year by corporations, limited partnerships, domestic limited liability companies, and foreign limited liability companies. After June 30, 2008, any reference in this code to a fee paid to the Secretary of State for services as a statutory attorney in fact shall mean the annual report fee described in this section.

(2) ‘Business activity’ means all activities engaged in or caused to be engaged in with the object of gain or economic benefit, direct or indirect, but does not mean any of the activities of foreign corporations enumerated in §31D-15-1501(b) of this code, except for the activity of conducting affairs in interstate commerce when activity occurs in this state, nor does it mean any of the activities of foreign limited liability companies enumerated in §31B-10-1003(a) of this code, except for the activity of conducting affairs in interstate commerce when activity occurs in this state.

(3) ‘Corporation’ means a ‘domestic corporation’, a ‘foreign corporation’, or a ‘nonprofit corporation’.

(4) ‘Deliver or delivery’ means any method of delivery used in conventional commercial practice, including, but not limited to, delivery by hand, mail, commercial delivery, and electronic transmission.

(5) ‘Domestic corporation’ means a corporation for profit, which is not a foreign corporation, incorporated under or subject to Chapter 31D of this code.

(6) ‘Domestic limited liability company’ means a limited liability company, which is not a foreign limited liability company, under or subject to chapter 31B of this code.

(7) ‘Foreign corporation’ means a for-profit corporation incorporated under a law other than the laws of this state.

(8) 'Foreign limited liability company' means a limited liability company organized under a law other than the laws of this state.

(9) 'Limited partnership' means a partnership as defined by §47-9-1 of this code.

(10) 'Nonprofit corporation' means a nonprofit corporation as defined by §31E-1-150 of this code.

(11) 'Registration fee' means the fee for the issuance of a certificate relating to the initial registration of a corporation, limited partnership, domestic limited liability company or foreign limited liability company described in §59-1-2(a)(2) of this code. The term 'initial registration' also means the date upon which the registration fee is paid.

(12) 'Veteran' means any person who has served as an active member of the armed forces of the United States, the National Guard, or a reserve component as described in 38 U. S. C. §101. Notwithstanding any provision in this code to the contrary, a veteran must be honorably discharged or under honorable conditions as described in 38 U. S. C. §101.

(13) 'Veteran-owned business' or 'Active-duty member-owned business' mean a business that meets the following criteria:

(A) Is at least 51 percent unconditionally owned by one or more veterans, active-duty members of any branch of the United States military or their respective spouses; or

(B) In the case of a publicly owned business, at least 51 percent of the stock is unconditionally owned by one or more veterans, active-duty members of any branch of the United States military or their respective spouses.

(b) *Required payment of annual report fee and filing of annual report.* — After June 30, 2008, no corporation, limited partnership, domestic limited liability company, or foreign limited liability company may engage in any business activity in this state without

paying the annual report fee and filing the annual report as required by this section.

(c) *Annual report fee.* — After June 30, 2008, each corporation, limited partnership, domestic limited liability company, and foreign limited liability company engaged in or authorized to do business in this state shall pay an annual report fee of \$25 for the services of the Secretary of State as attorney-in-fact for the corporation, limited partnership, domestic limited liability company, or foreign limited liability company and for such other administrative services as may be imposed by law upon the Secretary of State. The fee is due and payable each year after the initial registration of the corporation, limited partnership, domestic limited liability company, or foreign limited liability company with the annual report described in ~~§59-1-2a(d) of this code~~ subsection (d) of this section on or before the dates specified in ~~§59-1-2a(e) of this code~~ subsection (e) of this section. The fee is due and payable each year with the annual report from corporations, limited partnerships, domestic limited liability companies, and foreign limited liability companies that paid the registration fee prior to July 1, 2008, on or before the dates specified in ~~§59-1-2a(e) of this code~~ subsection (e) of this section. The annual report fees received by the Secretary of State pursuant to this subsection shall be deposited by the Secretary of State in the general administrative fees account established by §59-1-2 of this code.

(d) *Annual report.* —

(1) After June 30, 2008, each corporation, limited partnership, domestic limited liability company, and foreign limited liability company engaged in or authorized to do business in this state shall file an annual report. The report is due each year after the initial registration of the corporation, limited partnership, domestic limited liability company, or foreign limited liability company with the annual report fee described in ~~§59-1-2a(e) of this code~~ subsection (c) of this section on or before the dates specified in ~~§59-1-2a(e) of this code~~ subsection (e) of this section. The report is due each year from corporations, limited partnerships, domestic limited liability companies, and foreign limited liability companies that paid the registration fee prior to July 1, 2008, on or before the

dates specified in ~~§59-1-2a(e) of this code~~ subsection (e) of this section.

(2)(A) The annual report shall be filed with the Secretary of State on forms provided by the Secretary of State for that purpose. The annual report shall, in the case of corporations, contain: (i) The address of the corporation's principal office; (ii) the names and mailing addresses of its officers and directors; (iii) the name and mailing address of the person on whom notice of process may be served; (iv) the name and address of the corporation's parent corporation and of each subsidiary of the corporation licensed to do business in this state; (v) in the case of limited partnerships, domestic limited liability companies, and foreign limited liability companies, similar information with respect to their principal or controlling interests as determined by the Secretary of State or otherwise required by law to be reported to the Secretary of State; (vi) the county or county code in which the principal office address or mailing address of the company is located; (vii) business class code; and (viii) any other information the Secretary of State considers appropriate.

(B) Notwithstanding any other provision of law to the contrary, the Secretary of State shall, upon request of any person, disclose, with respect to corporations: (i) The address of the corporation's principal office; (ii) the names and addresses of its officers and directors; (iii) the name and mailing address of the person on whom notice of process may be served; (iv) the name and address of each subsidiary of the corporation and the corporation's parent corporation; (v) the county or county code in which the principal office address or mailing address of the company is located; and (vi) the business class code. The Secretary of State shall provide similar information with respect to information in its possession relating to limited partnerships, domestic limited liability companies, and foreign limited liability companies, similar information with respect to their principal or controlling interests.

(e) *Annual reports and fees due July 1.* — Each domestic and foreign corporation, limited partnership, limited liability company, and foreign limited liability company shall file with the Secretary

of State the annual report and pay the annual report fee by July 1 of each year.

(f) *Deposit of fees.* — The annual report fees received by the Secretary of State pursuant to this section shall be deposited by the Secretary of State in the general administrative fees account established by §59-1-2 of this code.

(g)(1) *Duty to pay.* — It shall be the duty of each corporation, limited partnership, limited liability company, and foreign limited liability company required to pay the annual report fees imposed under this article to remit them with a properly completed annual report to the Secretary of State, and if it fails to do so it shall be subject to the late fees prescribed in ~~§59-1-2a(h) of this code~~ subsection (h) of this section and dissolution or revocation, pursuant to this code: *Provided*, That before dissolution or revocation for failure to pay fees may occur, the Secretary of State shall notify the entity by certified mail, return receipt requested, of its failure to pay, all late fees or bad check fees associated with the failure to pay, and the date upon which dissolution or revocation will occur if all fees are not paid in full. The certified mail required by this subdivision shall be postmarked at least 30 days before the dissolution or revocation date listed in the notice.

(2) *Bad check fee.* — If any corporation, limited partnership, limited liability company, or foreign limited liability company submits payment by check or money order for the annual report fee imposed under this article and the check or money order is rejected because there are insufficient funds in the account or the account is closed, the Secretary of State shall assess a bad check fee to the corporation, limited partnership, limited liability company, or foreign limited liability company that is equivalent to the service charge paid by the Secretary of State due to the rejected check or money order. The bad check fee assessed under this subdivision shall be deposited into the account or accounts from which the Secretary of State paid the service charge.

(h) *Late fees.* —

(1) The following late fees shall be in addition to any other penalties and remedies available elsewhere in this code:

(A) *Administrative late fee.* — The Secretary of State shall assess upon each corporation, limited partnership, limited liability company, and foreign limited liability company delinquent in the payment of an annual report fee or the filing of an annual report an administrative late fee in the amount of \$50.

(B) *Administrative late fees for nonprofit corporations.* — The Secretary of State shall assess each nonprofit corporation delinquent in the payment of an annual report fee or the filing of an annual report an administrative late fee in the amount of \$25.

(2) The Secretary of State shall deposit the first \$25,000 of fees collected under this subsection into the General Administrative Fees Account established in §59-1-2(h) of this code and shall deposit any additional fees collected under this section into the General Revenue Fund of the state.

(i) *Reports to Tax Commissioner; suspension, cancellation or withholding of business registration certificate.* —

(1) The Secretary of State shall, within 20 days after the close of each month, make a report to the Tax Commissioner for the preceding month, in which he or she shall set out the name of every business entity to which he or she issued a certificate to conduct business in the State of West Virginia during that month. The report shall set out the names and addresses of all corporations, limited partnerships, limited liability companies, and foreign limited liability companies to which he or she issued certificates of change of name or of change of location of principal office, dissolution, withdrawal, or merger. If the Secretary of State fails to make the report, it shall be the duty of the Tax Commissioner to report such failure to the Governor. A writ of mandamus shall lie for correction of such failure.

(2) Notwithstanding any other provisions of this code to the contrary, upon receipt of notice from the Secretary of State that a corporation, limited partnership, limited liability company, and

foreign limited liability company is more than 30 days delinquent in the payment of annual report fees or in the filing of an annual report required by this section, the Tax Commissioner may suspend, cancel or withhold a business registration certificate issued to or applied for by the delinquent corporation, limited partnership, limited liability company, or foreign limited liability company until the same is paid and filed in the manner provided for the suspension, cancellation or withholding of business registration certificates for other reasons under §11-12-1 *et seq.* of this code.

(j) *Purchase of data.* — The Secretary of State will provide electronically, for purchase, any data maintained in the Secretary of State’s Business Organizations Database. For the electronic purchase of the entire Business Organizations Database, the cost is \$12,000. For the purchase of the monthly updates of the Business Organizations Database, the cost is \$1,000 per month. The fees received by the Secretary of State pursuant to this subsection shall be deposited by the Secretary of State in the general administrative fees account established by §59-1-2 of this code.

(k) The Secretary of State is authorized to collect the service fee per transaction, if any, charged for an online service from any customer who purchases data or conducts transactions through an online service.

(l) *Rules.* — The Secretary of State may propose rules for legislative approval, in accordance with the provisions of §29A-3-1 *et seq.* of this code, to implement this article.

(m) A veteran-owned business, as defined in subdivision (a)(13) of this section, commenced on or after July 1, 2015, or an active-duty member-owned business, as defined in subdivision (a)(13) of this section, commenced on or after July 1, 2021, is exempt from paying the annual report fee, required by this section, for the first four years after its initial registration: *Provided,* That a veteran-owned business or an active-duty member-owned business is not exempt from any filing deadlines or other fees required by this section.”

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 265**), 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: Skaff and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2874) passed.

On motion of Delegate Householder, the title of the bill was amended to read as follows:

H. B. 2874 - “A Bill to amend and reenact §59-1-2 and §59-1-2a of the Code of West Virginia, 1931, as amended, relating to providing waiver of initial business registration fees and certain annual business fees to businesses owned by active-duty military members and the spouses of active-duty military members or veterans.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2982, Relating to the Second Chances at Life Act of 2021; 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. 266**), and there were—yeas 83, nays 15, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Pethel, Pushkin, Rowe, Thompson, Walker, Williams and Young.

Absent and Not Voting: Skaff and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2982) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3045, Relating to firefighter disability claims; 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. 267**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Skaff and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3045) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3164, Relating generally to kidnapping; 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. 268**), 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: Skaff and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3164) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3177, Removing expired, outdated, inoperative and antiquated provisions and report requirements in education; 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. 269**), 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: Skaff and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3177) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 3215, Amending the requirements to become an elected prosecutor; 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. 270**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Hanna and Kimes.

Absent and Not Voting: Skaff and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3215) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Second Reading

Com. Sub. for H. B. 2702, To require all public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2726, Allowing for the lease of air space above public roads for the safe operation of unmanned aircraft; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2792, Relating to the expansion of direct access to natural gas service for new customers; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page 3, section 20, line 39, immediately following the word “Code”, by inserting the following:

“: *Provided, however*, That the Public Service Commission has no jurisdiction of a Federal Energy Regulatory Commission regulated gas company.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2953, To clarify that counties can hire fire fighters as paid staff and to modify the existing procedures to include a procedure of public hearing to commission a vote; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3107, Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders; having been read a second time on yesterday, and subsequently postponed one day, was reported by the Clerk.

On motion of Delegate Capito, the bill was amended on page 3, section 1f, line 44, by striking out subdivision (5) in its entirety, and, renumbering the remaining subdivisions accordingly.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3137, To accelerate the conversion of the transfer tax on the privilege of transferring real property from a state excise tax to a county excise tax; on second reading, coming

up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3191, Requiring employers to send certain notifications when retirants are hired as temporary, part-time employees; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3231, Public Utilities not required to pay interest on security deposits; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3293, Relating to single-sex participation in interscholastic athletic events; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3294, Relating to unemployment insurance; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page 2, section 1, line 13, by striking out subdivision (5) in its entirety and renumbering the remaining subdivisions of the section accordingly.

And, by further amending the bill on page 3, section 2, line 7, by striking out subdivision (c) and inserting in lieu thereof the following:

“(c) Check the unemployment insurance rolls against a commercially available database that provides cross-matching functions to verify eligibility for unemployment benefits.”

The bill was then ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

S. B. 67, Relating to authority of Emergency Medical Services Advisory Council,

Com. Sub. for S. B. 356, Allowing for written part of drivers' exam given in high school drivers' education course,

S. B. 390, Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database,

Com. Sub. for S. B. 431, Relating to school attendance notification requirements to DMV,

Com. Sub. for S. B. 435, Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students,

Com. Sub. for H. B. 2145, Relating to student aide class titles,

Com. Sub. for H. B. 2573, Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse,

Com. Sub. for H. B. 2694, Create the 2nd Amendment Preservation Act,

Com. Sub. for H. B. 2842, Preventing cities from banning utility companies in city limits,

Com. Sub. for H. B. 2981, Providing veterans with suicide prevention assistance,

Com. Sub. for H. B. 3254, Authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a voluntary basis,

Com. Sub. for H. B. 3266, Providing for termination of extracurricular contact upon retirement,

H. B. 3299, Authorizing Higher Education Rules,

H. B. 3300, Relating to reducing personal income tax rates generally,

And,

H. B. 3301, Relating generally to property tax increment financing districts.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Skaff and Steele.

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Member in the Appendix to the Journal:

- Delegate Walker regarding Com. Sub. for H. B. 2982.

At 12:29 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 25, 2021.

Thursday, March 25, 2021

FORTY-FOURTH DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Wednesday, March 24, 2021, 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 H. B. 2493, on Third reading, Special Calendar, had been transferred to the House Calendar; and H. B. 2719 and H. B. 3059, on First reading, Special Calendar, had been transferred to the House Calendar.

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:

Com. Sub. for H. C. R. 22, Bill O'Dell Memorial Bridge,

H. C. R. 27, Harvey Lemasters Memorial Bridge,

And,

H. C. R. 38, U.S. Marine Corps Sergeant David Andrew Green Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Capito, Pushkin, L. Pack, Lovejoy, Queen, Fast, Westfall, Fluharty, Bruce, Pinson and B. Ward:

H. B. 3304 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §25-8-1, §25-8-2, §25-8-3, §25-8-4, §25-8-5, §25-8-6, §25-8-7, §25-8-8 and, §25-8-9, all relating to establishing a Reentry and Transitional Housing Programs, providing reentry and transitional service centers for the delivery of reentry residences and programs for criminal offenders; providing the purpose and legislative findings; authorizing the commissioner of the Division of Corrections and Rehabilitation to establish the program; defining terms; providing eligibility criteria for offenders to participate in the program; authorizes the commissioner to promulgate legislative rules; placing conditions and limitations on eligibility for referrals to the programs and exceptions thereto; providing criteria for the division to develop policies and procedures providing for reporting, performance review and recommendations to assess and improve the program; providing for financial costs to be held by the state for the cost of the program, and placing limitations thereto; to administer the program; offering transitional programs to provide structured release and proper supervision, providing for and partnering with private and nonprofit facilities to provide transitional services."

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2592, Require Counties and Municipalities to hold all local elections during statewide elections,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2592 - “A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-8-16 and §11-8-17 of said Code; and, to amend and reenact §18-9-1, §18-9-2, and §18-9-2a of said code, all relating to bringing uniformity to local elections by ensuring that all counties and municipalities have their local elections held on a date that a statewide election is already taking place, on a primary or general election date; requiring that local elections and any elections to increase levies coincide with a primary or a general election; removing references to special elections for levies; providing a saving clause for the terms of existing local elected officials by providing for a vote of local bodies to schedule their elections in a manner which brings them into conformity with the new structure; providing a saving clause for the renewal of existing levies by providing for levying bodies and boards of education to vote in order to schedule such elections to renew or extend these levies in a manner which brings them into conformity with the new structure,”

And,

H. B. 2927, Adding Caregiving expenses to campaign finance expense,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2927 - “A Bill to amend and reenact §3-8-1a and §3-8-9 of the Code of West Virginia, 1931, as amended, relating to campaign finance expenses; adding caregiving services as a defined term; and adding caregiving services as a lawful campaign expense,”

With the recommendation that the committee substitutes each do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 3106, To change the hearing requirement for misdemeanors to 10 days,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3106 - "A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to bail; increasing the time for a secured bond hearing to 5 days; and allowing for release of a defendant on a personal recognizance bond if the hearing is not held unless the defendant is charged with a crime against the person,"

With the recommendation that the committee substitute do pass.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

S. C. R. 20, Supporting and celebrating centennial anniversary of Jones Act,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (S. C. R. 20) was referred to the Committee on Rules.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

Com. Sub. for S. B. 389, Relating to State Resiliency Office responsibility to plan for emergency and disaster response, recovery, and resiliency,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 389) was referred to the Committee on Government Organization.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

Com. Sub. for S. B. 102, Allowing disabled veterans and purple heart recipients park free at paid parking of state or its political subdivisions,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 102) was referred to the Committee on Finance.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

S. B. 16, Providing continued eligibility for developmental disability services to dependents of military members,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (S. B. 16) was referred to the Committee on Finance.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 3269, To require the Department of Environmental Protection to assume responsibility of cost and permitting of dams that are deemed to be under state control,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3269) was referred to the Committee on Finance.

On motion for leave a bill was introduced (Originating in the Committee on Technology and Infrastructure and reported with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary), which was read by its title, as follows:

By Delegates Linville, Espinosa, Maynard, Hamrick and Keaton:

H. B. 3307 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-12a; and, to amend said Code by adding thereto a new section designated as §55-7-32; all relating to limiting abuses by social media corporations; creating the Social Media Integrity and Anti-Corruption in Elections Act; defining terms; providing requirements for social media companies to prevent corruption and provide transparency of election-related content made available on social media websites; providing equal opportunities for all candidates and political parties to speak without policy or partisan-based censorship; setting forth definitions; providing for the protection of the integrity of elections by ensuring election-related content hosted, posted, and made available on social media websites is not monetized or otherwise used or manipulated for nefarious purposes; prohibiting modifying visibility of election information based on type of content; due process requirements for

restriction of access to social media platforms; providing civil penalties, including asset seizure; providing rulemaking authority; creating the Stop Social Media Censorship Act; defining terms; setting forth criminal and civil penalties for a social media provider who, without good cause, deletes or censor a user's religious or political speech; or uses an algorithm to disfavor or censure the user's religious or political speech; providing for right of enforcement by the Attorney General; and providing exceptions and limitations."

The Speaker referred the bill (H. B. 3307) to the Committee on the Judiciary.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 3122, Relating to the establishment and operation of regional water, wastewater and stormwater authorities,

And,

S. B. 69, Creating "Choose Life" special registration plate supporting adoption,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 3122 and S. B. 69) were each referred to the Committee on Government Organization.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 20, Bill Withers Memorial Road,

H. C. R. 21, SP4 Dennis Harvey Roberts Bridge, McDowell County,

H. C. R. 43, U. S. Army CSM Hugh H. “Smokey” Stover Memorial Road,

H. C. R. 52, World War II Veterans Toothman Brothers Memorial Bridge,

H. C. R. 54, Robin W. Ames Memorial Road,

H. C. R. 62, Major Samuel Wilson Rogers Jr. Memorial Bridge,

H. C. R. 63, Mayor George Karos Bridge,

H. C. R. 64, Deputy Sheriff Scott D. Myers Memorial Bridge,

S. C. R. 6, U. S. Navy Seaman 2nd Class Wilbur “Webb” Hahn and John W. Hahn Memorial Bridge,

S. C. R. 8, Fire Chief Kenneth Junior Russell Memorial Bridge,

And,

S. C. R. 9, Haynie Family Veterans Memorial Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 20, H. C. R. 21, H. C. R. 43, H. C. R. 52, H. C. R. 54, H. C. R. 62, H. C. R. 63, H. C. R. 64, S. C. R. 6, S. C. R. 8 and S. C. R. 9) were referred to the Committee on Rules.

On motion for leave, a resolution was introduced (Originating in the Committee on Technology and Infrastructure and reported with the recommendation that it be adopted, but that it first be referred to the Committee on Rules), which was read by its title, as follows:

By Delegates Linville and Boggs:

H. C. R. 72 - "Requesting the Division of Highways name the bridge bearing Identification Number 04A078, located in Frametown, Braxton County, West Virginia, on County-Route Map 04-021/00-008.14, latitude 38.635, longitude -80.86440, approximately 0.01 miles South of West Virginia Route 4 along Frametown Herold Road on County Route 21, 'David Allen Drake, Sr. Memorial Bridge.'"

Whereas, David Allen Drake, Sr. served the Braxton County community through devotion to molding and mentoring the youth of Braxton County as a volunteer coach of youth sports, serving multiple terms on the Braxton County Board of Education and exhibited substantial influence on the various communities in Braxton County through his support, leadership, volunteerism and genuine desire to exert a positive impact upon his community; and

Whereas, David Allen Drake, Sr., during his career as a General Construction Superintendent, supervised to completion a plethora of projects, including roadways and bridges, throughout central, south central and north central West Virginia, thereby making great, lasting and substantial improvements to the infrastructure of the State of West Virginia; and

Whereas, David Allen Drake, Sr. was universally recognized in his community as emblematic of the qualities common to the great people of West Virginia, to wit: love and devotion to family, hard work and a blue collar life, and devotion to community service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name the bridge bearing Identification Number 04A078, located in Frametown, Braxton County, West Virginia, on County-Route Map 04-021/00-008.14, Latitude 38.635, Longitude -80.86440, approximately 0.01 miles South of West Virginia Route 4 along Frametown Herold Road on County Route 21, "David Allen Drake, Sr. 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 “David Allen Drake, Sr. Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

The Speaker referred the resolution to the Committee on Rules.

Delegate Zatezalo, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

S. B. 248, Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for purposes of job placement,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (S. B. 248) was referred to the Committee on Government Organization.

Delegate Zatezalo, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

Com. Sub. for S. B. 370, Requiring certain documents that contain wage records be considered confidential,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 370) was referred to the Committee on the Judiciary.

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

S. B. 61, Expanding Coyote Control Program through voluntary assessment on breeding cows,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (S. B. 61) was referred to the Committee on Finance.

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

Com. Sub. for S. B. 339, Expanding types of agricultural operations that are protected from nuisance and other legal actions,

And,

S. B. 359, Informing landowners when fencing that may contain livestock is damaged due to accident,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (Com. Sub. for S. B. 339 and S. B. 359) were each referred to the Committee on the Judiciary.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

Com. Sub. for S. B. 66, Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 66) was referred to the Committee on Finance.

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

Com. Sub. for S. B. 460, Relating to Deputy Sheriff Retirement System Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 460) was referred to the Committee on Finance.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2667, To create a cost saving program for state buildings regarding energy efficiency,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2667 - “A Bill to amend and reenact §5A-3B-2 and §5B-2F-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §5B-2F-3, §5B-2F-4, and §5B-2F-5, all relating to promoting cost savings for state taxpayers by implementing an energy savings program for assessment and implementation of energy savings goals for state buildings; requiring energy-savings contracts to include provisions relating to energy cost savings guarantees and deficiency payments; providing for the auditing and potential removal of energy metering devices installed at state buildings; establishing an energy savings program and contracting program within Division of Energy for state buildings; and establishing benchmarking and energy efficiency goals for state buildings.”

With the recommendation that the committee substitute do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2581, Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2581 - “A Bill to repeal §11-3-24b and §11-3-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-1C-10 of said code, to amend said code by adding thereto a new section, designated §11-1C-10a; and to amend and reenact §11-3-15c, §11-3-15f, §11-3-15h, §11-3-15i, §11-3-23, §11-3-23a, §11-3-24, §11-3-24a, §11-3-25a, and §11-3-32 of said code, and to amend and reenact §11-10A-1, §11-10A-7, §11-10A-8, §11-10A-10, and §11-10A-19 of said code, all

generally relating to the valuation, assessment, review, and appellate rights of property owners regarding valuation, classification, and taxability of real estate and personal property taxation; providing for revised methodology to value property producing oil, natural gas, and natural gas liquids by the Tax Commissioner for property tax assessments; providing for methods, calculation requirements, and definitions, all used to determine fair market value, net proceeds, weighted average prices from regional markets, actual receipts, actual annual operating costs, a statewide capitalization rate, average industry production decline rates; a yield capitalization model for each property, and a discounted net cash flow series income; providing for reporting by the Tax Commissioner to the Joint Committee on Government and Finance by the Tax Commissioner of certain data, explanations, and methodologies; providing that residential property owners may not be required to furnish a formal appraisal to establish the value of their primary residence; providing that an assessor's review is to be an informal process and defining the standard of proof which a taxpayer must meet to be no greater than a preponderance of the evidence; expanding the jurisdiction of the Office of Tax Appeals to include property tax valuation, classification, and taxability; providing that if an assessor rejects a petition, the petitioner may appeal to the county Board of Equalization and Review or the Office of Tax Appeals; allowing for certain appeals from decisions of the Tax Commissioner and Board of Equalization and Review to the Office of Tax Appeals; repealing and eliminating the Board of Assessment Appeals; providing for an increase in the number of administrative law judges and staff attorneys within the Office of Tax Appeals; providing for effective dates; and making technical changes,"

With the recommendation that the committee substitute do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 275, Relating generally to WV Appellate Reorganization Act of 2021,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate D. Jeffries, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 23rd day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 5, Relating to claims arising out of WV Consumer Credit and Protection Act,

Com. Sub. for S. B. 42, Creating Zombie Property Remediation Act of 2021,

S. B. 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements,

And,

S. B. 523, Correcting improper code references.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 24th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 2009, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities,

Com. Sub. for H. B. 2372, Allow pre-candidacy papers to be filed the day after the general election,

Com. Sub. for H. B. 2616, Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification's website,

Com. Sub. for H. B. 2682, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements,

And,

H. B. 2709, Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond,

And,

H. B. 2764, Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 24th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 469, Permitting and establishing requirements for appearance by video for purpose of notarial acts.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2769, Supplementing, amending and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2769 - “A Bill supplementing, amending, and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles, fund 9007, fiscal year 2021, organization 0802, for the fiscal year ending June 30, 2021,”

With the recommendation that the committee substitute do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2768, Supplementing, amending and increasing an existing item of appropriation from the State Road Fund, to the Department of Transportation, Division of Highways,

H. B. 2790, Supplementing, amending, decreasing, and increasing items of existing appropriation to Division of Highways,

And,

H. B. 3082, Stabilizing funding sources for the DEP Division of Air Quality,

And reports the same back with the recommendation that they each do pass.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 24, 2021, he approved **Com. Sub. for H. B. 2011**.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2621, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations.

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. 2797, Declaring certain claims to be moral obligations of the State.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page two, section one, subsection (d), by striking out the word "GENERAL" and inserting in lieu thereof the word "SPECIAL".

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. 271**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Cooper, Steele and Wamsley.

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. 2797**) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 272**), 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, Steele and Wamsley.

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. 2797) 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, without amendment, a bill of the House of Delegates, as follows:

H. B. 2854, Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2855, Relating to the Natural Resources Police Officers Retirement System.

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. 2905, Relating to repealing the prohibition against the use of certain words.

On motion of Delegate Summers, the House of Delegates concurred in the following Senate title amendment:

H. B. 2905 – “A Bill to repeal §61-10-21 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of using the word ‘Doctor’ or the abbreviation ‘Dr.’, without specifying the type of degree held.”

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. 273**), and there were—yeas 84, nays 13,

absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Diserio, Doyle, Fluharty, Garcia, Pushkin, Rowe, Skaff, Thompson, Walker, Young and Zukoff.

Absent and Not Voting: Cooper, Steele and Wamsley.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2905) 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 concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 9, Continuing Licensed Racetrack Modernization Fund.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 436 - "A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-15A-19 of said code; to amend and reenact §22-16-4 of said code; to amend and reenact §22C-4-30 of said code; and to amend and reenact §24-2-1m of said code, all relating to solid waste facilities; specifying that a mixed waste resource recovery facility is not a solid waste facility; providing for exemption of solid mixed waste resource recovery facilities from certain fees; and clarifying that mixed waste resource recovery facilities are not subject to the jurisdiction of the Public Service Commission"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 551 - “A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to health care decisions; defining terms; revising forms of a living will, medical power of attorney, and combined medical power of attorney and living will and specific provisions; providing clarifying language regarding the effect of signing a living will on the availability of medically administered food and fluids; requiring oral food and fluids be provided as desired and tolerated; providing that forms executed prior to effective date of this bill remain in full force and effect; and providing for effective date”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 565 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1A-9; to amend and reenact §3-2-6, §3-2-11, §3-2-23, and §3-2-25 of said code; to amend and reenact §3-3-1, §3-3-3, §3-3-5, and §3-3-5c of said code; to amend and reenact §3-6-9 of said code; to amend and reenact §3-7-3, §3-7-6, and §3-7-7 of said code; to amend and reenact §3-8-2b of said code; and to amend said code by adding thereto a new section, designated §3-9-21, all relating to elections; prohibiting nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission; clarifying the deadline for electronically submitted voter registration applications; requiring certain optional questions regarding updating or transferring voter registration or registering to vote to be presented by the Division of Motor Vehicles as part of application for motor vehicles driver’s license or other official identification card; authorizing the Secretary of State to revise questions in legislative

rules to conform to federal law; requiring the Division of Motor Vehicles to release certain information to the Secretary of State; requiring cancellation of voter registration upon receipt of certain official notices from a state or federal court; changing the time period for county clerks to initiate the confirmation notice mailing process in the systematic purging program for removal of ineligible voters from registration files to each odd-numbered year following a federal election; changing the time period of inactivity required for county clerks to initiate the confirmation notice mailing process in the systematic purging program for removal of ineligible voters from registration files from four years to two years; extending an electronic absentee ballot transmission option to certain voters eligible to vote an emergency absentee ballot and certain first responders; changing deadline for certain voters to become eligible to vote an emergency absentee ballot; changing the start and end date for early in-person voting; removing requirements pertaining to punch card systems and gray envelopes; changing the deadline by which voters may submit their absentee-by-mail and emergency absentee ballot requests effective January 1, 2022; changing deadlines applicable to emergency absentee voting procedures which may be extended to certain voters by a county commission effective January 1, 2022; requiring boards of canvassers to transmit certain information electronically to the Secretary of State; making procedures for election contests before a special court applicable to contested elections of certain judges; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals; granting rulemaking authority to the Supreme Court of Appeals regarding election contests before circuit courts; requiring certain disclosures on certain political push-polls and prerecorded political telephone messages; providing for civil penalties for violations of requirements for disclosure of electioneering communications and disclaimers on telephone political messaging and polling; authorizing an action for equitable relief by a person injured by a violation of requirements for electioneering communications and disclaimers on telephone political messaging and polling;

providing for award of costs and fees to prevailing plaintiffs in certain actions for equitable relief; defining the term ‘bona fide survey and opinion research’; prohibiting certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election; and creating misdemeanor crime of certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election and establishing penalties therefor”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 577 - “A Bill to amend and reenact §16-4C-23 of the Code of West Virginia, 1931, as amended, relating to exempting certain fire departments from licensure requirements for the provision of rapid response services”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 590 - “A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to permitting medical marijuana to be prescribed in edible form; removing the restrictions that prevent medical marijuana from being prescribed in edible form; and providing restrictions related to the shape of the edible product”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

S. C. R. 5 - “Urging Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.”

Whereas, Article IV, Section 4 of the Constitution of the United States guarantees to every state a Republican form of government which gives each state equal standing when calling for an amendments convention. Article V of the Constitution of the United States reserves to the several states the right to call for a convention for the purpose of amending the United States Constitution when Congress or the courts or both Congress and the courts refuse to address an egregious wrong suffered by the people; and

Whereas, The states alone have the authority to “limit” the agenda and authority of a convention. The states alone can call for a “Single Issue” convention by agreeing among themselves the purpose, terms, conditions, duration, and agenda for the convention. Congress does not have the authority to define a “Single Issue” convention. The authority of Congress, under Article V of the United States Constitution empowers it to convene a convention as called for and defined by several states; and

Whereas, The founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government which has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent, and the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, It is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by

proposing amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

Further Resolved, That the State of West Virginia hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress and absolutely no other business will be authorized at this convention; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of several states have made applications on the same subject; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution and application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of West Virginia's congressional delegation, and to the presiding officers of each of the legislative houses in several states requesting their cooperation"; which was referred to the Committee on the Judiciary then Rules

Resolutions Introduced

Delegates Reynolds, Bridges, Foster, Summers, Barnhart, Paynter, Criss, Toney, Conley, Rohrbach, J. Pack, Anderson, Cooper, Ferrell, Gearheart, Hanshaw (Mr. Speaker), Holstein, Horst, D. Jeffries, J. Jeffries, Keaton, J. Kelly, Linville, Phillips, Smith, Storch, Tully, Kimble and Mandt offered the following resolution, which was reported by the Clerk as follows:

H. R. 18 - "Recognizing the importance of coal-fired power plants and coal resources to West Virginia's future."

Whereas, West Virginia has a rich history cultivating domestic energy and the continued recovery and utilization of coal resources are important to the state's economy; and

Whereas, The diversity of fuel used to generate electricity is significant to providing reliable and economical energy to the citizens of West Virginia, and the state can continue to take advantage of opportunities in clean energy while supporting our remaining coal-fired power plants and those who rely on their operation; and

Whereas, West Virginia must continue to fight against unreasonable federal regulations intended to crush coal-fired power plants and coal production even while it accepts the importance of diversifying our energy resources; and

Whereas, Coal is an important fuel source for keeping household energy costs low in the State of West Virginia; and

Whereas, Over 600 coal-fired power plants nationally have been forced to close under unobtainable and unreasonable federal regulations, and 18 coal-fired electrical units within West Virginia's borders have been forced to close; and

Whereas, West Virginia should take steps to maintain its coal-fired power plants including, but not limited to, requiring that any financial subsidies received by manufacturers of renewable sources of energy, such as wind, solar, and hydro power, be paid to or used for the benefit of the coal-fired power plants still operating in West Virginia; and

Whereas, Coal resources are necessary to maintain a baseload of predictable and sustainable sources of power to avoid disasters like that recently experienced in Texas following a February 2021 ice storm which caused extended blackouts, a critical fuel supply failure, and compromised homeland security and defense measures; and

Whereas, When emergency weather situations arise, such as ice storms, snow storms, flooding, etc., clean burning West Virginia coal is the only source of reliable power, and other forms of energy production, such as wind, solar or hydro power, are simply not adequate to meet the needs of West Virginians; and therefore, be it

Resolved by the House of Delegates:

That the House of Delegates recognizes the value of its coal-fired power plants and coal resources to West Virginia's future, security, and economic growth; and, be it

Further Resolved, Coal-fired power plants and coal resources are necessary to sustain and protect the baseload of power generation for West Virginians and to reinforce homeland security and defense measures; and, be it

Further Resolved, That investing in the protection and sustainability of West Virginia's coal-fired power plants and coal resources can help build a stronger economy in the Mountain State.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 18) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

The question being on the adoption of the resolution, the yeas and nays were demanded which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 274**), 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, Steele and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. R. 18) adopted.

Motions

Delegate Summers asked and obtained unanimous consent that, for the remainder of the session, members of Conference Committees be permitted to vote on any question or issue before the House which they have missed as a direct result of their duties on Conference Committees, provided that such members notify the Clerk of the House in writing as to how they wish to vote, before the daily Journal is published, and that any such vote will not change the outcome on any question.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order as unfinished business, were reported by the Clerk, and in the absence of objection, considered en masse, and adopted:

H. C. R. 12, Charles E. Jarvis Memorial Bridge,

H. C. R. 25, William Edward Friese Memorial Bridge,

H. C. R. 26, Victor Yoak Memorial Bridge,

And,

H. C. R. 33, Norman A. and Carrie G. Silver Memorial Bridge.

H. C. R. 48, To balance the judicial workload and realign the current court systems based on their caseloads; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

H. C. R. 56, Create a resolution urging the FDA not to pass certain rules; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Third Reading

Com. Sub. for H. B. 2702, To require all public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation; 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. 275**), and there were—yeas 42, nays 56, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Barach, Bates, Boggs, Bruce, Capito, Diserio, Doyle, Ellington, Fleischauer, Fluharty, Garcia, Gearheart, Griffith, Hamrick, Hansen, Haynes, Higginbotham, Hornbuckle, Kessinger, Linville, Longanacre, Lovejoy, Mallow, Maynard, Pethtel, Pushkin, Queen, Riley, Rowan, Rowe, Skaff, Smith, Statler, Thompson, Toney, Tully, Westfall, Williams, Young, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2702) rejected.

Com. Sub. for H. B. 2726, Allowing for the lease of air space above public roads for the safe operation of unmanned aircraft; on third reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

Com. Sub. for H. B. 2792, Relating to the expansion of direct access to natural gas service for new customers; 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. 276**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Martin and Paynter.

Absent and Not Voting: Cooper, Linville, Statler and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2792) passed.

Com. Sub. for H. B. 2953, To clarify that counties can hire fire fighters as paid staff and to modify the existing procedures to include a procedure of public hearing to commission a vote; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 277**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Miller.

Absent and Not Voting: Cooper, Linville and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2953) passed.

On motion of Delegate Capito, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2953 – “A Bill to amend and reenact §7-17-3 and §7-17-12 of the Code of West Virginia, 1931, as amended; all relating to clarifying that counties may hire firefighters as paid staff; delineating that a county commission may contract with the fire department of any political subdivision for fire protection services; and, modifying the existing procedures for amending fire fees to add an additional procedure for a referendum to take place, if desired, instead of utilizing the current requirement that 10 percent of voters petition for such amendment.”

H. B. 3107, Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 278**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Foster and Kimes.

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3107) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 3137, To accelerate the conversion of the transfer tax on the privilege of transferring real property from a state excise tax to a county excise tax; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 279**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3137) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3191, Requiring employers to send certain notifications when retirants are hired as temporary, part-time employees; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 280**), and there were—yeas 98, nays none,

absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3191) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 3231, Public Utilities not required to pay interest on security deposits; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 281**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Brown, Howell, J. Jeffries, Paynter, Pushkin and Rowe.

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3231) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 3293, Relating to single-sex participation in interscholastic athletic events; on third reading, coming up in regular order, was read a third time.

Speaker Pro Tempore Howell in the Chair

During debate on the bill, Delegate Walker was questioning Delegate Ellington when Delegate Espinosa arose concerning the opportunity for Delegate Ellington to answer questions directed to

him. The Speaker Pro Tempore replied that the point was well taken and that the Delegate should be allowed to answer.

Mr. Speaker, Delegate Hanshaw in the Chair

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 282**), and there were—yeas 78, nays 20, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Higginbotham, Hornbuckle, Lovejoy, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3293) passed.

Delegate Burkhammer moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 283**), and there were—yeas 79, nays 19, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Higginbotham, Hornbuckle, Lovejoy, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Cooper 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 H. B. 3293) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3294, Relating to unemployment insurance; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 284**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3294) passed.

On motion of Delegate Capito, the title of the bill was amended to read as follows:

H. B. 3294 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21A-2D-1, §21A-2D-2, §21A-2D-3, §21A-2D-4, §21A-2D-5, §21A-2D-6, §21A-2D-7, §21A-2D-8, and §21A-2D-9; amending said code by adding thereto a new article designated §21A-6B-1, §21A-6B-2, §21A-6B-3, §21A-6B-4, §21A-6B-5, §21A-6B-6, and §21A-6B-7; all generally relating to unemployment insurance; creating the Unemployment Insurance Program Integrity Act; providing short title; providing definitions; providing the commissioner, on a weekly basis, check unemployment insurance rolls against Division of Corrections and Rehabilitation’s list of imprisoned individuals, check new hire records against the National Directory of New Hires, and check unemployment insurance rolls against a commercially available database that provides cross-matching functions to verify eligibility for unemployment benefits; providing for data sharing between Workforce West Virginia and other departments, agencies, or divisions; providing for action by bureau to make new eligibility determinations; requiring commissioner to implement internal administrative policies regarding the recovery of fraudulent unemployment overpayments, cooperative agreements with the U.S. Department of Labor to investigate unemployment fraud, and recover overpayments of unemployment benefits; providing a mechanism for an employer to contact Workforce when an

employee is offered their job back but refuses to be rehired; reporting of relevant data, to the extent permitted by federal law, by commissioner to the Legislature; providing for rulemaking; providing an effective date; establishing the Short Time Compensation Program within Workforce West Virginia; defining terms; providing that the commissioner of Workforce West Virginia establish and implement a short-time compensation program by July 1, 2023; requiring program to meet applicable federal and state law; providing that an employer that wishes to participate submit an application; requiring the commissioner to develop an employer application form to request approval of a plan and an approval process to participate in the program; establishing requirements for an application; providing procedure for commissioner approval or disapproval of a plan; providing for the effective date of a plan, expiration of a plan, revocation of a plan, and modification of a plan; employee eligibility requirements to receive short-time compensation under a plan; prescribing employee benefits and limitations on benefits; and providing for rulemaking.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

In the absence of objection, **Com. Sub. for H. B. 2792**, Relating to the expansion of direct access to natural gas service for new customers, still being in possession of the Clerk, was taken up for further consideration.

On motion of Delegate Anderson, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2792 – “A Bill to amend and reenact §24-2-20 of the Code of West Virginia, 1931, as amended, relating generally to natural gas public utilities; providing for the expansion of direct access to natural gas service for new customers and allowing existing natural gas utility customers to have direct access to natural gas service if an existing user expands its service in the amount of 25 million cubic feet of natural gas per year or more; allowing this direct access for users without the permission,

consent, control, review, or input of the Public Service Commission; amending certification requirements by users to the Public Service Commission; reiterating that the Public Service Commission has no jurisdiction of a Federal Energy Regulatory Commission regulated gas company; requiring the Public Service Commission to promulgate rules to implement the provisions no later than July 1, 2021; amending legislative findings; and establishing an effective date.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Second Reading

S. B. 67, Relating to authority of Emergency Medical Services Advisory Council; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 356, Allowing for written part of drivers’ exam given in high school drivers’ education course; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 390, Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 431, Relating to school attendance notification requirements to DMV; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 435, Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2145, Relating to student aide class titles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2573, Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended, by striking out the section numbers §5B-9-1, §5B-9-2, §5B-9-3, §5B-9-4, §5B-9-5, §5B-9-6, §5B-9-7, §5B-9-8 and §5B-9-9 and inserting in lieu thereof §5B-10-1, §5B-10-2, §5B-10-3, §5B-10-4, §5B-10-5, §5B-10-6, §5B-10-7, §5B-10-8 and §5B-10-9.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2694, Create the 2nd Amendment Preservation 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 amendments pending and the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 2842, Preventing cities from banning utility companies in city limits; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2981, Providing veterans with suicide prevention assistance; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3254, Authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a

voluntary basis; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3266, Providing for termination of extracurricular contact upon retirement; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3299, Authorizing Higher Education Rules; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3300, Relating to reducing personal income tax rates generally; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with amendments pending, and the rule was suspended to permit the offering and consideration of amendments on that reading.

H. B. 3301, Relating generally to property tax increment financing districts; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 439, Allowing use or nonuse of safety belt as admissible evidence in civil actions,

H. B. 2721, Providing electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice,

Com. Sub. for H. B. 2747, Transferring the Parole Board to the Office of Administrative Hearings,

Com. Sub. for H. B. 2773, Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake,

Com. Sub. for H. B. 2793, Permit out of state residents to obtain West Virginia concealed carry permits,

Com. Sub. for H. B. 2890, To clarify the regulatory authority of the Public Service Commission of West Virginia over luxury limousine services,

Com. Sub. for H. B. 2962, Relating generally to dental practice,

Com. Sub. for H. B. 3002, Update road abandonment process,

H. B. 3303, Relating to clarifying the process of filling vacancies on ballots,

H. B. 3305, Relating to required course of study,

And,

H. B. 3306, Relating to virtual instruction.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Cooper and Steele.

Miscellaneous Business

The reports still being in possession of the Clerk, Delegate Summers asked and obtained unanimous consent to return to further consideration of reports from the Committee on Technology and Infrastructure.

Delegate Summers then asked and obtained unanimous consent to recommit H. B. 3307, H. B. 3122, S. B. 69, H. C. R. 20, H. C. R. 21, H. C. R. 43, H. C. R. 52, H. C. R. 54, H. C. R. 62, H. C. R.

63, H. C. R. 64, S. C. R. 6, S. C. R. 8, S. C. R. 9 and H. C. R. 72 to the Committee on Technology and Infrastructure.

The resolutions were then referred to the Committee on Technology and Infrastructure.

At 1:56 p.m., on motion of Delegate Summers, the House of Delegates recessed until 6:00 p.m.

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Evening Session

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[DELEGATE HOWELL, MR. SPEAKER PRO TEMPORE, IN
THE CHAIR]

The House of Delegates was called to order by the Honorable Gary Howell, Speaker Pro Tempore.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 3298, Making a supplemental appropriation to Dept. of Commerce, Dept. of Education, Senior Services and Civil Contingent Fund.

And reports the same back with the recommendation that it do pass.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 3122, Relating to the establishment and operation of regional water, wastewater and stormwater authorities,

S. B. 69, Creating “Choose Life” special registration plate supporting adoption,

S. B. 529, Correcting improper citation relating to DMV registration,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 3122, S. B. 69 and S. B. 529) were referred to the Committee on Government Organization.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 3307, Social Media Integrity and Anti-Corruption in Elections Act,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

The bill (H. B. 3307) was referred to the Committee on the Judiciary.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 20, Bill Withers Memorial Road,

H. C. R. 21, SP4 Dennis Harvey Roberts Bridge, McDowell County,

H. C. R. 43, U. S. Army CSM Hugh H. ‘Smokey’ Stover Memorial Road,

H. C. R. 52, World War II Veterans Toothman Brothers Memorial Bridge,

H. C. R. 54, Robin W. Ames Memorial Road,

H. C. R. 62, Major Samuel Wilson Rogers Jr. Memorial Bridge,

H. C. R. 63, “Mayor George Karos Bridge”,

H. C. R. 64, Deputy Sheriff Scott D. Myers Memorial Bridge,

H. C. R. 72, David Allen Drake, Sr. Memorial Bridge,

S. C. R. 6, US Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn Memorial Bridge,

S. C. R. 8, Fire Chief Kenneth Junior Russell Memorial Bridge,
And,

S. C. R. 9, Haynie Family Veterans Memorial Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

The resolutions (H. C. R. 20, H. C. R. 21, H. C. R. 43, H. C. R. 52, H. C. R. 54, H. C. R. 62, H. C. R. 63, H. C. R. 64, H. C. R. 72, S. C. R. 6, S. C. R. 8 and S. C. R. 9) were referred to the Committee on Rules.

Delegate Steele, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 2177, Permitting the issuance of a state issued identification card without a photo on the card under certain conditions,

And reports back a committee substitute therefor, with the new title, as follows:

Com. Sub. for H. B. 2177 - “A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to state issued identification cards; and permitting the issuance of a state issued identification card without a photo on the card, based upon signing a written affidavit or other form that taking a photograph would violate religion tenet or religious belief,”

And,

H. B. 2720, Creating a Merit-Based Personnel System within DOT,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2720 - “A Bill to repeal §17-2A-24 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §5F-2-8; all relating to establishing a merit-based system for personnel administration for the agencies, authorities, boards, and commissions within the Department of Transportation; authorizing the Secretary of Transportation to establish a merit-based system; preserving existing due process protections in state law; requiring compliance with state law regarding nepotism, favoritism, discrimination, and ethics in the employment process; prohibiting actions with a negative effect on federal funding; requiring inter-agency cooperation; authorizing rule-making; setting an implementation date; and removing duplicative functions within the agency,”

With the recommendation that the committee substitutes each do pass.

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. 70, Calling for the construction of an licensed Off Highway Vehicle (OHV) vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side,

And reports the same back with the recommendation that it be adopted.

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. 17, James C. Vickers Silver Star Highway,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. C. R. 17 – “Requesting the Division of Highways name a portion of Rt 85 South, starting at the Van Community Park of the community of Van and ending at the bridge at Clinton Camp Rd in Wharton in Boone County, the ‘U. S. Army SSG James C. Vickers Highway’,”

With the recommendation that the committee substitute be adopted.

Delegate D. Jeffries, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 25th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 156, Authorizing Department of Homeland Security to promulgate legislative rules,

Com. Sub. for S. B. 160, Authorizing Department of Revenue to promulgate legislative rules,

And,

Com. Sub. for S. B. 182, Authorizing miscellaneous agencies and boards to promulgate legislative rules.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2266, Relating to expanding certain insurance coverages for pregnant women,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2266 - "A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to expanding certain insurance coverages for pregnant women; and providing an effective date,"

With the recommendation that the committee substitute do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2915, Relating to public records management and preservation,

And reports the same back with the recommendation that it do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. C. R. 68, Providing for the issuance of not to exceed \$22 million of refunding bonds pursuant to the Safe Roads Amendment of 1996,

And reports the same back with the recommendation that it be adopted.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for H. B. 2263, Update the regulation of pharmacy benefit managers.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Maroney, Takubo and Stollings.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 361 - "A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to extended supervised release for certain offenders generally; requiring extended supervision for persons convicted of distribution of obscene matter to minors, soliciting a minor via computer, and soliciting a minor by use of obscene matter; and removing antiquated language"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 483 - “A Bill to amend and reenact §44-1-1, §44-1-3, and §44-1-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §44-1-31, all relating to allowing an oath to be taken before any person authorized to administer oaths under the laws of this state or any other state; and allowing a bond to be executed before any person authorized to administer oaths under the law of this state or any other state”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 487 - “A Bill to amend and reenact §5A-3-10 and §5A-3-11 of the Code of West Virginia, 1931, as amended, all relating to updating state procurement procedures and spending thresholds; authorizing the Director of the Division of Purchasing to delegate bid solicitations and commodity procurement to spending units within thresholds to be determined by the director; authorizing the director to increase or decrease the dollar limit of agency-delegated procurements based upon inspection; providing a process for an agency to cure inspection findings; establishing method for calculation of total procurement by commodity; providing that agency-delegated procurements must follow the same process as procurements under the supervision of the Purchasing Division; providing access to agency-delegated procurement records as public records; and defining monetary ranges for different means of collecting competitive bids”. which was referred to the Committee on Government Organization.

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. 517, Relating to sunset provisions of legislative rules.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 610 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-7d, relating to providing tuition and fee waivers for terms of service completed in West Virginia as AmeriCorps volunteer; specifying programs, conditions, required minimum hours of service, and limitation of semesters applicable; defining nominal value; providing that tuition and fee waivers are in addition to others permitted; authorizing governing boards to establish limits; and authorizing legislative rulemaking for certain purposes”. which was referred to the Committee on Education then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 644 - “A Bill to amend and reenact §30-26-2 of the Code of West Virginia, 1931, as amended, relating to engaging in the practice of hearing-aid dealer; and creating exemption for pursuing a course of study leading to a degree in speech-language pathology or audiology”. which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 651 - “A Bill to amend and reenact §18-9-3a of the Code of West Virginia, 1931, as amended, relating to giving county boards of education the option of publishing their financial statements on their websites rather than publishing as a Class I-0 legal advertisement”. which was referred to the Committee on Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 658 - “A Bill to amend and reenact §7-26-2 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Sheriffs’ Bureau of Professional Standards working with the sheriffs of each county of the state to actively participate in and utilize all components of the Handle With Care Program to help trauma-inflicted children in the public or private school system”. which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

Com. Sub. for S. C. R. 14 - “Requesting that the Joint Committee on Government and Finance recognize the historical legacy of West Virginia suffragists through the creation of the West Virginia Women’s Suffrage Memorial, to be located on the Capitol grounds as a permanent reminder of the impact of the suffragists on West Virginia’s past, present, and future.”

Whereas, The definition of a suffragist is a person advocating to extend the right to vote to more people and especially women; and

Whereas, West Virginia suffragists worked for decades from the advent of statehood to 1920 to win the vote for women in West Virginia and expand the democratic participation in society of women; and

Whereas, The accomplishments and contributions of women have not been fully recognized in West Virginia; and

Whereas, Their sacrifices for a long, persistent, and heroic struggle are not well-known; and

Whereas, The beautiful grounds of our State Capitol would be a proper place to honor women's struggle for their rights including the right to vote; and

Whereas, It is fitting that a permanent memorial be established to honor the lives and work of West Virginia suffragists; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance recognize the historical legacy of West Virginia suffragists through the creation of the West Virginia Women's Suffrage Memorial, to be located on the Capitol grounds as a permanent reminder of the impact of the suffragists on West Virginia's past, present, and future; and, be it

Further Resolved, That the West Virginia Governor shall establish a nine-member commission called the Suffragist Memorial Committee. The committee shall be composed of: One member of the Senate; one member of the House of Delegates; one representative of the Governor's office; one representative from the Office of the Secretary of State; one representative of the League of Women Voters; one representative of the Kanawha Valley National Organization for Women; one member of the WVU Women's Studies Program; one member of the Marshall University Women's Studies Program; and one representative of the West Virginia Division of Culture and History; and, be it

Further Resolved, That the work of the committee will be staffed by the West Virginia Women's Commission to provide administrative support to organize meetings and record minutes of all meetings; and, be it

Further Resolved, That meetings will begin in July of 2021 and meet monthly until December 31, 2021. During this time, the committee will consult with the public about the project, research the suffragists active in getting the vote ratified in West Virginia, and choose one prominent suffragist to be honored; and, be it

Further Resolved, That beginning in January 2022, the committee shall consult on the cost of the project, begin to solicit funds, and ultimately solicit proposals for creation of a memorial on the Capitol grounds upon approval of the Capitol Grounds Building Authority; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of the resolution to the West Virginia Women's Commission.

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 Technology and Infrastructure then Rules:

S. C. R. 23 - "Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the 'U.S.M.C. CPL Guy Maywood Edwards Memorial Bridge'."

Whereas, Guy Maywood Edwards was born on September 13, 1918, in Myra, West Virginia, to Hiram Otho Edwards and Elmyra Elizabeth Porter Edwards; and

Whereas, Guy Maywood Edwards graduated from Hamlin High School and enlisted in the U.S. Marine Corps during the winter of 1942; and

Whereas, Corporal Edwards was serving with the Fourth Division of the Marines and, despite having been wounded in October 1944, on Saipan in the Marina Islands, landed on Iwo Jima on February 20, 1945, ready for duty. CPL Guy Maywood Edwards was killed in action six days later on February 26, 1945; and

Whereas, CPL Guy Maywood Edwards' brother, PFC Donald Edwards, was also serving in the Fourth Marine Division on Iwo Jima and was wounded on February 28, 1945; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Guy Maywood Edwards and his sacrifice 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 22-007/00-021.18 (22A153), locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the “U.S.M.C CPL Guy Maywood Edwards 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. CPL Guy Maywood Edwards 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 Health and Human Resources then Rules:

S. C. R. 53 - “Encouraging certain facilities to improve or offer access to palliative care programs.”

Whereas, Palliative care access remains a challenge across the state of West Virginia and increasing awareness of the availability of this service will align with many of the state’s goals to improve a patient’s health care experience and quality; and

Whereas, Palliative care empowers people to live as fully as possible, surrounded and supported by family and loved ones, despite serious, though not necessarily terminal, illness; and

Whereas, Palliative care brings patients and family caregivers the highest quality of care delivered by an interdisciplinary team of skilled professionals that includes physicians, advanced practice registered nurses or registered nurses, social workers, counselors, spiritual providers, and consulting pharmacists who make the wishes of each patient and family member a priority; and

Whereas, The interdisciplinary team-based model of care process is designed to relieve suffering and improve quality every day living for patients and families through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support; and

Whereas, This care should be available at any stage of illness from birth to advanced age and offered simultaneously with disease modifying interventions, including attempts for cure and remission; and

Resolved by the Legislature of West Virginia:

That the Legislature hereby encourages certain facilities to improve or offer access to palliative care programs; and, be it

Further Resolved, That every long-term care facility or hospital of 50 beds or more offering skilled nursing care should be encouraged to offer a palliative care program to their patients; and, be it

Further Resolved, That every home health and hospice provider should be encouraged to offer palliative care to their patients to complete the continuum of care provided to these patients.

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 the Judiciary then Rules:

S. C. R. 54 - “Urging Congress and the President of the United States to protect the Second Amendment of the United States Constitution.”

Whereas, The Second Amendment of the United States Constitution, ratified in 1791 as part of the Bill of Rights, provides that, “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed”; and

Whereas, The right to keep and bear arms is a fundamental right which is embodied in the constitutions of 44 states, and represents the belief of James Madison that the federal government does not have the authority to disarm citizens; and

Whereas, The Supreme Court of the United States in the case of the *District of Columbia v. Heller*, 554 U.S 570 (2008), ruled that the undue restriction of handguns, which are commonly used for traditionally lawful purposes like self-protection within the home, is a violation of the Second Amendment of the United States Constitution and declared that the Second Amendment shall be read to, “guarantee the individual right to possess and carry weapons in case of confrontation”; and

Whereas, The Supreme Court of the United States in the case of *McDonald v. Chicago*, 561 U.S 742 (2010), ruled that the “right to keep and bear arms” as protected by the Second Amendment, is incorporated within the Due Process Clause of the Fourteenth Amendment; and

Whereas, The Supreme Court of the United States in *McDonald v. Chicago*, held that the Fourteenth Amendment makes the Second Amendment right to keep and bear arms for the purpose of self-defense applicable to the states; and

Whereas, Justice Samuel A. Alito gave the opinion of the court in *McDonald v. Chicago* stating that rights that are “fundamental to our scheme of ordered liberty” and are “deeply rooted in the country’s history and tradition” are applied to the states through the Fourteenth Amendment; and

Whereas, On November 4th, 1986, the Right to Keep and Bear Arms Amendment to the West Virginia Constitution was approved by the voters of West Virginia, stating that, “A person has the right to keep and bear arms for the defense of self, family, home, and state, and for lawful hunting and recreational use”; and

Whereas, The Right to Keep and Bear Arms Amendment to the West Virginia Constitution was overwhelmingly approved by voters of this great state, which reflects the importance of not unduly restricting this unalienable right; and

Whereas, The citizenry of West Virginia urges the acknowledgment and protection of the right to keep and bear arms; and

Whereas, The natural rights enshrined within the founding of our nation should be protected to the greatest degree possible; and

Whereas, It is the desire of the West Virginia Legislature to respectfully urge Congress and the President of the United States to not unreasonably restrict citizens’ right to keep and bear arms; and

Whereas, Any efforts made to restrict these rights unreasonably will, within the limits of state and federal law, be met with strong opposition and the utilization of all lawful means in order to protect the citizens of West Virginia; and

Whereas, The West Virginia Legislature honors the U.S Supreme Court precedent affirming the right to keep and bear arms and supports both the United States Constitution and the West Virginia Constitutional provisions which protect this cherished right; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress and the President of the United States to protect the Second Amendment of the United States Constitution; and, be it

Further Resolved, That the Legislature expresses its unwavering support of the unalienable right to keep and bear arms; and, be it

Further Resolved, That the Legislature opposes any executive action by the President of the United States or any act of Congress that unreasonably restricts an individual's right to keep and bear arms, firearm accessories, or ammunition; and, further

Further Resolved, That the Legislature beseeches Congress to forego and refrain from the enactment of any law or laws that would infringe upon the constitutional right to keep and bear arms; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Governor of West Virginia, the Majority Leader of the United States Senate, the Speaker of the House of the United States House of Representatives, the President of the United States, the Honorable Joe Manchin, the Honorable Shelley Moore Capito, the Honorable David McKinley, the Honorable Alex Mooney, and the Honorable Carol Miller.

Miscellaneous Business

The House of Delegates met on Wednesday, March 24, 2021 for **Remarks by Members**, which had been scheduled for 5:00 p.m., in accordance with House Rule 65. The Honorable Amy Summers, Majority Leader, called the House to order and presided while members proceeded to make remarks. At 5:19 p.m., Remarks by Members was adjourned.

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2266: Delegate Williams;

H. B. 2773: Delegate Pinson;

H. B. 3082: Delegate Espinosa;

H. B. 3122: Delegate Rowe;

H. B. 3307: Delegate Ferrell;

And,

H. C. R. 70: Delegates Booth, Bruce, Ferrell, Hamrick, Hott, Longanacre, Mazzocchi, Nestor, Reed, Smith, Storch and Worrell.

At 6:26 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 26, 2021.

Friday, March 26, 2021

FORTY-FIFTH DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Thursday, March 25, 2021, 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. 439, H. B. 2721 and H. B. 3305 on Second reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 2933, on Third reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

On motion for leave, a bill was introduced (Originating in the Committee on Finance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Barrett, Storch, Hardy, Rowe, Williams, Pethtel, Howell and Criss:

H. B. 3308 - "A Bill to amend and reenact §29-22B-1101 of the Code of West Virginia, 1931, as amended; relating to increasing number of limited video lottery terminals allowed at certain licensed limited video lottery retailer locations; removing superseded provisions; and establishing an effective date."

On motion for leave, a bill was introduced (Originating in the Committee on Finance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Barrett, Hardy, Storch, Howell, Pethtel, Williams, Rowe and Criss:

H. B. 3309 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22B-1305; and to amend and reenact §29-22B-1408 of the code, all relating to creating and funding a Video Lottery Terminals Modernization Fund to provide funds from which each person authorized to own and operate one or more limited video lottery terminals in this state may recoup costs to replace the limited video lottery terminals; and requiring retention of refinanced terminals at a location in the state for a minimum specified period."

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 294, Relating generally to savings and investment programs offered by state,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 294) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 3074, Relating to information on organ and tissue donations,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3074 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-19-24, relating to information on organ and tissue donations; requiring the state’s Department of Education to develop information to be made available to students in grades nine through 12; allowing parents of children to opt out of receiving instruction or materials relating to anatomical donation; and authorizing public and private institutions of higher education to provide information to its students,”

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2884, To make changes to the FOIA law to protect public utility customer databases from disclosure, with exceptions,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2884 - “A Bill to amend and reenact §29B-1-2 and §29B-1-4 of the Code of West Virginia, 1931, as amended, all relating to exempting customer records of publicly-administered utility enterprises from production under the Freedom of Information Act; defining ‘publicly-administered utility enterprise’; establishing exemption from production; and allowing certain uses and disclosures of information under certain circumstances,”

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2730, Relating to persons filing federal bankruptcy petition to exempt certain property of the estate,

H. B. 2918, Relating to Family Drug Treatment Court,

H. B. 2997, Adding a defense to the civil penalty imposed for a result of delivery of fuel to a state other than the destination state printed on the shipping document for fuel,

And,

H. B. 3089, Make utility workers essential employees during a state of emergency,

And reports the same back with the recommendation that they each do pass.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 3286, Making a supplementary appropriation to the Division of Human Services – Child Care and Development,

H. B. 3287, Making a supplementary appropriation to the Department of Homeland Security,

H. B. 3288, Supplementing and amending appropriations by decreasing and increasing existing items of appropriation in the DHHR,

H. B. 3289, Supplementary appropriation to the Department of Commerce, Geological and Economic Survey,

H. B. 3291, Making a supplementary appropriation to the Department of Homeland Security, Division of Administrative Services,

And,

H. B. 3292, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health,

And reports the same back with the recommendation that they each do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 3030, Relating to gross weight limitations and road restrictions in Greenbrier and Pocahontas Counties,

And reports the same back with the recommendation that it do pass.

Delegate Foster, Vice Chair of the Committee on Government Organization submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 3127, Relating to Public Utilities Audit,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 3127 - "A Bill to amend and reenact §11-1C-5 of the Code of West Virginia, 1931, as amended, relating to creating powers and duties of the State Auditor to audit public utility tax returns; clarifying that the State Auditor is to audit or review the apportionment information filed in the regular course of business for public utilities; providing subpoena power for the State Auditor to compel attendance of witnesses or to produce books and papers; establishing a civil penalty and directing penalties to the Public Utilities Tax Loss Restoration fund; and defining the term review,"

With the recommendation that the committee substitute do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for H. B. 3127) was referred to the Committee on Finance.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 3295, Making a supplemental appropriation to Division of Human Services and Division of Health Central Office,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3295 - “A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing and increasing existing items of appropriation to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511 and increasing existing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2021, organization 0506, by supplementing and amending appropriations for the fiscal year ending June 30, 2021,”

And,

H. B. 3297, Making a supplemental appropriation to the Department of Veterans’ Assistance - Veterans Home,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3297 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021 in the amount of \$550,000 from the Department of Veterans’ Assistance, Department of Veterans’ Assistance, fund 0456, fiscal year 2012, organization 0613, appropriation 34400 and making a supplementary appropriation of public moneys out of the Treasury

from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Veterans' Assistance – Department of Veterans' Assistance - Veterans' Home, fund 0460, fiscal year 2021, organization 0618, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021,”

With the recommendation that the committee substitutes each do pass.

Messages from the Senate

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. 2024, Expand use of telemedicine to all medical personnel.

Delegate Summers moved the House concur in the Senate amendment of the bill, with further amendment.

Subsequently, unanimous consent having been obtained, further consideration was postponed until the conclusion of bills on third reading.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 509 - “A Bill to amend and reenact §27-5-3 and §27-5-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §27-5-3a, all relating to involuntary hospitalization; requesting the Supreme Court of Appeals to provide training to specified persons on medical conditions mimicking, causing, or contributing to a psychiatric presentation; providing that magistrate or mental hygiene commissioner may determine individual be evaluated for medical condition; removing a requirement that a determination of

medical stability be found prior to admission to a mental health facility; providing that a physical may be provided to the individual upon admission to the mental health facility; providing that if after entry of order of involuntary hospitalization is entered the cause is determined to be medical rather than physical this shall not serve to make the person banned from possessing a firearm; and requiring specified persons to transport to a diversion facility as designated by the chief medical officer of the state hospital”; which was referred to the Committee on Health and Human Resources then the Judiciary.

Resolutions Introduced

Delegate Hanna offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 73 - “Requesting the Division of Highways name the intersection of WV 82 and WV 20 in Cowan, Webster County, the ‘Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection’.”

Whereas, Fire Chief Joseph Allen Wyatt graduated from Cowen High School in 1966. He attended Potomac State College and graduated from West Virginia University. He was in the United States Army Reserves for nearly 15 years, having achieved the rank of First Lieutenant; and

Whereas, Fire Chief Wyatt was a substitute teacher, worked for the West Virginia Alcohol Beverage Commission before becoming Sanitarian for the Webster County Health Department. Fire Chief Wyatt later worked for the West Virginia Department of Health and Human Resources as Assistant Director of Environmental Health, Infectious Medical Waste Division; and

Whereas, Fire Chief Wyatt had been a President of the West Virginia Public Health Association, a member of Trinity United Methodist Church in Cowen, West Virginia, and had a first degree black belt of Budo Ki Karate; and

Whereas, Fire Chief Wyatt was active in the local volunteer Emergency Medical Services, and joined Cowen Volunteer Fire Department in the early 1960s and spent more than 30 years as a member until he retired in the early 2000s. He also taught Firemanship 1, 2, and 3 as well as Hazardous Material Classes for RESA Certified EMT, and was a certified instructor for First Aid; and

Whereas, Fire Chief Wyatt was Fire Chief of the Cowen Volunteer Fire Department until he passed away in May of 2009; and

Whereas, Fire Chief Joseph Allen Wyatt's life was an outstanding example of dedicated public service and it is fitting to name the intersection in Webster County, West Virginia, "Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the intersection of WV 82 and WV 20 in Cowan, Webster County, the "Joseph Allen Wyatt, Fire Chief of Cowen VFD Memorial Intersection"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the intersection as the "Joseph Allen Wyatt, Fire Chief of Cowen Volunteer Fire Department Memorial Intersection"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Mazzocchi offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 74 - “Requesting that 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, be named the ‘Sergeant John B. Short Memorial Bridge’.”

Whereas, John B. Short was born in 1923, the son of LeRoy and Linda Jackson Short of Davin, West Virginia. He died in 2008. He was a graduate of Man High School in 1942 and enlisted in the U. S. Army Air Corps in 1943, where he served until 1946. He went to electrician school in Michigan and, upon his return married Ruby K. Nunley Short. They had seven children. John retired as Chief Electrician with Pittston Coal Company in 1986. He was an avid outdoorsman, hunter and fisherman; and

Whereas, It is fitting that an enduring memorial be established to commemorate this individual who meant so much to his family and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to 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 “Sergeant John B. Short Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Sergeant John B. Short Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Boggs and Doyle offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 75 - “Requesting the Division of Highways name bridge number 04-035/02-003.09 (04A196)” locally known as the

Hyers Run Plate Girder, carrying County Route 35/2 over Little Kanawha River in Braxton County, the ‘U. S. Army Corporal Charles William “Bill” Knight Memorial Bridge’.”

Whereas, Bill Knight was born on August 22, 1921, in Braxton County, West Virginia, a son of the late Charles Wesley and Jessie Barker Knight; and

Whereas, Bill loved the land, loved farming the land, and loved calling Burnsville, WV his home; and

Whereas, Stories are told of Bill’s grandfather floating timber from the family land to Parkersburg, and then taking the three day walk home, and this is the work ethic that Bill learned and exemplified; and

Whereas, Bill entered into service in the United States Army in 1942, stationed in Maryland and serving as a firefighter; and

Whereas, Corporal Knight received the United States Army Good Conduct Medal for his service, and was a proud member of the American Legion Post #33; and

Whereas, Bill was a heavy equipment operator, mechanic, timberman and construction worker in his lifetime, and a devoted member of the Little Kanawha Independent Church, Burnsville, WV; and

Whereas, Charles William Knight passed away at the age of 89, surrounded by his loved ones, on October 4, 2010, and memories of him are treasured by his children and friends; and

Whereas, It is fitting that an enduring memorial be established to U.S. Army Corporal Charles William “Bill” Knight 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 number Requesting the Division of Highways name bridge number 04-035/02-003.09 (04A196) locally known as the Hyers Run Plate

Girder, carrying County Route 35/2 over Little Kanawha River in Braxton County, the “U. S. Army Corporal Charles William “Bill” Knight 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 Corporal Charles William “Bill” Knight Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Boggs offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 76 - “Requesting the Division of Highways name bridge number 04-019/26-008.08 (04A166)” locally known as the Lower Exchange BXBM, carrying County Route 19/26 over Perkins Fork of Cedar Creek in Braxton County, the “U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge”.

Whereas, Byrne Lee was born on January 29, 1926, in Braxton County, West Virginia, and lived in Exchange, WV for most of his life; and

Whereas, Byrne Lee was a dedicated employee for Braxton County Schools, safely transporting children for twenty-six years; and

Whereas, Byrne Lee served his country valiantly in the United States Navy during World War II, and was notably honored with the Asiatic/ Pacific Theater Medal, the WWII Victory Medal, Philippine Liberation Unit (1 Star), commemoration of the USS White Plains (the ship he served on) and Presidential Unit Citation Point system; and

Whereas, Byrne Lee and his wife, Betty, hosted the annual Exchange Homecoming for thirteen years straight, and is described as an inspiration by his three children; and

Whereas, Byrne Lee was a devoted member of the American Legion Post #33; and

Whereas, Byrne Lee passed away at the age of 81, surrounded by his loved ones, on January 10, 2007; and

Whereas, it is fitting that an enduring memorial be established to Byrne Lee Singleton 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 number 04-019/26-008.08 (04A166) locally known as the Lower Exchange BXB, carrying County Route 19/26 over Perkins Fork of Cedar Creek in Braxton County, the “U.S. Navy Seaman 1st Class Byrne Lee Singleton 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. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Cooper and J. Pack offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 77 - “Requesting the Division of Highways name a portion of U.S. Route 219, in Monroe County, beginning at its intersection with WV Route 122 and ending at its intersection with County Route 219/16, the ‘Elmer Galford Memorial Road’.”

Whereas, Elmer Lee Galford was born November 26, 1947, at Gap Mills in Monroe County, West Virginia, to Price and Thelma Hudnall Galford; and

Whereas, He attended Monroe County Schools and graduated from Gap Mills High School; and

Whereas, Elmer Galford graduated from the West Virginia State Police Academy and started a long career in law enforcement, including service as a city police officer, Deputy Sheriff, and two terms as Sheriff of Monroe County; and

Whereas, Elmer Galford eventually retired from law enforcement and with his wife, Katie, established Galford's Country Store at Pickaway, which they ran for many years; and

Whereas, Elmer Galford was well known for his participation in, and contributions to, community activities and during his lifetime he was an active member of the Lindside Volunteer Fire Department, the Rock Camp/Wikel Ruritan Club, and the Monroe County Republican Club, in various times serving as the president of each of these organizations; and

Whereas, Elmer Galford served for many years as the organizer of the Fourth of July and Veteran's Day Parades in Lindside, West Virginia; and

Whereas, Elmer Galford passed away on November 16, 2020; and

Whereas, It is fitting that an enduring memorial be established to commemorate former Sheriff and community leader Elmer Galford and his contributions to his state and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of U.S. Route 219, in Monroe County, beginning at its intersection with WV Route 122 and ending at its intersection with County Route 219/16, the "Elmer Galford 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 “Elmer Galford Memorial Road”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Motions

Delegate J. Jeffries was recognized and moved, pursuant to House Rule 82, that H. B. 2869 be discharged from the Committee on the Judiciary and read a first time.

Delegate Summers moved that the motion be tabled.

On this question, the yeas and nays were demanded, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 285**), and there were—yeas 75, nays 20, absent and not voting 5, with the yeas and absent and not voting being as follows:

Nays: Bates, Conley, Dean, Gearheart, Horst, J. Jeffries, Jennings, Longanacre, Martin, McGeehan, Paynter, Phillips, Pushkin, Reed, Reynolds, Smith, Thompson, Walker, B. Ward and G. Ward.

Absent and Not Voting: Bruce, Ellington, Maynard, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the motion was laid upon the table.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order as unfinished business, were reported by the Clerk, and in the absence of objection, considered en masse, and adopted:

Com. Sub. for H. C. R. 17, U. S. Army SSG James C. Vickers Highway,

Com. Sub. for H. C. R. 22, Bill O'Dell Memorial Bridge,

H. C. R. 27, Harvey Lemasters Memorial Bridge,

And,

H. C. R. 38, U.S. Marine Corps Sergeant David Andrew Green Memorial Bridge.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. C. R. 68, Providing for the issuance of not to exceed \$22 million of refunding bonds pursuant to the Safe Roads Amendment of 1996; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. C. R. 70, Calling for the construction of an licensed Off Highway Vehicle (OHV) vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Third Reading

S. B. 67, Relating to authority of Emergency Medical Services Advisory Council; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 286**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Maynard, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 67) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 287**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Maynard, L. Pack and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 67) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 356, Allowing for written part of drivers' exam given in high school drivers' education course; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 288**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Maynard, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 356) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

S. B. 390, Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database; 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. 289**), 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: Bruce, Ellington, Maynard, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 390) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 290**), 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: Bruce, Ellington, Maynard, L. Pack and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 390) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 431, Relating to school attendance notification requirements to DMV; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 291**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Martin.

Absent and Not Voting: Bruce, Ellington, Maynard, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 431) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 435, Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students; 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. 292**), and there were—yeas 75, nays 21, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barach, Boggs, Brown, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 435) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for H. B. 2145, Relating to student aide class titles; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 293**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Foster and Kimes.

Absent and Not Voting: Bruce, Ellington, L. Pack, Skaff and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2145) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2573, Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse; 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. 294**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Bates and Young.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2573) passed.

On motion of Delegate Capito, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2573 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-10-1, §5B-10-2, §5B-10-3, §5B-10-4, §5B-10-5, §5B-10-6, §5B-10-7, §5B-10-8 and §5B-10-9, and to amend and reenact §12-4-14 of said code; all generally relating to providing transparency regarding the spending of public monies; enacting the West Virginia Development Achievements Transparency Act; providing a short title for the West Virginia Development Achievements Transparency Act; providing legislative purpose and findings; providing for definitions; outlining reporting requirements for entities providing a development subsidy; directing the Auditor to create a searchable website to view development subsidy data; detailing the items required to be provided on the Auditor’s searchable website; protecting confidentiality of certain subsidy data; providing that a granting body may compile information from a recipient corporation; providing that a granting body shall review information from a recipient corporation to ensure reasonable accuracy; providing that the State Auditor shall publish a list detailing any granting body or recipient corporation that fails to comply with article 9, chapter 5B of this code; providing that the Auditor shall publish a list of any granting body or recipient corporation that intentionally submits false, misleading, or fraudulent information; providing that the Auditor shall notify the Joint Committee on Government and Finance of any granting body or recipient corporation that intentionally submits false, misleading or fraudulent information; permitting the Auditor to hold public hearings or training sessions to ensure compliance with the article; reenacting §12-4-14 of this code as the West Virginia Grant Transparency and Accountability Act; providing a short title for West Virginia Grant Transparency and Accountability Act; providing legislative intent; defining terms; providing that any grantee of state grant funds that grants said funds to a subgrantee, such funds shall be treated as a state grant; providing that the Auditor shall notify the Treasurer regarding any grantor agency that fails to comply with reporting and recordkeeping provisions of this code and that such agency shall not encumber or expend grant funds until State Auditor determines that reporting and recordkeeping are brought into compliance with this code;

requiring each state grantmaking agency designate a Chief Accountability Officer; allowing grantor agencies or the State Auditor to issue stop payment orders; requiring the State Auditor to maintain a searchable and publicly accessible database of state grants; requiring State Auditor, in cooperation with state grant making agencies, to promulgate legislative, procedural and interpretive rules regarding stop payment procedures; providing for informal conference to resolve conflicts between grantor agency and grantee when grantor agency reasonably believes grant funds are subject to recovery; providing formal procedures for grantor agency to follow to determine if grant funds are subject to recovery, including notice and hearing requirements; requiring grantor agencies to take affirmative and timely action to recover misspent and improperly held grant funds, once said funds are determined to be misspent or improperly held; providing grantor agencies methods to recover misspent or improperly held grant funds; allowing the Attorney General to take action to recover any grants funds that have been misapplied or improperly held; creating a special revenue fund known as the Grant Recovery Fund for recovered grant funds for which the use is not restricted by law or otherwise appropriated; providing for rulemaking by the State Auditor; requiring the State Auditor to adopt conflicts of interest policies for state grants and requiring grantors, grantees, and subgrantees to disclose such conflicts; changing the notification requirement from the Legislative Auditor to the State Auditor for state agencies administering a state grant; requiring the State Auditor to maintain a debarred list in the form of a computerized database accessible by state agencies and the public, with public disclosure to the extent allowed by federal law; defining prohibited political activity; requiring grantors, grantees, subgrantees, and personnel thereof to not use grant funds for prohibited political activities or to be knowingly compensated with grant funds for prohibited political activities; providing exception for 501(c)(3) and 501(c)(4) organizations that receive state grant funds for federally permissible advocacy; providing criminal penalties; and providing for reporting by the State Auditor to the Joint Legislative Committee on Government and Finance that demonstrates efficiencies cost savings, and reductions in fraud, waste and abuse.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2694, Create the 2nd Amendment Preservation Act; on third reading, coming up in regular order, with amendments pending and the right to amend, was reported by the Clerk.

On motion of Delegate D. Jeffries, the bill was amended on page five, section four, line one, by striking out section four in its entirety and inserting in lieu thereof the following:

“§61-7B-4. Attorney General to publish model policies.

The Attorney General, by January 1, 2022, and as often thereafter as the Attorney General deems necessary, shall publish model policies for agencies of this state, political subdivisions of this state, and employees of agencies or political subdivisions of this state to provide guidance on limiting assistance with federal law enforcement under this article, to the fullest extent possible consistent with federal and state law.”

On motion of Delegate Capito, the bill was amended on page 4, section 3, line 45, by striking out subdivision (b)(1) and inserting in lieu thereof the following:

“(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of state law that is detected during an unrelated law enforcement activity.”

There being no further amendments, and having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 295**), and there were—yeas 74, nays 22, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, D. Kelly, Lovejoy,

Pushkin, Rowe, Skaff, Storch, Walker, Westfall, Williams, Young and Zukoff.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2694) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2726, Allowing for the lease of air space above public roads for the safe operation of unmanned aircraft; on third reading, coming up in regular order, was reported by the Clerk.

Unanimous consent was obtained to amend the bill on third reading and the rule was suspended to permit the offering and consideration of an amendment on third reading.

On motion of Delegate Capito, the bill was amended on page 1, section 1, line 3, after the word “code,” by striking out the word “may” and inserting in lieu thereof the word “shall”.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 296**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Hardy, Kimes and Queen.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2726) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2842, Preventing cities from banning utility companies in city limits; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 297**), and there were—yeas 91, nays 5, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Bates, Fleischauer, Pushkin, Thompson and Young.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2842) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2933, Anti-Discrimination Against Israel 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. 298**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fleischauer and Pritt.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2933) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2981, Providing veterans with suicide prevention assistance; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 299**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2981) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 3254, Authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a voluntary basis; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 300**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3254) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 3266, Providing for termination of extracurricular contact upon retirement; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 301**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Anderson, Brown, Dean and Lovejoy.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3266) passed.

Delegate Summers moved that the bill take effect July 1, 2021.

On this question, the yeas and nays were taken (**Roll No. 302**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Dean and Paynter.

Absent and Not Voting: Bruce, Ellington, L. Pack 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 H. B. 3266) takes effect July 1, 2021.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3299, Authorizing Higher Education 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. 303**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Hanna, Miller and Paynter.

Absent and Not Voting: Bruce, Ellington, L. Pack and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3299) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3300, Relating to reducing personal income tax rates generally; on third reading, coming up in regular order, with amendments pending, was, on motion of Delegate Summers, postponed one day.

Delegate Rowe then arose to move that the postponement also include the right to amend on third reading.

The Speaker replied that a rule suspension motion would be in order but the postponement motion had been acted upon.

H. B. 3301, Relating generally to property tax increment financing districts; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 304**), and there were—yeas 90, nays 2, absent and not voting 8, with the nays and absent and not voting being as follows:

Nays: Martin and Paynter.

Absent and Not Voting: Bruce, Ellington, Gearheart, Graves, Howell, L. Pack, Steele and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3301) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 305**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Bruce, Ellington, Graves, McGeehan, L. Pack, Queen, Steele and Wamsley.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3301) 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.

Having been postponed in earlier proceedings, the House returned to further consideration of the Senate Message on Com. Sub. for H. B. 2024.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate, with further amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“CHAPTER 5. GENERAL POWERS AND AUTHORITY
OF THE GOVERNOR, SECRETARY OF STATE, AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES
INSURANCE ACT.**

§5-16-7b. Coverage for telehealth services.

(a) The following terms are defined:

(1) 'Distant site' means the telehealth site where the health care practitioner is seeing the patient at a distance or consulting with a patient's health care practitioner.

(2) 'Established patient' means a patient who has received professional services, face-to-face, from the physician, qualified health care professional, or another physician or qualified health care professional of the exact same specialty and subspecialty who belongs to the same group practice, within the past three years.

~~(2)~~ (3) 'Health care practitioner' means a person licensed under §30-1-1 *et seq.* of this code who provides health care services.

~~(3)~~ (4) 'Originating site' means the location where the patient is located, whether or not accompanied by a health care practitioner, at the time services are provided by a health care practitioner through telehealth, including, but not limited to, a health care practitioner's office, hospital, critical access hospital, rural health clinic, federally qualified health center, a patient's home, and other nonmedical environments such as school-based health centers, university-based health centers, or the work location of a patient.

(4) (5) 'Remote patient monitoring services' means the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload.

~~(5)~~ (6) 'Telehealth services' means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include ~~audio only telephone calls~~, e-mail messages, or facsimile transmissions.

(7) ‘Virtual telehealth’ means a new patient or follow-up patient for acute care that does not require chronic management or scheduled medications.

(b) After July 1, 2020, the plan shall provide coverage of health care services provided through telehealth services if those same services are covered through face-to-face consultation by the policy.

(c) After July 1, 2020, the plan may not exclude a service for coverage solely because the service is provided through telehealth services.

(d) The plan, which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service at a rate negotiated between the provider and the insurance company for virtual telehealth encounters. The plan, which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service for an established patient or care rendered on a consulting basis to a patient located in an acute care facility whether inpatient or outpatient on the same basis and at the same rate under a contract, plan, agreement, or policy as if the service is provided through an in-person encounter rather than provided via telehealth.

(e) The plan may not impose any annual or lifetime dollar maximum on coverage for telehealth services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy, or impose upon any person receiving benefits pursuant to the provisions of or the requirements of this section any copayment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or plan.

(f) An originating site may charge the plan a site fee.

(g) The coverage required by this section shall include the use of telehealth technologies as it pertains to medically necessary remote patient monitoring services to the full extent that those services are available.

CHAPTER 9. HUMAN SERVICES.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-28. Requirement for telehealth rates.

The Medicaid plan, which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service at a rate negotiated between the provider and the insurance company for virtual telehealth encounters. The Medicaid plan, which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service for an established patient or care rendered on a consulting basis to a patient located in an acute care facility whether inpatient or outpatient on the same basis and at the same rate under a contract, plan, agreement, or policy as if the service is provided through an in-person encounter rather than provided via telehealth.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

§30-1-26. Telehealth practice.

(a) For the purposes of this section:

‘Health care practitioner’ means a person licensed under §30-1-1 *et seq.* who provides health care services.

‘Interstate telehealth services’ means the provision of telehealth services to a patient located in West Virginia by a health care practitioner located in any other state or commonwealth of the United States.

‘Registration’ means an authorization to practice a health profession regulated by §30-1-1 *et seq.* of this code for the limited purpose of providing interstate telehealth services within the registrant’s scope of practice.

‘Telehealth services’ means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include ~~audio only telephone calls~~ internet questionnaires, e-mail messages, or facsimile transmissions.

(b) Unless already provided for by statute or legislative rule, a health care board, referred to in §30-1-1 *et seq.* of this code, shall propose ~~a~~ an emergency rule for legislative approval in accordance with the provisions of ~~§29A-3-1~~ §29A-3-15 *et seq.* of this code to regulate telehealth practice by a telehealth practitioner. The proposed rule shall consist of the following:

(1) The practice of the health care service occurs where the patient is located at the time the telehealth technologies are used;

(2) The health care practitioner who practices telehealth ~~must be licensed as provided in this chapter~~ shall be:

(A) Licensed in good standing in the state in which he or she is licensed and not currently under investigation or subject to an administrative complaint; and

(B) Registered as an interstate telehealth practitioner with the appropriate board in West Virginia;

(3) When the health care practitioner-patient relationship is established.

(4) The standard of care for the provision of telehealth services: Provided, That the standard of care shall require that with respect to the established patient, the patient shall visit an in-person health

care practitioner within 12 months of using the initial telemedicine service or the telemedicine service shall no longer be available to the patient until an in-person visit is obtained: *Provided, however,* That the requirements in this section may be suspended in the event the Governor declares a state of emergency that impacts the public health or in the discretion of the health care practitioner on a case-by-case basis: *Provided* however; That the requirements of this section do not apply to the following services: acute inpatient care, post-operative follow-up checks, behavioral medicine, addiction medicine, or palliative care.

(5) A prohibition of prescribing any controlled substance listed in ~~schedule II drugs~~ Schedule II of the Uniform Controlled Substance Act, unless authorized by another section--: *Provided,* That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.

(6) Establish the conduct of a registrant for which discipline may be imposed by the board of registration.

(7) Establish a fee, not to exceed the amount to be paid by a licensee, to be paid by the interstate telehealth practitioner registered in the state.

(8) A reference to the Board's discipline process.

(c) A registration issued pursuant to the provisions of or the requirements of this section does not authorize a health care professional to practice from a physical location within this state without first obtaining appropriate licensure.

(d) By accepting a registration to provide interstate telehealth services to patients in this state, a health care practitioner is subject to:

(1) The laws regarding the profession in this state, including the state judicial system and all professional conduct rules and standards incorporated into the health care practitioner's practice act and the legislative rules of registering board; and

(2) The jurisdiction of the board with which he or she registers to provide interstate telehealth services, including such board's complaint, investigation, and hearing process.

(e) A health care professional who registers to provide interstate telehealth services pursuant to the provisions of or the requirements of this section shall immediately notify the board where he or she is registered in West Virginia and of any restrictions placed on the individual's license to practice in any state or jurisdiction.

(f) A person currently licensed in this state is not subject to registration but shall practice telehealth in accordance with the provisions of this section and the rules promulgated thereunder.

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-13a. Telemedicine practice; requirements; exceptions; definitions; rule-making.

(a) *Definitions.* – For the purposes of this section:

(1) ‘Chronic nonmalignant pain’ means pain that has persisted after reasonable medical efforts have been made to relieve the pain or cure its cause and that has continued, either continuously or episodically, for longer than three continuous months. ‘Chronic nonmalignant pain’ does not include pain associated with a terminal condition or illness or with a progressive disease that, in the normal course of progression, may reasonably be expected to result in a terminal condition or illness.

(2) ‘Physician’ means a person licensed or registered by the West Virginia Board of Medicine to practice allopathic medicine in West Virginia.

(3) ‘Store and forward telemedicine’ means the asynchronous computer-based communication of medical data or images from an originating location to a physician or podiatrist at another site for the purpose of diagnostic or therapeutic assistance.

(4) ‘Telemedicine’ means the practice of medicine using tools such as electronic communication, information technology, store and forward telecommunication, audio only telephone calls, or other means of interaction between a physician or podiatrist in one location and a patient in another location, with or without an intervening health care provider.

(5) ‘Telemedicine technologies’ means technologies and devices which enable secure ~~electronic~~ communications and information exchange in the practice of telemedicine, and typically involve the application of secure real-time audio/video conferencing or similar secure video services, remote monitoring or store and forward digital image technology, or audio only telephone calls to provide or support health care delivery by replicating the interaction of a traditional in-person encounter between a physician or podiatrist and a patient.

(b) *Licensure or registration*. –

(1) The practice of medicine occurs where the patient is located at the time the telemedicine technologies are used.

(2) A physician or podiatrist who practices telemedicine must be licensed as provided in this article or registered as provided in §30-1-1 et seq. of this code.

(3) This section does not apply to:

(A) An informal consultation or second opinion, at the request of a physician or podiatrist who is licensed to practice medicine or podiatry in this state: *Provided*, That the physician or podiatrist requesting the opinion retains authority and responsibility for the patient’s care; and

(B) Furnishing of medical assistance by a physician or podiatrist in case of an emergency or disaster, if no charge is made for the medical assistance.

(c) *Physician-patient or podiatrist-patient relationship through telemedicine encounter*. –

(1) A physician-patient or podiatrist-patient relationship may not be established through:

~~(A) Audio only communication;~~

~~(B) Text-based communications such as e-mail, Internet questionnaires, text-based messaging, or other written forms of communication; or~~

~~(C) Any combination thereof.~~

(2) If an existing physician-patient or podiatrist-patient relationship does not exist prior to the utilization to telemedicine technologies, or if services are rendered solely through telemedicine technologies, a physician-patient or podiatrist-patient relationship may only be established:

(A) Through the use of telemedicine technologies which incorporate interactive audio using store and forward technology, real-time videoconferencing, or similar secure video services during the initial physician-patient or podiatrist-patient encounter; ~~or~~

(B) For the practice of pathology and radiology, a physician-patient relationship may be established through store and forward telemedicine or other similar technologies; or

(C) Through the use of audio-only calls or conversations that occur in real time. Patient communication though audio-visual communication is preferable, if available or possible. Audio-only calls or conversations that occur in real time may be used to establish the physician-patient relationship.

(3) Once a physician-patient or podiatrist-patient relationship has been established, either through an in-person encounter or in accordance with subdivision (2) of this subsection, the physician or podiatrist may utilize any telemedicine technology that meets the standard of care and is appropriate for the patient presentation.

(d) *Telemedicine practice.* –

A physician or podiatrist using telemedicine technologies to practice medicine or podiatry shall:

- (1) Verify the identity and location of the patient;
- (2) Provide the patient with confirmation of the identity and qualifications of the physician or podiatrist;
- (3) Provide the patient with the physical location and contact information of the physician;
- (4) Establish or maintain a physician-patient or podiatrist-patient relationship that conforms to the standard of care;
- (5) Determine whether telemedicine technologies are appropriate for the patient presentation for which the practice of medicine or podiatry is to be rendered;
- (6) Obtain from the patient appropriate consent for the use of telemedicine technologies;
- (7) Conduct all appropriate evaluations and history of the patient consistent with traditional standards of care for the patient presentation;
- (8) Create and maintain health care records for the patient which justify the course of treatment and which verify compliance with the requirements of this section; and
- (9) The requirements of §30-3-13(a)(1) through §30-3-13(a)(8) of this code do not apply to the practice of pathology or radiology medicine through store and forward telemedicine.

(e) *Standard of care.* –

The practice of medicine or podiatry provided via telemedicine technologies, including the establishment of a physician-patient or podiatrist-patient relationship and issuing a prescription via electronic means as part of a telemedicine encounter, are subject to the same standard of care, professional practice requirements and scope of practice limitations as traditional in-person physician-patient or podiatrist-patient

encounters. Treatment, including issuing a prescription, based solely on an online questionnaire, does not constitute an acceptable standard of care.

(f) *Patient records.* –

The patient record established during the use of telemedicine technologies shall be accessible and documented for both the physician or podiatrist and the patient, consistent with the laws and legislative rules governing patient health care records. All laws governing the confidentiality of health care information and governing patient access to medical records shall apply to records of practice of medicine or podiatry provided through telemedicine technologies. A physician or podiatrist solely providing services using telemedicine technologies shall make documentation of the encounter easily available to the patient, and subject to the patient's consent, to any identified care provider of the patient.

(g) *Prescribing limitations.* –

(1) A physician or podiatrist who practices medicine to a patient solely through the utilization of telemedicine technologies may not prescribe to that patient any controlled substances listed in Schedule II of the Uniform Controlled Substances Act; Provided, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.

(2) The prescribing limitations in this subsection do not apply when a physician is providing treatment to patients who are minors, or if 18 years of age or older, who are enrolled in a primary or secondary education program and are diagnosed with intellectual or developmental disabilities, neurological disease, Attention Deficit Disorder, Autism, or a traumatic brain injury in accordance with guidelines as set forth by organizations such as the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, or the American Academy of Pediatrics. The physician must maintain records supporting the diagnosis and the continued need of treatment.

(3) The prescribing limitations in this subsection do not apply to a hospital, excluding the emergency department, when a physician submits an order to dispense a controlled substance, listed in Schedule II of the Uniform Controlled Substances Act, to a hospital patient for immediate administration in a hospital.

(4) A physician or podiatrist may not prescribe any pain-relieving controlled substance listed in ~~Schedules~~ Schedule II through V of the Uniform Controlled Substance Act as part of a course of treatment for chronic nonmalignant pain solely based upon a telemedicine encounter; Provided, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.

(5) A physician or health care provider may not prescribe any drug with the intent of causing an abortion. The term ‘abortion’ has the same meaning ascribed to it in §16-2F-2 of this code.

(h) *Exceptions.* –

This article does not prohibit the use of audio-only or text-based communications by a physician or podiatrist who is:

(1) Responding to a call for patients with whom a physician-patient or podiatrist-patient relationship has been established through an in-person encounter by the physician or podiatrist;

(2) Providing cross coverage for a physician or podiatrist who has established a physician-patient or podiatrist-patient relationship with the patient through an in-person encounter; or

(3) Providing medical assistance in the event of an emergency.

(i) *Rulemaking.* –

The West Virginia Board of Medicine and West Virginia Board of Osteopathic Medicine may propose joint rules for legislative approval in accordance with §29A-3-1 *et seq.*, of this code to implement standards for and limitations upon the utilization of

telemedicine technologies in the practice of medicine and podiatry in this state.

(j) *Preserving traditional physician-patient or podiatrist-patient relationship.* –

Nothing in this section changes the rights, duties, privileges, responsibilities, and liabilities incident to the physician-patient or podiatrist-patient relationship, nor is it meant or intended to change in any way the personal character of the physician-patient or podiatrist-patient relationship. This section does not alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-12d. Telemedicine practice; requirements; exceptions; definitions; rulemaking.

(a) *Definitions.* – For the purposes of this section:

(1) ‘Chronic nonmalignant pain’ means pain that has persisted after reasonable medical efforts have been made to relieve the pain or cure its cause and that has continued, either continuously or episodically, for longer than three continuous months. ‘Chronic nonmalignant pain’ does not include pain associated with a terminal condition or illness or with a progressive disease that, in the normal course of progression, may reasonably be expected to result in a terminal condition or illness.

(2) ‘Physician’ means a person licensed or registered by the West Virginia Board of Osteopathic Medicine to practice osteopathic medicine in West Virginia.

(3) ‘Store and forward telemedicine’ means the asynchronous computer-based communication of medical data or images from an originating location to a physician at another site for the purpose of diagnostic or therapeutic assistance.

(4) ‘Telemedicine’ means the practice of medicine using tools such as electronic communication, information technology, store and forward telecommunication, audio only telephone calls, or other means of interaction between a physician in one location and a patient in another location, with or without an intervening health care provider.

(5) ‘Telemedicine technologies’ means technologies and devices which enable secure ~~electronic~~ communications and information exchange in the practice of telemedicine, and typically involve the application of secure real-time audio/video conferencing or similar secure video services, remote monitoring or store and forward digital image technology, or audio only telephone calls, to provide or support health care delivery by replicating the interaction of a traditional in-person encounter between a physician and a patient.

(b) *Licensure or registration*. –

(1) The practice of medicine occurs where the patient is located at the time the telemedicine technologies are used.

(2) A physician who practices telemedicine must be licensed as provided in this article or registered as provided in §30-1-1 et seq. of this code.

(3) This section does not apply to:

(A) An informal consultation or second opinion, at the request of a physician who is licensed to practice medicine in this state: *Provided*, That the physician requesting the opinion retains authority and responsibility for the patient’s care; and

(B) Furnishing of medical assistance by a physician in case of an emergency or disaster if no charge is made for the medical assistance.

(c) *Physician-patient relationship through telemedicine encounter*. –

(1) A physician-patient relationship may not be established through:

~~(A) Audio only communication;~~

~~(B) Text-based communications such as e-mail, Internet questionnaires, text-based messaging, or other written forms of communication; or~~

~~(C) Any combination thereof.~~

(2) If an existing physician-patient relationship is not present prior to the utilization to telemedicine technologies, or if services are rendered solely through telemedicine technologies, a physician-patient relationship may only be established:

(A) Through the use of telemedicine technologies which incorporate interactive audio using store and forward technology, real-time videoconferencing, or similar secure video services during the initial physician-patient encounter; or

(B) For the practice of pathology and radiology, a physician-patient relationship may be established through store and forward telemedicine or other similar technologies; or

(C) Through the use of audio-only calls or conversations that occur in real time. Patient communication through audio-visual communication is preferable, if available or possible. Audio-only calls or conversations that occur in real time may be used to establish the physician-patient relationship.

(3) Once a physician-patient relationship has been established, either through an in-person encounter or in accordance with subdivision (2) of this subsection, the physician may utilize any telemedicine technology that meets the standard of care and is appropriate for the patient presentation.

(d) *Telemedicine practice.* – A physician using telemedicine technologies to practice medicine shall:

(1) Verify the identity and location of the patient;

(2) Provide the patient with confirmation of the identity and qualifications of the physician;

(3) Provide the patient with the physical location and contact information of the physician;

(4) Establish or maintain a physician-patient relationship which conforms to the standard of care;

(5) Determine whether telemedicine technologies are appropriate for the patient presentation for which the practice of medicine is to be rendered;

(6) Obtain from the patient appropriate consent for the use of telemedicine technologies;

(7) Conduct all appropriate evaluations and history of the patient consistent with traditional standards of care for the patient presentation;

(8) Create and maintain health care records for the patient which justify the course of treatment and which verify compliance with the requirements of this section; and

(9) The requirements of §30-3-13(a)(1) through §30-3-13(a)(8) of this code do not apply to the practice of pathology or radiology medicine through store and forward telemedicine.

(e) *Standard of care.* –

The practice of medicine provided via telemedicine technologies, including the establishment of a physician-patient relationship and issuing a prescription via electronic means as part of a telemedicine encounter, are subject to the same standard of care, professional practice requirements, and scope of practice limitations as traditional in-person physician-patient encounters. Treatment, including issuing a prescription, based solely on an online questionnaire does not constitute an acceptable standard of care.

(f) *Patient records.* –

The patient record established during the use of telemedicine technologies shall be accessible and documented for both the physician and the patient, consistent with the laws and legislative rules governing patient health care records. All laws governing the confidentiality of health care information and governing patient access to medical records shall apply to records of practice of medicine provided through telemedicine technologies. A physician solely providing services using telemedicine technologies shall make documentation of the encounter easily available to the patient, and subject to the patient's consent, to any identified care provider of the patient.

(g) *Prescribing limitations.* –

(1) A physician or podiatrist who practices medicine to a patient solely through the utilization of telemedicine technologies may not prescribe to that patient any controlled substances listed in Schedule II of the Uniform Controlled Substances Act; Provided, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.

(2) The prescribing limitations in this subsection do not apply when a physician is providing treatment to patients who are minors, or if 18 years of age or older, who are enrolled in a primary or secondary education program and are diagnosed with intellectual or developmental disabilities, neurological disease, Attention Deficit Disorder, Autism, or a traumatic brain injury in accordance with guidelines as set forth by organizations such as the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, or the American Academy of Pediatrics. The physician must maintain records supporting the diagnosis and the continued need of treatment.

(3) The prescribing limitations in this subsection do not apply to a hospital, excluding the emergency department, when a physician submits an order to dispense a controlled substance, listed in Schedule II of the Uniform Controlled Substances Act, to a hospital patient for immediate administration in a hospital.

(4) A physician or podiatrist may not prescribe any pain-relieving controlled substance listed in ~~Schedules~~ Schedule II through V of the Uniform Controlled Substance Act as part of a course of treatment for chronic nonmalignant pain solely based upon a telemedicine encounter: Provided, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.

(5) A physician or health care provider may not prescribe any drug with the intent of causing an abortion. The term ‘abortion’ has the same meaning ascribed to it in §16-2F-2 of this code.

(h) *Exceptions.* –

This section does not prohibit the use of audio-only or text-based communications by a physician who is:

(1) Responding to a call for patients with whom a physician-patient relationship has been established through an in-person encounter by the physician;

(2) Providing cross coverage for a physician who has established a physician-patient or relationship with the patient through an in-person encounter; or

(3) Providing medical assistance in the event of an emergency.

(i) *Rulemaking.* –

The West Virginia Board of Medicine and West Virginia Board of Osteopathic Medicine may propose joint rules for legislative approval in accordance with §29A-3-1 ~~et seq.~~, of this code to implement standards for and limitations upon the utilization of telemedicine technologies in the practice of medicine in this state. The West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code to implement the provisions of the bill passed during the 2021 session of the Legislature.

(j) *Preservation of the traditional physician-patient relationship.* –

Nothing in this section changes the rights, duties, privileges, responsibilities, and liabilities incident to the physician-patient relationship, nor is it meant or intended to change in any way the personal character of the physician-patient relationship. This section does not alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

CHAPTER 33. INSURANCE.

ARTICLE 57. REQUIRED COVERAGE FOR HEALTH INSURANCE.

§33-57-1. Coverage of telehealth services.

(a) The following terms are defined:

(1) ‘Distant site’ means the telehealth site where the health care practitioner is seeing the patient at a distance or consulting with a patient’s health care practitioner.

(2) ‘Established patient’ means a patient who has received professional services, face-to-face, from the physician, qualified health care professional, or another physician or qualified health care professional of the exact same specialty and subspecialty who belongs to the same group practice, within the past three years.

~~(2)~~ (3) ‘Health care practitioner’ means a person licensed under §30-1-1 *et seq.* of this code who provides health care services.

~~(3)~~ (4) ‘Originating site’ means the location where the patient is located, whether or not accompanied by a health care practitioner, at the time services are provided by a health care practitioner through telehealth, including, but not limited to, a health care practitioner’s office, hospital, critical access hospital, rural health clinic, federally qualified health center, a patient’s home, and other nonmedical environments such as school-based

health centers, university-based health centers, or the work location of a patient.

(4) (5) 'Remote patient monitoring services' means the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload.

(5) (6) 'Telehealth services' means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include ~~audio only telephone calls~~ e-mail messages or facsimile transmissions.

(7) 'Virtual telehealth' means a new patient or follow-up patient for acute care that does not require chronic management or scheduled medications.

(b) Notwithstanding the provisions of §33-1-1 *et seq.* of this code, an insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues or renews a health insurance policy on or after July 1, 2020, shall provide coverage of health care services provided through telehealth services if those same services are covered through face-to-face consultation by the policy.

(c) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues or renews a health insurance policy on or after July 1, 2020, may not exclude a service for coverage solely because the service is provided through telehealth services.

(d) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service at a rate negotiated between the provider and the insurance company for the virtual telehealth encounter. An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service for an established patient or care rendered on a consulting basis to a patient located in an acute care facility whether inpatient or outpatient on the same basis and at the same rate under a contract, plan, agreement, or policy as if the service is provided through an in-person encounter rather than provided via telehealth.

(e) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code may not impose any annual or lifetime dollar maximum on coverage for telehealth services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy, or impose upon any person receiving benefits pursuant to the provisions of or the requirements of this section any copayment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or plan.

(f) An originating site may charge an insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code a site fee.

(g) The coverage required by this section shall include the use of telehealth technologies as it pertains to medically necessary remote patient monitoring services to the full extent that those services are available.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2024 – “A Bill to amend and reenact §5-16-7b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-28; to amend and reenact §30-1-26 of said code; to amend and reenact §30-3-13a of said code; to amend and reenact §30-14-12d of said code; and to amend and reenact §33-57-1 of said code, all relating to telehealth services; defining terms; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to reimburse for telehealth services at a negotiated rate for virtual telehealth encounters; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to provide reimbursement for a telehealth service on the same basis and at the same rate as if the service is provided in-person for established patients or for care rendered on a consulting basis to a patient located in an acute care facility whether inpatient or outpatient; establishing a registration; permitting health care practitioners licensed in other states, in good standing, to practice in West Virginia using telehealth services; providing emergency rule-making authority; setting forth requirements for registration; permitting a fee for registration; placing a cap on the fee; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; removing restrictions on prescriptive authority; providing exceptions to prescriptive authority; adding criteria to the standard of care related to telehealth services; providing exceptions; and providing for effective date.”

With the further amendment, sponsored by Delegate Summers, being as follows:

On page 2, section 7b, line 38, after the word, ‘patient’ by inserting a comma;

On page 3, section 28, line 6, after the word, “patient”, by inserting a comma;

On page 4, section 26, line 2, by inserting the following:
“Established patient” means a patient who has received

professional services, face-to-face, from the physician, qualified health care professional, or another physician or qualified health care professional of the exact same specialty and subspecialty who belongs to the same group practice, within the past three years.”

On page 4, section 26, line 2, by striking out the definition of “health care practitioner” and inserting a new definition as follows: “Health care practitioner” means a person authorized to practice under §30-3-1 et seq., §30-3E-1 et seq., §30-4-1 et seq., §30-5-1 et seq., §30-7-1 et seq., §30-7A-1 et seq., §30-8-1 et seq., §30-10-1 et seq., §30-14-1 et seq., §30-16,1 et seq., §30-20-1 et seq., §30-20A-1 et seq., §30-21-1 et seq., §30-23-1 et seq., §30-26-1 et seq., §30-28-1 et seq., §30-30-1 et seq., §30-31-1 et seq., §30-32-1 et seq., §30-34-1 et seq., §30-35-1 et seq., §30-36-1 et seq., §30-37-1 et seq. and any other person licensed under this chapter that provides health care services.”

On page 4, section 26, line 16, by striking the word, “already”;

On page 4 section 26, line 21, by striking “telehealth technologies are used” and inserting the words, “telehealth services are provided;”

On page 5, section 26, line 24, by striking subdivision (A) and inserting in lieu thereof a new subdivision (A) to read as follows, “(A) Licensed in good standing in all states in which he or she is licensed and not currently under investigation or subject to an administrative complaint; and”;

And,

On page 5, section 26, line 33, by striking out subdivision (4) in its entirety and inserting in lieu thereof a new subdivision (4) to read as follows, “(4) The standard of care for the provision of telehealth services. The standard of care shall require that with respect to the established patient, the patient shall visit an in-person health care practitioner within 12 months of using the initial telemedicine service or the telemedicine service shall no longer be available to the patient until an in-person visit is obtained. This requirement may be suspended, in the discretion of the health care

practitioner, on a case-by-case basis, and it does not to the following services: acute inpatient care, post-operative follow-up checks, behavioral medicine, addiction medicine, or palliative care.”

And,

On page 5, section 26, line 41, by striking, “existing physician-patient relationship of at least one year.” and inserting, “established patient.”;

And,

On page 6, section 26, line 51, by striking, “accepting a registration” and inserting, “registering”;

And,

On page 10, section 13a, line 95, by striking, “existing physician-patient relationship of at least one year.” and inserting, “established patient.”;

And,

On page 10, section 13a, line 112, by striking, “existing physician-patient relationship of at least one year.” and inserting, “established patient.”;

And,

On page 15, section 12d, line 93, by striking, “existing physician-patient relationship of at least one year.” and inserting, “established patient.”;

And,

On page 15, section 13a, line 111, by striking, “existing physician-patient relationship of at least one year.” and inserting, “established patient.”;

And,

On page 19, section 1, line 45, after the word, patient by inserting a comma.

And,

The further title amendment sponsored by Delegate Summers, amending the title of the bill to read as follows:

Com. Sub. for H. B. 2024 – “A Bill to amend and reenact §5-16-7b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-28; to amend and reenact §30-1-26 of said code; to amend and reenact §30-3-13a of said code; to amend and reenact §30-14-12d of said code; and to amend and reenact §33-57-1 of said code, all relating to telehealth; defining terms; establishing reimbursement for telehealth services at a negotiated rate for virtual telehealth encounters; establishing reimbursement for a telehealth service on the same basis and at the same rate as if the service is provided in-person for established patients or for care rendered on a consulting basis to a patient located in an acute care facility; establishing a registration; permitting health care practitioners licensed in other states to practice in West Virginia using telehealth services; providing emergency rule-making authority; setting forth requirements for registration; permitting a fee for registration; establishing that a registrant is subject to this jurisdiction; placing a cap on the fee; providing for when the physician-patient relationship is established; providing for how a physician-patient relationship is established; removing restrictions on prescriptive authority; providing exceptions to prescriptive authority; adding criteria to the standard of care related to telehealth services; providing exceptions; and providing for effective date.”

The bill, as amended by the Senate, and further amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 306**), and there were—yeas 90, nays 1, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: Linville.

Absent and Not Voting: Booth, Bruce, Ellington, Graves, McGeehan, L. Pack, Steele, Wamsley and Zatezalo.

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. 2024) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 307**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Bruce, Ellington, Graves, McGeehan, L. Pack, Steele, Wamsley and Zatezalo.

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. 2024) 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.

Second Reading

Com. Sub. for H. B. 2747, Transferring the Parole Board to the Office of Administrative Hearings; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2773, Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2793, Permit out of state residents to obtain West Virginia concealed carry permits; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2890, To clarify the regulatory authority of the Public Service Commission of West Virginia over luxury limousine services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2962, Relating generally to dental practice; on second reading, coming up in regular order, was read a second time.

On motion of Delegate J. Pack, the bill was amended on page 1, after the article heading, by inserting the following:

“§30-4-8. License to practice dentistry.

(a) The board shall issue a license to practice dentistry to an applicant who meets the following:

(1) Is at least 18 years of age;

(2) ~~Is of good moral character~~ Does not have any criminal convictions which would bar the applicant’s licensure pursuant to §30-1-24 of this code;

(3) Is a graduate of and has a diploma from a school accredited by the Commission on Dental Accreditation or equivalently approved dental college, school, or dental department of a university as determined by the board;

(4) Has passed a national board examination as given by the Joint Commission on National Dental Examinations and a clinical examination administered by the Commission on Dental Competency Assessments, the Central Regional Dental Testing Service, the Council of Interstate Testing Agencies, the Southern Regional Testing Agency, or the Western Regional Examining Board, or the successor to any of those entities, which demonstrates competency, and passed each individual component with no compensatory scoring in:

(A) Endodontics, including access opening of a posterior tooth and access, canal instrumentation, and obturation of an anterior tooth;

(B) Fixed prosthodontics, including an anterior crown preparation and two posterior crown preparations involving a fixed partial denture factor;

(C) Periodontics, including scaling and root planing ~~in a patient-based clinical setting;~~ and

(D) Restorative, including a class II amalgam or composite preparation and restoration and a class III composite preparation and restoration. ~~in a patient-based clinical setting; and~~

(E) The board may consider clinical examinations taken prior to July 1, 2019, or individual state clinical examinations as equivalent which demonstrates competency.

(5) Has not been found guilty of cheating, deception, or fraud in the examination or any part of the application;

(6) Has paid the application fee specified by rule; ~~and~~

(7) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a 12-step program or other similar group or process, may be considered; and

(8) Meets the other requirements specified by rule.

(b) A dentist may not represent to the public that he or she is a specialist in any branch of dentistry or limit his or her practice to any branch of dentistry unless first issued a certificate of qualification in that branch of dentistry by the board.

(c) A license to practice dentistry issued by the board shall for all purposes be considered a license issued under this section: *Provided*, That a person holding a license shall renew the license.

§30-4-10. License to practice dental hygiene.

(a) The board shall issue a dental hygienist license to an applicant who meets the following requirements:

(1) Is at least 18 years of age;

(2) ~~Is of good moral character~~ Does not have any criminal convictions which would bar the applicant's licensure pursuant to §30-1-24 of this code;

(3) Is a graduate with a degree in dental hygiene from an approved dental hygiene program of a college, school, or dental department of a university;

(4) Has passed a national board examination as given by the Joint Commission on National Dental Examinations and passed a board-approved ~~patient-based~~ examination designed to determine the applicant's level of clinical skills;

(5) Has not been found guilty of cheating, deception, or fraud in the examination or any part of the application;

(6) Has paid the application fee specified by rule; ~~and~~

(7) Is not an alcohol or drug abuser, as those terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a 12-step program or other similar group or process, may be considered; and

(8) Meets the other requirements specified by rule.

(b) A dental hygienist license issued by the board and in good standing on the effective date of the amendments to this section shall for all purposes be considered a dental hygienist license issued under this section: *Provided*, That a person holding a dental hygienist license shall renew the license.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3002, Update road abandonment process; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3303, Relating to clarifying the process of filling vacancies on ballots; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3306, Relating to virtual instruction; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 275, Relating generally to WV Appellate Reorganization Act of 2021,

Com. Sub. for H. B. 2177, Permitting the issuance of a state issued identification card without a photo on the card under certain conditions,

Com. Sub. for H. B. 2266, Relating to expanding certain insurance coverages for pregnant women,

Com. Sub. for H. B. 2581, Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property,

Com. Sub. for H. B. 2592, Require Counties and Municipalities to hold all local elections during statewide elections,

Com. Sub. for H. B. 2667, To create a cost saving program for state buildings regarding energy efficiency,

Com. Sub. for H. B. 2720, Creating a Merit-Based Personnel System within DOT,

H. B. 2768, Supplementing, amending and increasing an existing item of appropriation from the State Road Fund, to the Department of Transportation, Division of Highways,

Com. Sub. for H. B. 2769, Supplementing, amending and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles,

H. B. 2790, Supplementing, amending, decreasing, and increasing items of existing appropriation to Division of Highways,

H. B. 2915, Relating to public records management and preservation,

Com. Sub. for H. B. 2927, Adding Caregiving expenses to campaign finance expense,

H. B. 3082, Stabilizing funding sources for the DEP Division of Air Quality,

Com. Sub. for H. B. 3106, To change the hearing requirement for misdemeanors to 10 days,

H. B. 3298, Making a supplemental appropriation to Dept. of Commerce, Dept. of Education, Senior Services and Civil Contingent Fund,

And,

H. B. 3304, Authorizing the Division of Corrections and Rehabilitation to establish a Reentry and Transitional Housing Program.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Bruce, Ellington, L. Pack and Steele.

At 1:05 p.m., on motion of Delegate Summers, the House of Delegates recessed until 5:00 p.m.

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Evening Session

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[DELEGATE J. PACK IN THE CHAIR]

The House of Delegates was called to order by the Honorable Jeffrey Pack.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had replaced Senator Takubo, with Senator Weld, on the Conference Committee to

Com. Sub. for H. B. 2263, Update the regulation of pharmacy benefit managers.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2896, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2901, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2903, Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2940, Making a supplementary appropriation to the Department of Education, State Board of Education – State Department of Education.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 474 - “A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding the authority of the Division of Highways to utilize its own purchasing and contracting system and expanding the exemption from requirements of the Purchasing Division within the Department of Administration”; which was referred to the Committee on Government Organization

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 587 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating to contract terms and conditions and the inability of government officials to agree with certain contract terms”; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 673 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-1-1b, relating to venue for bringing a civil action or conducting proceedings under a construction contract; providing definitions; requiring that construction contracts entered into on or after July 1, 2021, provide that any civil action or arbitration called for or permitted by the contract take place in West Virginia; and providing that any provision in construction contracts mandating that civil actions or arbitrations take place outside West Virginia is unenforceable”; which was referred to the Committee on the Judiciary

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

On motion for leave, a bill was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Rohrbach, Forsht, Longanacre, Mallow and Bates:

H. B. 3311 - “A Bill to amend and reenact §16-29-2 of the Code of West Virginia, 1931, as amended, relating to the cost of medical records; requiring that the cost of obtaining a medical record may not exceed a fee consistent with HIPAA; and providing clarifying technical changes.”

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2876, Modify the five-year waiting period and 100-person minimum for an association health plan, and to allow new flexibility granted under federal rules,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2876 - “A Bill to amend and reenact §33-16-1a and §33-16-2 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §33-16-2a, all relating to modify group accident and sickness insurance requirements,”

With the recommendation that the committee substitute do pass.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. C. R. 34, Declaring the “pepperoni roll” to be the official state food of West Virginia,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the bill (H. C. R. 34) was referred to the Committee on Rules.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 3013, Provide a state income tax credit for nurses to encourage recruitment and commitment to the profession in this state,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 3013) was referred to the Committee on Finance.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

Com. Sub. for S. B. 502, Providing lifetime hunting, fishing, and trapping license to residents, adopted, and foster children under 15,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 502) was referred to the Committee on Finance.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

S. B. 501, Continuing and indexing of license and stamp fees,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (S. B. 501) was referred to the Committee on Government Organization.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

S. B. 381, Creating nonresident three-day fishing license,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (S. B. 381) was referred to the Committee on Government Organization.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2017, Rewriting the Criminal Code,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2017 – “A Bill to repeal the following sections: §55-9-1, §55-9-2, §55-9-3, §61-1-4, §61-1-5, §61-1-7, §61-1-8, §61-1-9, §61-2-5a, §61-2-9a, §61-2-9b, §61-2-9c, §61-2-9d, §612-10, §61-2-10a, §61-2-10b, §61-2-14a, §61-2-14b, §61-2-14c, §61-2-14d, §61-2-14e, §61-2-14f, §61-2-14g, §61-2-14h, §61-2-15a, §61-2-16a, §61-2-26, §61-2-27, §61-2-27a, §61-2-28, §61-2-29, §61-2-29a, §61-2-29b, §61-2-30, §61-3-20a, §61-3-22a, §61-3-24a, §61-3-24b, §61-3-24c, §61-3-24d, §61-3-24e, §61-3-24f, §61-3-24g, §61-3-24h, §61-3-39, §61-3-39a, §61-3-39b, §61-3-39c, §61-3-39d, §61-3-39e, §61-3-39f, §61-3-39g, §61-3-39h, §61-3-39i, §61-3-39j, §61-3-39k, §61-3-39m, §61-3-39n, §61-3-39o, §61-3-39p, §61-3-39q, §61-3-40, §61-3-41, §61-3-42, §61-3-43, §61-3-44, §61-3-45, §61-3-45a, §61-3-46, §61-3-47, §61-3-48, §61-3-48a, §61-3-49, §61-3-49a, §61-3-49b, §61-3-50, §61-3-51, §61-3-52, §61-3-53, §61-3-54, §61-3-55, §61-3-56, §61-3-57, §61-3-58, §61-3-59, §61-3A-4a, §61-3C-14a, §61-3C-14b, §61-3C-14c, 61-3E-13, §61-5-12a, §61-5-12b, §61-5-25a, §61-5-27a, §61-5-28 §61-5-29, §61-6-2, §61-6-3, §61-6-14a, §61-6-18, §61-6-19,

§61-6-20, §61-6-21, §61-6-22, §61-6-23, §61-6-24, §61-6-25; §61-7-9, §61-8-2, §61-8-9a, §61-8-10, §61-8-20, §61-8-25, §61-8-26, §61-8B-18, §61-8D-6, §61-8E-1, §61-8E-2, §61-8E-3, §61-9-9, §61-9-10, §61-9-11, §61-10-7, §61-10-8, §61-10-13, §61-10-14, §61-10-19, §61-10-34, §61-11-1, §61-11-3, and §61-11A-7 of the code of West Virginia 1931, as amended; to amend and reenact §15-12-8 of said code; to amend and reenact §61-1-1, §61-1-2, §61-1-3 said code; to amend and reenact §61-2-1, §61-2-2, §61-2-3, §61-2-4, §61-2-5, §61-2-6, §61-2-7, §61-2-8, §61-2-9, §61-2-11, §61-2-12, §61-2-13, §61-2-14, §61-2-15, and §61-2-16 said code; to amend and reenact §61-3-1, §61-3-2, §61-3-3, §61-3-4, §61-3-5, §61-3-6, §61-3-7, §61-3-8, §61-3-11, §61-3-12, §61-3-13, §61-3-14, §61-3-15, §61-3-16, §61-3-18, §61-3-19, §61-3-20, §61-3-21, §61-3-22, §61-3-23, §61-3-24, §61-3-25, §61-3-26, §61-3-27, §61-3-28, §61-3-29, §61-3-30, §61-3-31, §61-3-32, §61-3-33, §61-3-34, §61-3-35, §61-3-36, §61-3-37, and §61-3-38 said code; to amend and reenact §61-3A-3 and §61-3A-7 said code; to amend and reenact §61-3B-2, §61-3B-3, §61-3B-4, §61-3B-5, §61-3B-6, and §61-3B-7 said code; to amend and reenact §61-3C-2, §61-3C-3, §61-3C-4, §61-3C-5, §61-3C-6, §61-3C-7, §61-3C-8, §61-3C-9, §61-3C-10, §61-3C-11, §61-3C-12, §61-3C-13, §61-3C-14, §61-3C-15, §61-3C-16, §61-3C-17, §61-3C-18, §61-3C-19, §61-3C-20, §61-3C-21; to amend and reenact §61-3D-2 and §61-3D-3 said code; to amend and reenact §61-3E-1, §61-3E-3, §61-3E-4, §61-3E-5, §61-3E-6, §61-3E-7, §61-3E-8, §61-3E-9, §61-3E-10, and §61-3E-12 said code; to amend and reenact §61-4-1, §61-4-2, §61-4-3, §61-4-4, §61-4-5, §61-4-6, §61-4-7, §61-4-8, and §61-4-9 said code; to amend and reenact §61-5-1, §61-5-2, §61-5-3, §61-5-4, §61-5-5, §61-5-6, §61-5-7, §61-5-8, §61-5-9, §61-5-10, §61-5-11, §61-5-12, §61-5-13, §61-5-14, §61-5-15, §61-5-16, §61-5-17, §61-5-18, §61-5-19, §61-5-20, §61-5-21, §61-5-22, §61-5-23, §61-5-24, §61-5-25, §61-5-26, and §61-5-27 said code; to amend and reenact §61-5A-9 said code; to amend and reenact §61-6-6, §61-6-7, §61-6-11, §61-6-12, §61-6-13, §61-6-14, §61-6-15, §61-6-16, and §61-6-17; §61-6-1, §61-6-1a, and §61-6-1b of said code; to amend and reenact §61-7-3, §61-7-4, §61-7-4a, §61-7-7, §61-7-10, §61-7-11, §61-7-11a, §61-7-12, §61-7-14, §61-7-15, and §61-7-15a said code; to amend and reenact §61-8-1, §61-8-5, §61-8-6, §61-8-7, §61-8-8, §61-8-9, §61-8-11, §61-8-12, §61-8-14, §61-8-

15, §61-8-16, §61-8-19, §61-8-19a, §61-8-19b, §61-8-19c, §61-8-21, §61-8-22, §61-8-23, §61-8-27, §61-8-27a, §61-8-28, §61-8-28a, §61-8-29, §61-8-30, and §61-8-31 said code; to amend and reenact §61-8A-1, §61-8A-2, §61-8A-4, and §61-8A-5 said code; to amend and reenact §61-8B-3, §61-8B-4, §61-8B-5, §61-8B-7, §61-8B-8, §61-8B-9, §61-8B-9b, §61-8B-10 and §61-8B-12 of said code; to amend and reenact §61-8C-1, §61-8C-2, §61-8C-3, §61-8C-3a, and §61-8C-3b said code; to amend and reenact §61-8D-1, §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4, §61-8D-4a, §61-8D-5, §61-8D-5a, §61-8D-7, §61-8D-8, and §61-8D-10 said code; to amend and reenact §61-9-1, §61-9-2, §61-9-3, §61-9-4, §61-9-5, §61-9-6, §61-9-7, and §61-9-8 said code; to amend and reenact §61-10-1, §61-10-2, §61-10-3, §61-10-4, §61-10-5, §61-10-6, §61-10-9, §61-10-10, §61-10-11, §61-10-11a, §61-10-11b, §61-10-15, §61-10-16, §61-10-17, §61-10-20, §61-10-21, §61-10-22, §61-10-23, §61-10-30, §61-10-31, §61-10-32, and §61-10-33, said code; to amend and reenact §61-11-1a, §61-11-6, §61-11-8, and §61-11-8a of said code; to amend and reenact §61-12-8, §61-12-9, and §61-12-13 of said code; to amend and reenact §61-13-3 of said code; to amend and reenact §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, and §61-14-8 of said code; to amend and reenact §61-15-2 and §61-16-2 of said code; to amend said code by adding thereto a new article designated as §23-5B-1, §23-5B-2, §23-5B-3, and §23-5B-4; to amend said code by adding thereto a new section, designated §30-29-9a; to amend said code by adding thereto two new sections, designated §30-1-27 and §30-1-28; to amend said code by adding a new section, designated §55-2-23; to amend said code by adding a new section, designated §60A-4-418; to amend said code by adding thereto nine new sections, designated §61-2-17, §61-2-18, §61-2-19, §61-2-20, §61-2-21, §61-2-22, §61-2-23, §61-2-24, and §61-2-25; to amend said code by adding thereto two new sections, §61-3-9, §61-3-10, and §61-3-17; to amend said code by adding thereto three new sections, designated §61-3B-8, §61-3B-9, and §61-3B-10; to amend said code by adding thereto two new sections, §61-3C-22 and §61-3C-23; to amend said code by adding thereto a new article, designated §61-3F-1, §61-3F-2, §61-3F-3, §61-3F-4, §61-3F-5, §61-3F-6, §61-3F-7, §61-3F-8, §61-3F-9, §61-3F-10; §61-3F-11, §61-3F-12, §61-3F-13, §61-3F-14, §61-3F-15, §61-3F-16, and §61-3F-17; to amend said code by adding

thereto a new section designated §61-4-10; to amend said code by adding thereto following five new sections, designated §61-8-5a, §61-8-6a, §61-8-8a, and §61-8-8b, to amend said code by adding thereto six new sections, designated §61-8B-4a, §61-9-6a, §61-10-1a, §61-10-9a, §61-10-9b, and §61-10-10a; to amend said code by adding thereto a new article designated §61-17-1, §61-17-2, §61-17-3, §61-17-4, §61-17-5, and §61-17-6; and to amend said code by adding a new article designated §61-18-1, §61-18-2, §61-18-3, and §61-18-4; all relating to revising the criminal code generally; relating to the failure of a sex offender to register or provide notice of registration changes and the penalty for the same; crimes against the worker's compensation system generally; the crime of omission to subscribe for workers' compensation insurance; the crime of failure to file a premium tax report or pay premium taxes; crimes relating to false testimony or statements concerning such; the crime of failure to file reports; criminal penalties for such actions or inactions; provisions for asset forfeiture; venue for trial of such crimes; the crime of wrongfully seeking workers' compensation; criminalizing false testimony or statements given in support of the same; criminal penalties for these offenses; venue for the trial of such crimes; workers' compensation health care offenses; fraud; theft or embezzlement; false statements; criminal penalties for the above offenses; notice requirements; prohibition against providing future services; penalties for the same; provisions for asset forfeiture; venue for the trial of such crimes; defining the crime of providing false documentation to workers' compensation, to the Insurance Commissioner or a private carrier of workers compensation insurance; criminalizing altering documents or certificates from workers' compensation; criminal penalties for such offenses; venue for the trial of such crimes; the required reporting of gunshot and other wounds; the required reporting of burns; penalty for aiding and abetting; railroad employees being conservators of the peace; special railroad policemen; and the powers and duties of the same; relating to shooting ranges; limitations on nuisance actions; and noise ordinances; relating generally to criminal activity and the punishment thereof; wanton endangerment involving the use of fire; and the criminal penalty for the same; relating to crimes against the government, treason, the definition of the crime of

treason, and penalties therefor, the crime of failure to give information of treason and its penalty, and the crime of desecration of the flag, and its penalty; relating to crimes against the person, first and second degree murder defined, and punishment for the same; delineating provisions for allegations in indictment for homicide; defining voluntary manslaughter and the penalty thereof; defining involuntary manslaughter, and specifying the penalty for the same; defining concealment of a deceased human body, and specifying the penalty for the same; clarifying that Homicide is punishable within the state if injury occurs within and death without, or vice versa; defining an attempt to kill or injure by poison, and specifying the penalty for the same; defining the crime of abortion and the penalty for the same; defining malicious or unlawful assault, assault, and battery, and specifying the penalties for each and aggravated factors and enhanced penalties; explaining provisions of sentencing for such acts committed by incarcerated persons; defining assault during the commission of or attempt to commit a felony, and specifying the penalty for the same; delineating that for violent crimes against the elderly a sentence is not subject to suspension or probation; defining harassment, and providing penalties, and certain definitions for the same; defining strangulation, suffocation, and asphyxiation and providing definitions and penalties for the same; defining robbery or attempted robbery and specifying the penalties for the same; defining extortion, and attempted extortion by threat, and specifying the penalty for these; defining kidnapping and specifying penalties for the same; defining concealment or removal of a minor child from custodian or from person entitled to visitation; and setting forth penalties and defenses for the same; providing that one aiding or abetting in kidnapping or in concealing or removing a minor child is guilty as a principal, and explaining venue for those offenses; defining unlawful restraint and providing penalties for the same; prohibiting the purchase or sale of a child, setting the criminal penalty for the same, and providing definitions and exceptions; the failure to remove doors from abandoned refrigerators, freezers and other appliances, and providing penalties for the same; providing definitions for various forms of domestic violence and criminal penalties; providing definitions and criminal penalties for the abuse or neglect of an incapacitated adult;

providing criminal penalties for the death of an incapacitated adult by a caregiver; defining and providing criminal penalties for the financial exploitation of an elderly person, protected person or incapacitated adult; recognizing an embryo or fetus as a distinct unborn victim of certain crimes of violence against the person; relating to crimes against property; arson; the degrees of arson, and definitions and criminal penalties for the same; burning, or attempting to burn, insured property and the criminal penalty for the same; causing injuries during an arson-related crime, and the criminal penalties for the same; recovery of costs incurred in fighting fires caused by arson; defining burglary, the entry of dwelling house or outbuilding, and providing criminal penalties for the same; defining entry of a house, building, vehicle, or enclosed property, the criminal penalties for the same, and specifying counts in indictment for the same; manufacture or possession of burglary tools, and the criminal penalties for the same; setting forth criminal offenses involving theft detection shielding devices, their criminal penalties and providing for detention of persons suspected of this offense; grand larceny, aggravated grand larceny, and petit larceny distinguished, setting forth the criminal penalties for each, defining larceny of bank notes, checks, writings of value and book accounts, and delineating the determination of value in larceny; explaining receiving or transferring stolen goods and providing a criminal penalty; providing a criminal penalty for bringing into this state, receiving or disposing of property stolen in another state; embezzlement, and the criminal penalties for the same; falsifying accounts, and the criminal penalties for the same; Possession or use of automated sales suppression devices, and the criminal penalties for the same; the offenses of destroying or concealing a will, and embezzlement by fiduciary, and the criminal penalties for the same; obtaining money, property and services by false pretenses, disposing of property to defraud creditors, and the criminal penalties for each of these; the offenses of attempted or fraudulent use, forgery, traffic of credit cards, possession and transfer of credit cards and credit card making equipment, the false or fraudulent use of telephonic services, and the criminal penalties for these offenses; intercepting or monitoring customer telephone calls, and the criminal penalties for the same; requirements for finding fraudulent schemes and provisions for the cumulation of amounts where a

common scheme exists, and the criminal penalties for the same; the casting away, destroying, or interfering with floating craft or material, and the criminal penalties for the same; interference with or destruction of buoys, signal lights or other aids to navigation, and the criminal penalties for the same; the offense of malicious killing of animals by poison or otherwise, and the criminal penalties for the same; the removal out of a county of property securing a claim, and the criminal penalties for such offense; the fraudulent disposition of personal property in possession by virtue of lease, notice to return, failure to return, and penalties where such property is not returned; noting a right to immediate possession in such instances; making a false statement as to financial condition of person, firm or corporation, and the criminal penalty for the same; publication of false advertisements, and the criminal penalty for the same; fraudulently obtaining food or lodging, and the criminal penalty for the same; intoxication of a person in charge of locomotive engine or car, and the criminal penalty for the same; the offenses of jumping on or off car or train in motion; driving vehicle upon track or bridge except at crossings, and the criminal penalty for the same; procuring gas, water or electricity, by device, with intent to defraud, and the criminal penalty for the same; placing a dam or obstructions in watercourses, and the criminal penalty for the same; setting forth requirements for the purchase of scrap metal by scrap metal purchasing businesses, salvage yards, or recycling facilities; requiring certificates, records, and reports of such purchases; providing criminal penalties for violations of these provisions; setting forth requirements for the purchase of items by precious metals and gem dealers, records to be kept by them, and delineating prohibited acts, and the criminal penalty for the same; criminalizing the unauthorized use of dumpsters and setting forth penalties; defining the offense of identity theft and providing a penalty; criminalizing the failure to pay for gasoline and providing a penalty; the offense of scanning device or re-encoder fraud, delineating when it is a felony; providing definitions; and setting forth criminal penalties for the same; the offense of possession of bogus receipts or universal product codes with intent to defraud, and the criminal penalties for the same; the offense of misrepresentation of past or present military status or military awards to obtain anything of value, and delineating criminal

penalties for the same; relating to shoplifting; prescribing penalties; defining the crime of organized retail theft, and providing penalties for that offence, all relating to trespass; trespass in a structure or conveyance and penalties for the same; trespass on property other than a structure or conveyance, removal, injury to or destruction of property, monuments designating land boundaries and of certain no trespassing signs and penalties for the same; trespass on student residence premises or student facility premises of an institution of higher education and penalties for the same; trespass on state government property; aiding and abetting; penalties for each of those offenses; defining the offense of mine trespass, and penalties for the same; defining animal or crop facilities trespass; providing penalties for the same; allowing for injunctive relief in such instances; offenses involving damage to shrubbery, flowers, trees and timber; providing for a limitation of application of the relevant subsection, and providing penalties; prohibiting cutting, damaging, or carrying away without written permission, any timber, trees, growing plants or the products thereof; treble damages provided for the same; creating the Critical Infrastructure Protection Act; defining terms relevant to the same; prohibiting certain acts, including trespass and conspiracy to trespass against property designated a critical infrastructure facility; providing criminal penalties; and, allowing for certain forms of civil action in such instances; relating to the West Virginia Computer Crime And Abuse Act, defining terms; computer fraud; access to legislative or state-owned computer; criminal penalties for the same; unauthorized access to computer services and criminal penalties for the same; unauthorized possession of computer data or programs and criminal penalties for the same; unauthorized possession of computer data or programs and criminal penalties for the same; alteration, destruction, etc., of computer equipment, and criminal penalties for the same; unauthorized possession of computer information, and criminal penalties for the same; disclosure of computer security information and criminal penalties for the same; computer invasion of privacy and criminal penalties for the same; fraud and related activity in connection with access devices, and criminal penalties for the same; endangering public safety, and criminal penalties for the same; obscene, anonymous, harassing and threatening

communications by computer, cell phones and electronic communication devices, and criminal penalties for the same; soliciting, etc. a minor via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; cyberbullying or specific acts of electronic harassment of minors; definitions; criminal penalties for the same; exceptions; use of a computer as an instrument of forgery; civil relief and damages available; defenses to criminal prosecution; venue; prosecution under other criminal statutes not prohibited; personal jurisdiction; and, severability; relating to the theft of cable television services, the acquisition of cable television services, and penalties for wrongfully acquitting the same; sale or transfer of a device or plan intended for acquisition or diversion, and criminal penalties for the same; Illegal possession of destructive devices, explosive materials or incendiary devices; and the criminal penalty for the same; criminal use of destructive device, explosive material or incendiary device; and the criminal penalty for the same; causing accidental or intentional death or injury; penalties; causing death or injury to an explosives detection animal; and the penalty for the same; manufacture, purchase, sale, advertising for sale, transporting or possession or use of a hoax bomb; possession or use in commission of a felony; and the penalty for the same; theft of explosive material from storage magazines or buildings; and the penalty for the same; receipt, possession, storage, sale or transportation of stolen explosive material; and the criminal penalty; wanton endangerment involving destructive devices, explosive materials or incendiary devices; and the criminal penalty; contraband, seizure, forfeiture of explosive devices; relating to crimes involving worthless checks; obtaining property in return for worthless check, and the criminal penalties for the same; making, issuing, etc., worthless checks on a preexisting debt, and the criminal penalties for the same; payment as a defense to such offenses; requiring making a statement for the reason for dishonor a duty of the drawee; defining what constitutes prima facie evidence of knowledge, setting forth requirements for identity, and providing a criminal penalty for providing false information; requiring a notice of dishonor by payee, and providing for a service charge; prescribing manner of filing complaint for warrant and the form thereof; providing guidance for a complaint, what constitutes notice of complaint, and the issuance of a warrant;

delineating payment procedures, and imposing costs; providing for the payment of costs in worthless check cases, and the disposition of certain costs; requiring the preparation of a list of worthless check warrants; the use of that worthless check list upon receipt of complaint for warrant; delineating the duties of a prosecuting attorney upon receipt of notice of multiple worthless check warrants; requiring the magistrate court clerk to advise complainant; providing for the creation and operation of a program for worthless check offenders, and requirements for acceptance of a person in that program; requiring certain notice to persons accepted to the worthless check restitution program; agreement to suspend prosecution of a person accepted into the restitution program; providing for fees for participation in the worthless check restitution program; and, providing that statements by individuals referred to or participating in the worthless check restitution program are criminally inadmissible; relating to forgery, crimes against the currency, the forgery of public records, certificates, returns or attestation of a court or officer; and the criminal penalty for the same; forgery of official seals; keeping or concealing instrument for forging same; and the criminal penalty for the same; counterfeiting, and the criminal penalty for the same; making plates, etc., for forgery; possession of same; and the criminal penalty for that offense; forging or uttering other writing and the criminal penalty for the same; creation of unauthorized demand draft. possession of counterfeit currency with intent to utter; and the criminal penalty for the same; unauthorized currency, and the criminal penalty for the same; passing or receiving unauthorized currency knowingly, and the criminal penalty for the same; and, the unauthorized use, transfer, acquisition, alteration or possession of certain benefits and the criminal penalty for the same; payment cards and falsely making or lading the same, and the criminal penalty therefore; relating to crimes against public justice generally; perjury and subornation of perjury defined; false swearing defined, and the criminal penalties for perjury, subornation of perjury, and false swearing; aiding escape and other offenses relating to adults and juveniles in custody or confinement; and criminal penalties for the same; permitting escape; refusal of custody of prisoner; and criminal penalties for the same; persons in custody of institutions or officers. escapes and aiding in escapes;

and criminal penalties for the same; terms of confinement in addition to previous sentence; escapes from, and other offenses relating to, state benevolent and correctional institution, or private prison or mental health facilities and criminal penalties for the same; escape from custody of the commissioner of corrections and criminal penalties for the same; escape from custody of the director of juvenile services; refusal of officer to make, or delay in making, arrest; and criminal penalties for the same; refusal of person to aid officer and criminal penalties for the same; refusal of officer to execute act or process of legislature or order of governor; and criminal penalty for the same; obstructing officer; fleeing from officer; making false statements to officer; interfering with emergency communications; criminal penalties for the same; definition; officer not liable for act done under statute or executive order afterward declared unconstitutional; compounding offenses and misprision and criminal penalties for the same; exacting excessive fees and criminal penalties for the same; issuing fraudulent fee bills and criminal penalties for the same. alteration, concealment or destruction of public record by officer and criminal penalty for the same; larceny, concealment or destruction of public record by person not officer; and criminal penalty for the same; corrupt summoning of jurors to find biased verdict; and criminal penalty for the same; procuring the summoning of biased juror by party other than officer; and criminal penalty for the same; discrimination against employee summoned for jury duty; and criminal penalty for the same; contempt of court; what constitutes contempt; jury trial; presence of defendant; criminal penalty for the same; fraudulent official proceedings; causing a public employee or official to file a fraudulent legal process and criminal penalty for the same; impersonation of a public official, employee or tribunal; and criminal penalties for the same; impersonation of a public official or tribunal; impersonation of a law-enforcement officer; and criminal penalties for the same; subsequent offense; failure to perform official duties and criminal penalty for the same; the failure to meet an obligation to pay support to a minor and criminal penalties for the same; relating to bribery and corrupt practices, and the criminal penalties for such offenses; relating to crimes against the peace generally; mobs and lynching, and the criminal penalties for the same; liability of county or city in such instances;

disturbance of religious worship and the criminal penalty for the same; disturbance of schools, societies, and other assemblies and the criminal penalty for the same; loitering on school property and the criminal penalty for the same; exceptions. camping upon governmental grounds or lawns and the criminal penalty for the same; public nuisance. false reports concerning bombs or other explosive devices and the criminal penalty for the same. falsely reporting an emergency incident and the criminal penalty for the same. willful disruption of governmental processes; offenses occurring at State Capitol Complex; and the criminal penalties for the same; threats of terrorist acts, conveying false information concerning terrorist acts and committing terrorist hoaxes prohibited; and the criminal penalties for the same prohibiting violations of an individual's civil rights; and the criminal penalties for the same; wearing masks, hoods or face coverings and the criminal penalty for the same; and falsely reporting child abuse and the criminal penalty for the same; classifying criminal penalties for failing to register as a sex offender, failure to provide information change, and providing false information to the sex offender registry; deleting requirement that a person be deemed a rioter if they failed to provide required assistance at a riot; classify the penalty for crime of failure to obey an order given at a riot or unlawful assembly; providing that the crime of disorderly conduct is a petty offense; defining the crime of bigamy; providing a misdemeanor penalty for bigamy; providing definitions related to the crimes of pimping, prostitution and pandering; defining the crime of prostitution; providing the penalty for prostitution; providing that a medical report certifying no sexually transmitted disease reduces penalty for prostitution; providing criminal penalty for solicitation of prostitute; providing enhanced criminal penalty for solicitation of an individual for prostitution who is less than 18 years of age, mentally defective or incapacitated; providing fines for soliciting prostitution be paid to the Crime Victims Compensation Fund in designated circumstances; clarifying the crime pandering; providing that a second offense of pandering, recruitment involving coercion or force, and recruitment of persons under the age of 18 are felony offenses; establishing that parents consenting to using a minor or mentally defective person for prostitution is guilty of a felony; establishing that causing a person

to engage in prostitution because of debt or to receive value is subject to misdemeanor penalty; establishing that a person who forces, intimidates or threatens a spouse to engage in prostitution commits a felony offense; providing respective criminal penalties; establishing the criminal offense of abducting, enticing or harboring a child for prostitution; providing a criminal penalty; establishing the crime of promoting and advancing prostitution; defining a house of prostitution in context of promoting prostitution; permitting character evidence; providing criminal penalty, including additional fine; establishing the offense of sexual solicitation; providing a criminal penalty including additional fine; providing an affirmative defense to sexual solicitation for victims of trafficking; providing affirmative defenses to prostitution relating to human trafficking, abduction and mental defect or incapacitation; establishing aggravating circumstances, restitution and eligibility for Compensation Award to Victims of Crimes; providing that law enforcement notify DHHR of child victims; providing that any property used for or derived from prostitution is subject to forfeiture; providing that persons convicted be debarred from state or local contracts; clarifying that criminal indecent exposure cannot occur if victim grants permission; classifies criminal penalties for indecent exposure; classifies criminal penalties for inhaling or drinking certain intoxicating compounds; defines “step-relative” in context of the crime of incest; establishes that intercourse between two consenting adult step-relatives is not incest; classifies criminal penalty for incest; defines desecration and classifies criminal penalties for unlawful disinterment, desecration, injury to a grave marker or damage to cemetery; prohibits certain demonstrations at a funeral; classifies criminal penalty for prohibited funeral demonstrations; classifies criminal penalty for obscene, anonymous and threatening phone calls; classifies criminal penalties for cruelty to animals; classifies criminal penalty for animal fighting; classifies criminal penalty for attending an animal fighting venture; classifies criminal penalty for wagering at an animal fighting venture; establishes circumstances, sufficiency and application of a search warrant related to animal cruelty; extends search warrant authority for birds or animals kept for fighting to natural resources police; clarifies extent of searches without a

warrant for fighting animals or birds; classifying criminal penalty for unlawful admission of children to places injurious to health or morals; classifying criminal penalty for under age false identification; classifying criminal penalty for criminal invasion of privacy; classifying criminal penalty for nonconsensual public disclosure of private intimate images; classifying criminal penalty for criminal loitering within certain distances of minor victims of sexually violent offenses or offenses; classifying penalties for disclosing or making photographs of accident or emergent situations public; classifying penalties for therapeutic deception; classifying penalties for therapeutic deception; expanding definition of computer applied to obscene matter and minors; classifying criminal penalties for distribution and display to minor of obscene matter; classifying criminal penalties for use of obscene matter with intent to seduce minor; classifying criminal penalties for use of minor to produce obscene matter or assist in doing sexually explicit conduct; classifying criminal penalties for sexual assault in the first degree; classifying criminal penalties for sexual assault in the second degree; providing definitions of terms related to the criminal offense of sexual extortion; establishing the elements of the crime of sexual extortion; classifying criminal penalties for sexual assault in the third degree; classifying criminal penalties for sexual abuse in the first degree; classifying criminal penalties for sexual abuse in the second degree; classifying criminal penalties for sexual abuse in the third degree; classifying criminal penalties for imposition of sexual acts on persons incarcerated or under supervision; providing a definitions of 'coerce' and 'visually portray' in the context of the crime of filming sexually explicit conduct of minors; classifying criminal penalty for producing a visual portrayal of a minor in sexually explicit conduct; providing for enhanced penalty when parent distributes material displaying a child under their care in sexually explicit conduct; classifying penalties when any person distributes or exhibits material displaying a minor in sexually explicit conduct; classifying penalties for production, display or distribution of visual portrayals of partially clothed minors; defining 'visual portrayal' in context of prohibited possession, manufacture or distribution of inappropriate sexual portrayals by a minor; clarifying the definition of 'parent' in context of child abuse to

include step or foster parent; classifying criminal penalties for murder of custodial child for failure or refusal to supply necessities; clarifying definition of 'recognized method of religious healing' in context of murder of custodial child for failure or refusal to supply necessities; classifying criminal penalties for death of a child by child abuse; classifying criminal penalties for child abuse causing or creating a risk of injury; classifying the criminal penalty for female genital mutilation; classifying the criminal penalty for child neglect resulting in death; in context of the crime of child neglect resulting in death, clarifying that care through recognized method of religious healing in lieu of medical treatment may not constitute neglect; defining recognized method of religious healing; classifying the criminal penalty for sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; classifying the criminal penalty for procuring, authorizing or inducing another to engage in sexual acts with a child under their care or custody; sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; parent, guardian, custodian, or person in a position of trust procuring, authorizing, inducing a to a child sixteen or older; definition of terms related to nuisances; designated elements for maintaining a nuisance; providing standing to bring an action to abate a nuisance; venue for a nuisance action; evidence and proof related to an action to abate nuisance; provisions and procedures related to an action to enjoin a nuisance; prima facie evidence of a nuisance; prosecution of a nuisance complaint; provisions for dismissal of a nuisance action; award of costs related to a nuisance action; when existence of nuisance established permanent injunction required; order of abatement for a nuisance; elements of a nuisance abatement order; removal and sale of movable property from a nuisance; liability of officers disposing of property from a nuisance proceeding; criminal offense of contempt related to nuisance proceedings; definitions related to gaming and gambling; criminal offense for possessing or dealing in unlicensed gaming devices; seizure of unlicensed gaming or gambling devices; criminal offense for permitting a gambling device on premises under unauthorized ownership, leasehold, occupation or possession; criminal offense of acting as a guard or interfering with lawful intervention for gambling premises; criminal offense of unauthorized wagering on outcomes of

uncertain events or prohibited games; criminal offense for a unauthorized commercial gambling at a hotel or tavern; criminal offense for cheating at gambling; criminal offense of unauthorized dealing in gambling device; criminal offense of unauthorized installation of a gaming device; criminal offense for unauthorized sale of a voucher or certificate for gambling on outcome of sporting events, games of skill or other sport or contest; declaring premises for unauthorized commercial gambling a nuisance; defining lottery and raffle; criminal offense for unauthorized operation of a lottery or raffle; criminal offense of keeping policy or numbers slips; seizure of designated gambling devices and equipment; provides seizure authority for gambling articles or apparatuses; classifying criminal penalties for crime of certain public officials with pecuniary interest in certain public contracts; classifying the criminal offense of unlawful showing of pictures, advertisement or theatrical productions calculated to arouse prejudicial ire or feelings; classifying the criminal offense of lobbying on the floor of the legislature; classifying the crime of employers who fail or refuse to pay contracted employment benefits or contributions; classifying the crime of unlawful use of the prefix of Doctor; classifying the criminal penalty for bribery; clarifying the elements of the crime of bribery; classifying the criminal penalty for debt pooling; clarifying the elements of the crime of debt pooling; classifying the criminal penalty for failure to maintain and affix a cover for a water well; classify the penalty for the crime of conspiracy; classify the penalty for the crime of unlawful contact with a corrections employee or a member of the parole board; classify the penalty for prohibited sale of certain caffeine products; classify the criminal penalties in the Critical Infrastructure Protection Act; classify the criminal penalties for punishment of principals in the second degree and designated accessories; classify the criminal penalties for attempted crimes; classify the criminal penalties for solicitation to commit certain crimes; classify the criminal penalties for crimes related to post mortem examinations; classify the criminal penalties for failing to secure a cremation permit; clarify evidentiary admissibility of autopsy reports an investigations; classify the penalties for organized criminal enterprise offenses; classify the criminal penalties for the offense of human trafficking; classify the criminal penalties for the offense

of forced labor; classify the criminal penalties for the offense of using adults or minors in debt bondage; classify the criminal penalties for the offense of coercing or compelling an individual to engage in commercial sexual; classify the criminal penalties for the offense of patronizing a victim of sexual servitude; establishing that an individual convicted of a human trafficking offense who is sentenced to life without mercy is not eligible for parole; classify the criminal penalty for money laundering; classify the criminal penalty for prohibited use of unmanned aircraft systems; classify criminal offenses and respective sentencing dispositions; establishing that felonies are classified into six categories and misdemeanors are classified into three categories; providing that petty offenses are not classified; establishing that criminal classification is derived from the defining criminal section or chapter; establishing that petty offenses are specifically designated to include any crime without specified designation or classification; providing that offenses noted outside Chapter 61 which are not designated as a felony, misdemeanor or petty offense, are punished under the prescribed statutory penalty; unless provided otherwise felony imprisonment sentence is a term of definite years; establishes respective range of felony terms of imprisonment into six classifications; establishes respective range of misdemeanor terms of imprisonment within three classifications; providing discretion to the sentencing court to treat a class 6 felony as a class 1 misdemeanor with noted exceptions; providing the trial court impose its sentence within designated range of maximum and minimum terms; requiring the court to consider aggravating and mitigating circumstances as well as the pre-sentence report; providing potential increased sentence for crimes near a school which may exceed maximum sentencing limits; provides that a felony sentence must be a definite term of years served in the state department of corrections; establishes requirements for transfer of custody; provides a range of imprisonment term for all six felony classes; providing that misdemeanor sentences are for a definite term to be served at somewhere other than the state department of corrections; establishes respective limitations of imprisonment for the three classes of misdemeanors; provides discretion to the court in certain circumstances, to treat a class 6 felony as a class 1 misdemeanor;

provides for reimbursement of incarceration costs for misdemeanor offenses; provides court with discretion to increase sentence by one year for offenses near a school; establishes that school vicinity sentence enhancement may exceed statutory limit; further providing that if the victim offense is a child but is not within the designated range of a school the court may consider relevant circumstances and increase the sentence two years; establishing fines for felony offenses; establishing fines for misdemeanor offenses; for purposes of sentencing, defines an ‘enterprise’ as any entity other than a person; provides graduated penalty of fines imposed upon enterprise for criminal offenses; establishes that a judgment of fine against an enterprise constitutes a lien; establishes relevant factors for the court to consider when sentencing an enterprise for criminal conduct; requires the court to order a person incarcerated for a criminal offense to pay incarceration costs; and, establishes factors for the court to consider when assessing payment of incarceration costs,”

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. J. R. 3, Property Tax Modernization Amendment,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. J. R. 3 – “Proposing an amendment to the Constitution of the State of West Virginia amending section one, article X thereof, relating to authorizing the Legislature to exempt tangible machinery and equipment personal property directly used in business activity and tangible inventory personal property directly used in business activity from ad valorem property taxation by general law; providing that the question of ratification or rejection of the amendment be submitted to the voters of the state at the next general election to be held in the year 2022; numbering

and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.”

With the recommendation that the committee substitute be adopted.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2370, Provide that Public Service Districts cannot charge sewer rates for filling a swimming pool,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2370 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to exempting sewer charges for swimming pools; requiring the owner of the pool to provide the dimensions of a pool that is being filled with water; requiring the waste water utility to calculate the volume of the pool and allow an individual to use that amount of water for filling the pool without being charged for the corresponding sewer charges, as the water does not go to the sewer; and allowing the waste water utility to inspect the pool in order to verify the dimensions,”

And,

H. B. 2488, Relating to an occupational limited license,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2488 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-10a, relating to an occupational limited license,”

With the recommendation that the committee substitutes each do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2751, Modernize the process for dissolution of municipal corporations in this State,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2751 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9C-1, §6-9C-2, §6-9C-2A, §6-9C-3, §6-9C-4, §6-9C-5, §6-9C-6, §6-9C-7, §6-9C-8, §6-9C-9, §6-9C-10, and §6-9C-11; to amend and reenact §8-35-1 and §8-35-2 of said code; and to amend said code by adding thereto new sections, designated §8-35-3, §8-35-4, §8-35-5 and §8-35-6, all relating generally to fiscal emergencies of local governments and dissolution of municipalities; establishing a system to remediate those fiscal emergencies; providing legislative findings; defining terms; allowing State Auditor or his or her designee to determine whether local governments are keeping accounts, records, files, or reports in compliance with §6-9-2 of this code; providing conditions constituting grounds for fiscal watch; providing for rulemaking; allowing for State Auditor or his or her designee to declare a local government is under fiscal watch; allowing the State Auditor or his or her designee to visit, inspect, and provide technical assistance to a local government under fiscal watch; allowing State Auditor or his or her designee to declare a local government to be in a state of fiscal emergency; providing process for initiating a fiscal watch review; providing a process for declaring and lifting a fiscal watch or elevating a fiscal watch to a fiscal emergency; establishing conditions that constitute a fiscal emergency; providing for rulemaking; establishing a process for determining whether fiscal emergency conditions exist and appeal process of such determination; providing that a local government for which a fiscal

emergency is declared establish a financial planning and supervision committee; providing for rulemaking; mandating compliance by local government officials with recommendations of State Auditor or his or her designee and certain provisions of the article and providing appropriate State Auditor or his or her designee with recourse for failure to comply; providing for severability; providing a process for forfeiture of charter or certificate of incorporation, notice, and dissolution of municipality; providing that the State Auditor or his or her designee shall promptly conduct an exam under §6-9-1, *et seq.* of this code; providing a process for voluntary dissolution of a municipality; providing that the State Auditor or his or her designee shall promptly conduct an exam under §6-9-1, *et seq.* of this code; providing a process for involuntary dissolution of a municipality; requiring that the State Auditor become special receiver of a dissolved municipality and establishing powers and authority of State Auditor as special receiver; establishing the ‘Municipal Dissolution Account’; providing for disposition of property belonging to a dissolved municipal corporation; and providing for sale and liquidation of dissolved municipal assets,”

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Education submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. C. R. 55, Studying the viability of creating a veterinary school in West Virginia,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. C. R. 55 – “Requesting that a Special Interim Committee on Higher Education be established to study the viability of creating an accredited school of veterinary medicine in West Virginia,”

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 55) was referred to the Committee on Rules.

Delegate Foster, Vice Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 3036, Sunsetting the Board of Sanitarians,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 3036 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-17-20, relating to sunsetting the Board of Sanitarians by June 30, 2022,”

With the recommendation that the committee substitute do pass.

Delegate Foster, Vice Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 3072, Sunset the Board of Forestry,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 3072 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1A-7; and to amend said code by adding thereto a new section designated §30-19-18, both relating to permitting the Director of the Division of Forestry to maintain a list of foresters

in the state of West Virginia; defining the educational criteria for a person to be considered a forester or forestry technician; allowing for rulemaking; and establishing a sunset provision,”

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Capito, Queen, Lovejoy and Garcia:

H. B. 3310 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-1-1c; to amend and reenact §24-1-2 of said code; and to amend and reenact §24-2-1 of said code, all generally relating to jurisdiction of the Public Service Commission; making legislative findings; defining terms; creating exception to the term public utility; limiting jurisdiction of the Public Service Commission; and providing for rulemaking.”

On motion for leave, a bill was introduced (Originating in the Committee on Government Organization and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegate Steele:

H. B. 3312 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §10-3A-1, §10-3A-2, §10-3A-3, §10-3A-4, §10-3A-5, §10-3A-6, and §10-3A-7, all relating to the establishment of a mom to child labor; providing for legislative findings; establishing a short title; creating a commission to oversee the siting, design, construction, and dedication of the monument; establishing membership of the commission; outlining the goals of the commission regarding location of the monument; providing for a funding mechanism from existing revenue sources for construction and maintenance of the monument; creating an inscription or plaque to be used in the dedication of the monument; disbanding the commission upon meeting certain conditions; granting the City of Fairmont the

ownership of the monument; providing funds for the City of Fairmont to maintain the monument; and establishing a mechanism for maintenance and ownership of the monument under certain conditions.”

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. 43, U. S. Army CSM Hugh H. “Smokey” Stover Memorial Road,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. C. R. 43 - “Requesting the Division of Highways name that portion of County Route 1, beginning at Toney Fork Road at the Clear Creek Presbyterian Church and ending at the intersection of Clear Fork Road and Workman’s Creek Road, in Raleigh County, the ‘U.S. Army CSM Hugh H. “Smokey” Stover Memorial Road’,”

With the recommendation that the committee substitute be adopted.

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. 20, Bill Withers Memorial Road,

H. C. R. 54, Robin W. Ames Memorial Road,

H. C. R. 62, Major Samuel Wilson Rogers Jr. Memorial Bridge,

H. C. R. 63, Mayor George Karos Bridge.,

H. C. R. 64, Deputy Sheriff Scott D. Myers Memorial Bridge,

H. C. R. 72, David Allen Drake, Sr. Memorial Bridge,

S. C. R. 6, US Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn Memorial Bridge,

S. C. R. 8, Fire Chief Kenneth Junior Russell Memorial Bridge,

Com. Sub. for S. C. R. 14, Creating WV Women’s Suffrage Memorial,

And,

S. C. R. 20, Supporting and celebrating centennial anniversary of Jones Act,

And reports the same back with the recommendation that they each be adopted.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 26th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 2701, Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license,

H. B. 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund,

Com. Sub. for H. B. 2789, Supplementing and amending the appropriations to Public Defender Services,

Com. Sub. for H. B. 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance

in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management,

Com. Sub. for H. B. 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry,

And,

H. B. 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021.

On motion for leave a resolution was introduced (Originating in the Committee on Education and reported with the recommendation that it be adopted, but that it first be referred to the Committee on Rules), which was read by its title, as follows:

By Delegates Toney, Howell, Hanshaw (Mr. Speaker), Rowan, Higginbotham and Ellington:

H. C. R. 78 – “Requesting the West Virginia Department of Health and Human Resources, the West Virginia Department of Education and the West Virginia Supreme Court of Appeals to examine, jointly, the multidisciplinary treatment team process for advising the court on the types of services and placement, if any, it determines will best serve the needs of a child subject to juvenile proceedings under the law and to report the results of their examination to the Joint Committee on Government and Finance prior to the 2022 legislative session.”

Whereas, The multidisciplinary treatment team for juvenile proceedings conducted pursuant to §49-4-701 of the Code of West Virginia, 1931, as amended, is delineated in §49-4-406 of the code and includes representatives of the Department of Health and Human Resources, the county superintendent of schools and the Court among the members who shall serve and attend each meeting of the multidisciplinary treatment team so long as they receive notice at least seven days prior to the meeting; and

Whereas, In advising the court as to the types of services the multidisciplinary treatment team has determined are needed and type of placement, if any, which will best serve the needs of the child, the team may determine that an out-of-home placement is best. The team is required to first consider placement at facilities or programs located within the state and may only recommend placement in an out-of-state facility if it concludes that there are no available and suitable in-state facilities which can satisfactorily meet the specific needs of the child. The team is further required to monitor the progress of the child's plan, review progress at the regular meetings held at least every three months and report to the court on the progress or if additional modification is necessary; and

Whereas, If a child who is receiving or requires services under an individualized education plan is placed in a residential facility, the costs of providing the educational services are invoiced to the Department of Education and are allocated to the county school system in which the child was last enrolled for at least 45 school days, exclusive of any enrollment documented as due solely to placement in an in-state residential shelter, treatment facility or correction facility. Based on the latest information received from the Department of Education, it is apparent that the tuition costs from out-of-state placements consume 52% of the State Board of Education – Aid for Exceptional Children line item allocated to the county school systems for special education. For many school systems the out-of-state tuition costs allocation consume a large portion of the county's allocated funds. For seven county school systems, the out-of-state tuition costs allocated to the county exceed the allocated funds; and

Whereas, Best serving the needs of the child through the multidisciplinary treatment team process delineated in §49-4-406 is the paramount objective of the statute and in practice it requires that all team members are adequately noticed of team meetings, well informed of the available options for services and able to participate with authority in representing their area of expertise; therefore be it:

Resolved by the Legislature of West Virginia:

That the West Virginia Department of Health and Human Resources, the West Virginia Department of Education and the West Virginia Supreme Court of Appeals are hereby requested to examine, jointly, the multidisciplinary treatment team process for advising the court on the types of services and placement, if any, it determines will best serve the needs of a child subject to juvenile proceedings under the law and to report the results of their examination to the Joint Committee on Government and Finance prior to the 2022 legislative session; and be it:

Further Resolved, That the examination shall include the practices used in calling, notice and attendance at meetings of the multidisciplinary treatment team and the processes within the respective jurisdictions of the Departments and Court to ensure that their representatives at the meetings are well informed of the available options for services and are able to participate with authority in representing their area of expertise; and be it:

Further Resolved, That, subject to the findings of their examination, the West Virginia Department of Health and Human Resources, the West Virginia Department of Education and the West Virginia Supreme Court of Appeals are hereby requested to take such actions within or among their respective jurisdictions as they may determine prudent to improve the processes and communication with respect to the importance of meaningful participation as members of a multidisciplinary treatment team to best serve the needs of the child while first considering placement at facilities or programs located within the state and only recommending placement in an out-of-state facility if the team concludes that there are no available and suitable in-state facilities. The report of the examination shall include any actions taken by the West Virginia Department of Health and Human Resources, the West Virginia Department of Education and the West Virginia Supreme Court of Appeals with respect to improving the multidisciplinary treatment team processes along with any other recommendations they deem prudent for meeting the objectives of the statute; and be it:

Further Resolved by the Legislature of West Virginia:

That the Clerk of the House of Delegates shall transmit a copy of this Resolution to the presiding officers of the West Virginia Department of Health and Human Resources, the West Virginia Department of Education and the West Virginia Supreme Court of Appeals.

The resolution (H. C. R. 78) was referred to the Committee on Rules.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2908, Relating to disclosure of information by online marketplaces to inform consumers,

And reports the same back with the recommendation that it do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2224, Relating to complaints against public agencies to obtain records through the Freedom of Information Act,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2224 - "A Bill to amend the Code of West Virginia, 1931, as amended; to amend and reenact §29B-1-2, §29B-1-3, and §29B-1-4; and to amend said code by adding thereto a new sections, designated §29B-1-3b; providing for definitions of electronic records; providing that a public agency may respond to a request for documents with an anticipated time frame the requestor may expect to receive documents; providing that electronic records are more cumbersome for public agencies to review for public information; providing that a public agency may establish a fee schedule for production of electronic records;

providing criteria to establish a fee schedule; providing for criteria for a public agency to deny a request for documentation; providing an exemption for Sensitive Security Information; and providing for exemption of disclosure of personally identifiable information under certain circumstances.”

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2095, Providing increased protections for the welfare of domestic animals,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2095 - “A Bill to amend and reenact §7-1-14 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §7-10-1a and §7-10-6; to amend and reenact §7-10-2 and §7-10-4 of said code; to amend said code by adding thereto two new sections, designated §19-20-12a and §19-20-27; to amend and reenact §19-20-22 and §19-20-26; to amend and reenact §61-8-19 of said code; and to amend said code by adding thereto two new sections, designated §61-8-19d and §61-8-19e, all relating generally to providing increased protections for the welfare of domestic animals; requiring facilities for the care of stray, abandoned, and surrendered animals and providing for access by the public; defining terms; updating the duties of humane officers; specifying standards for the operation of animal shelters; requiring inspections; establishing sanctions for violation of the standards of operation; defining an owner’s duty of care for companion animals; requiring an owner to confine unspayed female dogs in estrus; requiring dog breeders to provide written disclosures to purchasers; specifying minimum levels of care to be provided by dog breeders; defining when a dog is unfit for sale by a dog breeder and providing

remedies therefor; increasing the penalty for a second offence of cruelty to animals; defining the criminal offenses of unlawful confinement of domestic animals and hoarding of animals; establishing criminal penalties; and providing for mental health treatment in certain circumstances involving hoarding of animals,”

With the recommendation that the committee substitute do pass.

Conference Committee Report Availability

At 6:16 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for H. B. 2263**, Update the regulation of pharmacy benefit managers, was available in the Clerk’s Office.

Miscellaneous Business

Delegate Howell noted to the Clerk that he was absent when the vote was taken on the passage of H. B. 3301, and had he been present, he would have voted “Yea” thereon.

Pursuant to House Rule 94b, forms were filed with the Clerk’s Office to be added as a cosponsor of the following:

H. B. 2095: Delegates Haynes and Zukoff;

H. B. 2771: Delegate Haynes;

H. B. 2826: Delegate Bates;

H. B. 3020: Delegate Mandt;

And,

H. B. 3307: Delegate Holstein.

At 6:17 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 29, 2021.

