

West Virginia Legislature

JOURNAL
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HOUSE of DELEGATES

Eighty-Fifth Legislature
Third Extraordinary Session

Held at Charleston
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West Virginia Legislature
Journal of the
House of Delegates
Eighty-Fifth Legislature
Third Extraordinary Session

Charleston, Monday, October 11, 2021

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

Pursuant to the Proclamation of His Excellency, the Governor, issued the 8th day of October, 2021, convening the Legislature in Extraordinary Session at 11:00 a.m. on the 11th day of October, 2021, the House of Delegates, assembled in its Chamber in the Capitol Building in the City of Charleston and was called to order by the Speaker, the Honorable Roger Hanshaw.

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

**Messages from the Executive
and other Communications**

Various communications were laid before the House of Delegates, which were read by the Clerk as follows:

STATE OF WEST VIRGINIA
HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE

August 1, 2021

The Honorable Roger Hanshaw
Speaker of the House
West Virginia House of Delegates
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear Mr. Speaker,

Serving as a member of the House of Delegates is the pinnacle of my professional career. However, I have been presented with the opportunity to make an impact in the arena of child welfare in West Virginia. You and I both know how important that subject is, and I want to do everything I can to make an impact. Therefore, it is with a heavy heart that I must resign as a member of the West Virginia House of Delegates effective midnight August 1, 2021.

I would like to thank my colleagues for making this such a rewarding experience. I wish to especially thank you. Mister Speaker, for the amazing opportunity to serve as a member of your leadership team. Finally, I must thank the folks of Monroe, Raleigh and Summers counties for allowing me to represent them in this chamber.

Respectfully,

Jeffrey Pack

STATE OF WEST VIRGINIA
Jim Justice
Governor of West Virginia

August 19, 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 Jordan Maynor, Beaver, Raleigh County, as a Delegate representing the Twenty-Eighth District of the House of Delegates, to fill the vacancy created by the resignation of the Honorable Jeffrey Pack.

Sincerely,

Jim Justice
Governor

The Clerk announced that Delegate Maynor had taken the oath of office on August 24, 2021.

Delegate Summers arose to suggest the absence of a quorum, the Clerk opened the voting machine to determine the presence of a quorum (**Roll No. 750**), and 97 members having registered their presence, the Speaker declared a quorum was present. The absent being as follows:

Absent: Keaton, Pack and Thompson.

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 extraordinary session and was ready to enter upon the business stated in the Proclamation by which it had been called together.

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, to join with a similar committee on the part of the Senate, to inform His Excellency, the Governor,

that the Legislature had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Rowan, Phillips and Lovejoy.

Messages from the Executive

A Proclamation of His Excellency, the Governor, convening the Legislature in extraordinary session, was laid before the House of Delegates and read by the Clerk as follows:

STATE OF WEST VIRGINIA EXECUTIVE DEPARTMENT Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at 11:00 AM on Monday, October 11, 2021, in its chambers in the State Capitol, the City of Charleston, for the limited purpose of considering and acting upon only the following matters:

FIRST: Legislation relating to and implementing the decennial redistricting of the House of Delegates and State Senate of the Legislative Department.

SECOND: Legislation relating to and implementing the decennial apportionment of representatives of the United States House of Representatives.

THIRD: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Bureau of Senior Services, Bureau of Senior Services, fund 8724, fiscal year 2022, organization 0508, by supplementing, amending, and adding a new item of appropriation, Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$16,400,000, for the fiscal year ending June 30, 2022.

FOURTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Human Services – Energy Assistance, fund 8755, fiscal year 2022, organization 0511, by supplementing and amending the appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$7,832,540, for the fiscal year ending June 30, 2022.

FIFTH: To expire funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of \$2,000,000 from the Attorney

General, Consumer Protection Recovery Fund, Fund 1509, Fiscal Year 2022, Organization 1500, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

SIXTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Agriculture, fund 8736, fiscal year 2022, organization 1400; by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,098,839, for the fiscal year ending June 30, 2022.

SEVENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Division of Culture and History, fund 8718, fiscal year 2022, organization 0432, by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$765,400, for the fiscal year ending June 30, 2022.

EIGHTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506; by supplementing and amending the appropriation for Federal Coronavirus Pandemic , appropriation 89101, in the amount of \$267,969, for the fiscal year ending June 30, 2022.

NINTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization 0506; by supplementing and amending the appropriation for Personal Services and Employee Benefits, appropriation 00100, in the amount of \$100,000, and the appropriation for Current Expenses, appropriation 13000, in the amount of \$11,000,000, for the fiscal year ending June 30, 2022.

TENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health, fund 8802, fiscal year 2022, organization 0506, by supplementing and amending the appropriation for Personal Services and Employee Benefits, appropriation 00100, in the amount of \$1,400,000, the appropriation for Current Expenses, appropriation 13000, in the amount of \$33,556,737, and the appropriation for Federal Coronavirus Pandemic, Appropriation 89101, in the amount of \$14,998,450 for the fiscal year ending June 30, 2022.

ELEVENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2022, organization 0511; by supplementing and amending the appropriation for Medical Services, appropriation 18900, in the amount of \$83,509,092, and for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$340,984,855 for the fiscal year ending June 30, 2022.

TWELFTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Substance Abuse

Prevention and Treatment, fund 8793, fiscal year 2022, organization 0506, by supplementing and amending the appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$218,330, for the fiscal year ending June 30, 2022.

THIRTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Educational Broadcasting Authority, fund 8721, fiscal year 2022, organization 0439, by supplementing, amending and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$710,176, for the fiscal year ending June 30, 2022.

FOURTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Library Commission, fund 8720, fiscal year 2022, organization 0433, by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$2,388,880, for the fiscal year ending June 30, 2022.

FIFTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 8858, fiscal year 2022, organization 0613, by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,816,040, the fiscal year ending June 30, 2022.

SIXTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Veterans' Assistance – Veterans' Home, fund 8728, fiscal year 2022, organization 0618, by supplementing, amending, and adding a new item of appropriation, Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,508,024, for the fiscal year ending June 30, 2022.

SEVENTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Commission for National and Community Service, fund 8841, fiscal year 2022, organization 0432; by supplementing, amending and adding a new item of appropriation, Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,960,588, for the fiscal year ending June 30, 2022.

EIGHTEENTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Arts, Culture and History, Division of Culture and History, fund 0293, fiscal year 2022, organization 0432, by supplementing and amending the appropriations for Current Expenses, appropriation 13000, in the amount of \$22,900, and adding an appropriation for the WV Women's Suffragist Memorial, appropriation XXXXX, in the amount of \$50,000, the fiscal year ending June 30, 2022.

NINETEENTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by

supplementing and amending the appropriation for Global Economic Development Partnerships, appropriation XXXXX, in the amount of \$150,000, for the fiscal year ending June 30, 2022.

TWENTIETH: To make supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Education, State Board of Education, State Department of Education, fund 0313, fiscal year 2022, organization 0402, for Directed Transfer, appropriation 70000, in the amount of \$250,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-FIRST: To supplement and amend 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 Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for Civil Contingent Fund – Surplus (R), appropriation 23800, in the amount of \$2,000,000, the fiscal year ending June 30, 2022.

TWENTY-SECOND: To make supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Administration, Division of Personnel, fund 0206, fiscal year 2022, organization 0222, for Directed Transfer, appropriation 70000, in the amount of \$500,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-THIRD: To make supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Public Port Authority, fund 0581, fiscal year 2022, organization 0806, Directed Transfer, appropriation 70000, in the amount of \$30,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-FOURTH: To make supplementary appropriation of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Transportation, Office of Administrative Hearings, fund 9027, fiscal year 2022, organization 0808, by supplementing and amending the appropriation for Personal Services, appropriation 00100, in the amount of \$200,000, and the appropriation for Current Expenses, appropriation 13000, in the amount of \$50,000, for the fiscal year ending June 30, 2022.

TWENTY-FIFTH: To make supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Transportation, Public Port Authority, Special Railroad and Intermodal Enhancement Fund, fund 8254, fiscal year 2022, organization 0806, for the appropriation of Current Expenses, appropriation 13000, in the amount of \$30,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-SIXTH: To supplement and amend chapter eleven, Acts of the Legislature, Regular Session, 2021, known as the budget bill, by supplementing and amending appropriations in Title II, section 12 for the fiscal year ending June 30, 2022, by transferring \$2,500,000 from Directed Transfer (fund 1509, appropriation 7000), to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund (fund 5185).

TWENTY-SEVENTH: To amend and reenact § 61-7-4 of the Code of West Virginia, 1931, as amended, relating to clarifying the manner in which an application fee is to be paid for a West Virginia resident to obtain a state license to carry a concealed deadly weapon; to require half of the application fee collected be deposited into the State Treasury and credited to the account of the State Police; and to exclude honorably discharged, resident veterans of the reserve and National Guard from payment of the application fee.

TWENTY-EIGHTH: To amend and reenact § 16-48-3, § 16-48-4, and § 16-48-6 of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia ABLE Act; to define terms; to authorize the State Treasurer to promulgate emergency rules; to permit a person with signature authority, according to federal law, to open and manage an account on behalf of a designated beneficiary; and to clarify that the State Treasurer may require an application to open an ABLE account.

TWENTY-NINTH: To amend and reenact § 11-15-9 of the Code of West Virginia, 1931, as amended, relating to taxation of the sale of certain aircraft; to exempt from consumer sales and service tax the sale of aircraft sold in this state and registered in another state and removed from this state within 60 days; to provide for an effective date; and to provide conditions of exemption.

THIRTIETH: To repeal §29-32-3 and §29-32-4 of the Code of West Virginia, 1931, as amended, and to amend and reenact §29-32-1, §29-32-2, §29-32-5 of said code, all relating to establishing a Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers; to establish the Medal of Valor and criteria for awarding it; to establish the First Responders Honor Board within the Department of Homeland Security; to define persons whom the board may recommend to receive the Medal of Valor; to establish criteria for board membership; to set the term of board membership; to require the board to meet at least annually and provide notice thereof; to provide for the election of a board chair and define a quorum; and to mandate nominations for the Medal of Valor be submitted by the first day of the next regular session of the Legislature.

THIRTY-FIRST: To amend and reenact § 16-2-11 and § 16-2-13 of the Code of West Virginia, 1931, as amended, all relating to the role of local county commissions, appointing entities, or county boards of education as to rules of local health boards; to provide, by amending § 16-2-11(b)(3)(D), that any rule adopted or established by a local health board or local health officer on which no action is taken by a county commission or appointing entity to approve, disapprove, or amend the local rule within 30 days after the rule is effective, is void and to provide that, with respect to a local rule which solely applies to and affects public, private, or parochial schools or state-regulated childcare centers, such local rule shall be approved, disapproved, or amended by the county board of education, instead of the county commission or appointing entity, within 30 days of approval of the local rule from the local board of health; to provide, by amending § 16-2-11(b)(3)(H), that if there is an imminent public health emergency, approval of the county commission, appointing entity, or county board of education is not necessary before the local rule goes into effect but that such local rule shall be approved or disapproved by the county commission, appointing entity, or county board of education within 30 days after the rule is effective, and any local rule on which the county commission, appointing authority, or county

board of education has taken no action within 30 days shall be void; to provide, by amending § 16-2-11(b)(3) by adding thereto a new subparagraph designated (l), that for purposes of § 16-2-11, a “rule” or “rules” subject to approval, disapproval, or amendment by a county commission, appointing entity, or county board of education shall mean and include any order or directive issued by a local health officer solely under any independent authority of the local health officer or local health board which operates as a rule or a policy affecting multiple people within the jurisdiction subject to rules of the local board of health, including, but not limited to, any order made and entered by a local health officer on or after the effective date of the amendments to § 16-2-11 during the regular session of the Legislature, 2021, and any such order or directive issued by a local health officer shall be null and void which is not approved by the county commission, appointing entity, or county board of education, as applicable, within thirty days following the effective date of the reenactment of § 16-2-11 during the third extraordinary session of the Legislature in 2021; and to provide, by amending § 16-2-13, by adding thereto a new subsection designated (c), that any order or directive issued by a local health officer solely under any independent authority of the local health officer or local health board which operates as a rule or a policy affecting multiple people within the jurisdiction subject to rules of the local board of health, including, but not limited to, any such order made and entered by a local health officer on or after the effective date of the amendments to § 16-2-11 of the West Virginia Code during the regular session of the Legislature, 2021, shall be subject to approval, disapproval, or amendment by a county commission, appointing entity, or county board of education pursuant to § 16-2-11 of this code within thirty days following the effective date of the reenactment of this section in the third extraordinary session of the Legislature in 2021.

THIRTY-SECOND: To amend and reenact § 6-7-2A of the Code of West Virginia, 1931, as amended, relating to the statutory salary of the Director of the West Virginia Lottery Commission.

THIRTY-THIRD: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated § 51-1-23, relating to creating a special revenue fund designated the Court Facilities Maintenance Fund to be administered by the West Virginia Supreme Court of Appeals; the fund to consist of moneys received from rent or other payments from tenants leasing space owned by the Supreme Court of Appeals of West Virginia; all moneys deposited into the State Treasury and credited to the Court Facilities Maintenance Fund to be used to offset the cost to maintain property owned by the Supreme Court of Appeals of West Virginia; and all moneys collected by the administrator of the Supreme Court of Appeals from rent or other payments from tenants leasing space owned by the Supreme Court of Appeals of West Virginia to be deposited into the Court Facilities Maintenance Fund, expenditures from the fund to be used to offset the cost to maintain property owned by the Supreme Court of Appeals of West Virginia and such expenditures not to be authorized from collections but to be made only in accordance with appropriation by the Legislature in accordance with article three, chapter twelve of the West Virginia Code and upon fulfillment of the requirements of article two, chapter eleven-b of the West Virginia Code.

THIRTY-FOURTH: To amend and reenact § 23-5-12a of the Code of West Virginia, 1931, as amended; to amend and reenact § 51-2A-24 of said code; to amend and reenact § 51-11-3, § 51-11-4, § 51-11-6, and § 51-11-8 of said code; and to amend and reenact § 58-5-1 of said code, all relating to updating provisions establishing the Intermediate Court of Appeals; to correct a citation respecting the right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals with respect to workers’ compensation claims; to provide that appeals of judgements or final orders entered by family courts in domestic violence proceedings must first be made to circuit court; to provide for circuit court jurisdiction over appeals of judgements or final orders entered by family courts in domestic violence proceedings; to remove

language establishing the Intermediate Court of Appeals as a court of record; to modify the prohibition on sitting Intermediate Court of Appeals Judges retaining their seat upon becoming a candidate or pre-candidate for any elected public office to prohibit sitting Intermediate Court of Appeals Judges only from retaining their seat upon becoming a candidate or pre-candidate for any nonjudicial, elected public office; to authorize the Intermediate Court of Appeals to be located in a fixed or virtual location in facilities provided by the Administrative Director of the Supreme Court; to provide an exception to appellate jurisdiction of the Intermediate Court of Appeals with respect to final judgments or final orders issued by family courts in domestic violence proceedings; to exclude from the appellate jurisdiction of the Intermediate Court of Appeals all appeals of judgments or final orders issued by family courts in domestic violence proceedings; to authorize individuals appointed to serve as judges of the Intermediate Court of Appeals to take the oath and commence duties on or before July 1, 2022; to authorize contractual arrangements for use of facilities by the Intermediate Court of Appeals to include physical or virtual spaces; and to correct a citation respecting the right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals; and to make other technical corrections.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Eighth day of October, in the Year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Ninth year of the State.

James Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State.

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. 303 - "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, 2022, to the Bureau of Senior Services, Bureau of Senior Services, fund 8724, fiscal year 2022, organization 0508, by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff
[By Request of the Executive]:**

H. B. 304 - "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, 2022, to the Department of Health and Human Resources, Division of Human Services – Energy Assistance, fund 8755, fiscal year 2022, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 305 - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022 in the amount of \$2,000,000 from the Attorney General, Consumer Protection Recovery Fund, Fund 1509, Fiscal Year 2022, Organization 1500, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 306 - "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, 2022, to the Department of Agriculture, fund 8736, fiscal year 2022, organization 1400; by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 307 - "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, 2022, to the Department of Arts, Culture and History, Division of Culture and History, fund 8718, fiscal year 2022, organization 0432, by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 308 - "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, 2022, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506; by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 309 - "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, 2022, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization 0506; by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 310 - "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, 2022, to the Department of Health and Human Resources, Division of Health - Central Office fund 8802, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 311 - "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,

2022, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2022, organization 0511; by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 312 - “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, 2022, to the Department of Health and Human Resources, Division of Health – Substance Abuse Prevention and Treatment, fund 8793, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 313 - “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, 2022, to the Department of Arts, Culture and History, Educational Broadcasting Authority, fund 8721, fiscal year 2022, organization 0439, by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 314 - “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, 2022, to the Department of Arts, Culture and History, Library Commission, fund 8720, fiscal year 2022, organization 0433, by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 315 - “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, 2022, to the Department of Veterans’ Assistance, Department of Veterans’ Assistance, fund 8858, fiscal year 2022, organization 0613, by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 316 - “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, 2022, to the Department of Veterans’ Assistance – Veterans’ Home, fund 8728, fiscal year 2022, organization 0618, by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 317 - “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,

2022, to the Department of Arts, Culture and History, Commission for National and Community Service, fund 8841, fiscal year 2022, organization 0432; by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 318 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Arts, Culture and History, Division of Culture and History, fund 0293, fiscal year 2022, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 319 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegate Hanshaw (Mr. Speaker)

[By Request of the Executive]:

H. B. 320 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, by adding a new item of appropriation and increasing the expenditure, to the Department of Education, State Board of Education, State Department of Education, fund 0313, fiscal year 2022, organization 0402, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 321 - "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 Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 322 - "A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Administration, Division of Personnel, fund 0206, fiscal year 2022, organization 0222, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 323 - "A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Public Port Authority, fund 0581, fiscal year 2022, organization 0806, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 324 - "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, 2022, to the Department of Transportation, Office of Administrative Hearings, fund 9027, fiscal year 2022, organization 0808, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 325 - "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, 2022, to the Department of Transportation, Public Port Authority, Special Railroad and Intermodal Enhancement Fund, fund 8254, fiscal year 2022, organization 0806, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 326 - "A Bill supplementing and amending chapter eleven, Acts of the Legislature, Regular Session, 2021, known as the budget bill, supplementing and amending appropriations in Title II, section 12 for the fiscal year ending June 30, 2022"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 327 - "A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to clarifying the manner in which an application fee is to be paid for a West Virginia resident to obtain state license to carry a concealed deadly weapon; raising the fee to \$50; requiring half of the application fee collected be deposited into the State Treasury and credited to the account of the State Police; and excluding honorably discharged, resident veterans of the reserve and National Guard from payment of the application fee"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 328 - "A Bill to amend and reenact §16-48-3, §16-48-4, and §16-48-6 of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia ABLE Act; defining terms; authorizing the State Treasurer to promulgate emergency rules; permitting a person with signature authority, according to federal law, to open and manage an account on behalf of a designated beneficiary; and clarifying that the State Treasurer may require an application to open an ABLE account"; to the Committee on Finance.

By Delegate Hanshaw (Mr. Speaker)**[By Request of the Executive]:**

H. B. 329 - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to taxation of the sale of certain aircraft; exempting from consumer sales and service tax the sale of aircraft sold in this state and registered in another state and removed from this state within 60 days; and providing conditions of exemption"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 330 - "A Bill to repeal §29-32-3 and §29-32-4 of the Code of West Virginia, 1931, as amended, and to amend and reenact §29-32-1, §29-32-2, and §29-32-5 of said code, all relating to establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers; establishing Medal of Valor and criteria for awarding it; establishing First Responders Honor Board within Department of Homeland Security; defining persons whom board may recommend to receive Medal of Valor; establishing criteria for board membership; setting term of board membership; requiring board meet at least annually and provide notice thereof; providing for election of board chair and defining quorum; mandating nominations for Medal of Valor be submitted by the first day of next regular session of Legislature"; to the Committee on Government Organization.

By Delegate Hanshaw (Mr. Speaker)**[By Request of the Executive]:**

H. B. 331 - "A Bill to amend and reenact §16-2-11 and §16-2-13 of the Code of West Virginia, 1931, as amended, all relating to the role of appointing authorities or county boards of education as to the rules of local boards of health; providing that any rule adopted or established by a local board of health on which no action is taken by an appointing authority to approve, disapprove or amend the rule within 30 days after the rule is effective, is void; providing that, with respect to any rule adopted or established by a local board of health which solely applies to and affects public schools, such rule shall be approved, disapproved, or amended by the county board of education, instead of the appointing authority, within 30 days of approval of the rule by the local board of health, and any such rule on which no action is taken by the county board of education within 30 days after the rule is effective, is void; providing that, if there is an imminent public health emergency, approval of the appointing authority or county board of education is not necessary before the rule goes into effect, but the rule shall be approved or disapproved by the appointing authority or county board of education within 30 days after the rule is effective, and any rule on which the appointing authority or county board of education has taken no action within 30 days shall be void; providing that a rule or rules subject to approval, disapproval, or amendment by an appointing authority or county board of education shall mean and include any order or directive issued by a local health officer which operates as a rule or a policy affecting multiple people as a class within the jurisdiction subject to rules of the local board of health, including, but not limited to, any order made and entered by a local health officer on or after the effective date of the amendments to this section during the regular session of the Legislature, 2021, and any such order or directive issued by a local health officer shall be null and void if not approved by the appointing authority within 30 days following the effective date of the reenactment of this section during the third extraordinary session of the Legislature in 2021; and making technical changes"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Hanshaw (Mr. Speaker)**[By Request of the Executive]:**

H. B. 332 - "A Bill to amend and reenact §6-7-2A of the Code of West Virginia, 1931, as amended, relating to the statutory salary of the Director of the West Virginia Lottery Commission"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff**[By Request of the Executive]:**

H. B. 333 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-23, relating to the creation and use of a Court Facilities Maintenance Fund"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff:

H. B. 334 - "A Bill to amend and reenact §23-5-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2A-24 of said code; to amend and reenact §51-11-3, §51-11-4, §51-11-6, and §51-11-8 of said code; and to amend and reenact §58-5-1 of said code, all relating to updating provisions establishing the Intermediate Court of Appeals; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals with respect to workers' compensation claims; providing that appeals of judgements or final orders entered by family courts in domestic violence proceedings must first be made to circuit court; providing for circuit court jurisdiction over appeals of judgements or final orders entered by family courts in domestic violence proceedings; removing language establishing Intermediate Court of Appeals as a court of record; modifying prohibition on sitting Intermediate Court of Appeals Judges to retain seat upon becoming a candidate or pre-candidate for any nonjudicial, elected public office; authorizing Intermediate Court of Appeals to be located in a fixed or virtual location; providing an exception to appellate jurisdiction of the Intermediate Court of Appeals with respect to final judgments or final orders issued by family courts in domestic violence proceedings; excluding from the appellate jurisdiction of the Intermediate Court of Appeals all appeals of judgments or final orders issued by family courts in domestic violence proceedings; authorizing individuals appointed to serve as judges of the Intermediate Court of Appeals to take oath and commence duties on or before July 1, 2022; authorizing contractual arrangements for use of facilities by Intermediate Court of Appeals to include physical or virtual spaces; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals; and making other technical corrections"; to the Committee on the Judiciary.

At 11:37 a.m., on motion of Delegate Summers, the House of Delegates recessed until 6:00 p.m.

Evening Session

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

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 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. 334, Updating provisions establishing the Intermediate Court of Appeals,

And reports back a committee substitute therefor, with the new title, as follows:

Com. Sub. for H. B. 334 – “A Bill to amend and reenact §23-5-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2A-24 of said code; to amend and reenact §51-11-3, §51-11-4, §51-11-6, and §51-11-8 of said code; and to amend and reenact §58-5-1 of said code, all relating to updating provisions establishing the Intermediate Court of Appeals; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals with respect to workers’ compensation claims; providing that appeals of judgments or final orders entered by family courts in domestic violence proceedings must first be made to circuit court; providing for circuit court jurisdiction over appeals of judgments or final orders entered by family courts in domestic violence proceedings; removing language establishing Intermediate Court of Appeals as a court of record; modifying prohibition on sitting Intermediate Court of Appeals Judges retaining seat upon becoming a candidate or pre-candidate for any nonjudicial elected public office; authorizing Intermediate Court of Appeals to be located in a fixed or virtual location; providing an exception to appellate jurisdiction of the Intermediate Court of Appeals with respect to final judgments or final orders issued by family courts in domestic violence proceedings; excluding from the appellate jurisdiction of the Intermediate Court of Appeals all appeals of judgments or final orders issued by family courts in domestic violence proceedings; authorizing individuals appointed and confirmed to serve as judges of the Intermediate Court of Appeals to take oath and commence duties on May 1, 2022; authorizing contractual arrangements for use of facilities by Intermediate Court of Appeals to include physical or virtual spaces; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals; and making other technical corrections.”

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 334) was taken up for immediate consideration, read a first time and ordered to second reading.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Fourth Order of Business for the purpose of receiving select committee reports.

Select Committee Reports

On motion for leave, a bill was introduced (Originating in the Select Committee on Redistricting and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Howell, Anderson, Espinosa, Householder, Linville, Rohrbach, Statler, Steele and Summers:

H. B. 301 - “A Bill to amend and reenact §1-2-2 and §1-2-2b of the Code of West Virginia, 1931, as amended, all relating to the apportionment of membership of the House of Delegates; defining terms; specifying delegate districts; providing for retention of delegates in office until their current terms expire; requiring incidental precinct boundary and magisterial district changes in certain circumstances, and specifying notice requirements to adopt those changes.”

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 301) was taken up for immediate consideration, 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 Pack.

Delegates Keaton and Thompson were absent during the quorum call but were present for a portion of the floor proceedings.

At 6:08 p.m., the House of Delegates adjourned until 12:00 noon, Tuesday, October 12, 2021.

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

SPECIAL CALENDAR

Tuesday, October 12, 2021

2nd Day

12:00 noon

SECOND READING

H. B. 301 -	Reapportioning House of Delegates Districts (HOWELL)
Com. Sub. for H. B. 334 -	Updating provisions establishing the Intermediate Court of Appeals (CAPITO)

HOUSE CALENDAR

Tuesday, October 12, 2021

2nd Day

12:00 noon

(No Bills)

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, OCTOBER 12, 2021

HOUSE CONVENES AT 12:00 NOON

**COMMITTEE ON FINANCE
9:00 A.M. – HOUSE CHAMBER**

**COMMITTEE ON GOVERNMENT ORGANIZATION
10:00 A.M. – ROOM 418 M**

WEDNESDAY, OCTOBER 13, 2021

**SELECT COMMITTEE ON REDISTRICTING
8:00 A.M. – HOUSE CHAMBER
PUBLIC HEARING REGARDING REDISTRICTING BILLS**

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