

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fifth Legislature
Third Extraordinary Session

Held at Charleston
Published by the Clerk of the House



October 12, 2021
SECOND DAY

Tuesday, October 12, 2021

SECOND DAY

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

The House of Delegates met at 12:00 noon, 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, October 11, 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. 330, Relating to establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers,

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. 330) was taken up for immediate consideration, read a first time and ordered to second reading.

Special Calendar

Second Reading

H. B. 301, Reapportioning House of Delegates Districts; 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 general right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 334, Updating provisions establishing the Intermediate Court of Appeals; on second reading, coming up in regular order, was read a second time.

Delegate Fast moved to amend the bill on page 6, section 3, line 33, after the word "code", by inserting the following:

"Virtual hearings shall only be conducted in lieu of an in-person oral hearing, in circumstances wherein health, safety, or other exigent circumstances exists preventing in-person hearings."

And,

On page 11, section 8, line 19, immediately following the second occurrence of the word “state” and the period, by inserting the following:

“Virtual hearings shall only be conducted in lieu of an in-person oral hearing, in circumstances wherein health, safety, or other exigent circumstances exists preventing in-person hearings.”

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. 751**), and there were—yeas 22, nays 77, absent and not voting 1, with the yeas and the absent and not voting being as follows:

Yeas: Bridges, Bruce, Fast, Gearheart, Hanna, J. Jeffries, Jennings, Longanacre, Mallow, Mandt, Martin, Mazzocchi, McGeehan, Miller, Paynter, Phillips, Pushkin, Sypolt, Toney, Tully, B. Ward and G. Ward.

Absent and Not Voting: Pack.

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

The bill was then ordered to third reading.

At 12:20 p.m., on motion of Delegate Summers, the House of Delegates recessed until 2:00 p.m.

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Mid-Afternoon Session

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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 Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 303, Making supplemental appropriation of federal funds to Bureau of Senior Services,

H. B. 304, Making supplemental appropriation of federal funds to Division of Human Services Energy Assistance Fund,

H. B. 305, Expiring funds to unappropriated surplus balance from Consumer Protection Recovery Fund,

H. B. 306, Making supplemental appropriation of federal funds to Department of Agriculture,

H. B. 307, Making supplemental appropriation of federal funds to the Division of Culture and History,

H. B. 308, Making supplemental appropriation of federal funds to Community Mental Health Services fund,

H. B. 309, Making supplemental appropriation of federal funds to Consolidated Medical Services Fund,

H. B. 310, Making supplemental appropriation of federal funds to Division of Health Central Office Fund,

H. B. 311, Making supplemental appropriation of federal funds to Division of Human Services,

H. B. 312, Making supplemental appropriation of federal funds to Division of Health - Substance Abuse Prevention and Treatment,

H. B. 313, Making supplemental appropriation of federal funds to Educational Broadcasting Authority,

H. B. 314, Making supplemental appropriation of federal funds to Library Commission,

H. B. 315, Making supplemental appropriation of federal funds to Department of Veterans Assistance,

H. B. 316, Making supplemental appropriation of federal funds to Department of Veterans Assistance - Veterans Home,

H. B. 317, Making supplemental appropriation of federal funds to Commission for National and Community Service,

H. B. 318, Making supplemental appropriation to Division of Culture and History,

H. B. 319, Making supplemental appropriation to Department of Economic Development,

H. B. 320, Making supplemental appropriation to State Department of Education,

H. B. 321, Making supplemental appropriation to Governor's Office Civil Contingent Fund,

H. B. 322, Making supplemental appropriation to Division of Personnel,

H. B. 323, Making supplemental appropriation to Department of Transportation Public Port Authority,

H. B. 324, Making supplemental appropriation to Department of Transportation Office of Administrative Hearings,

H. B. 325, Making supplemental appropriation to Special Railroad and Intermodal Enhancement Fund,

H. B. 326, Supplementing and amending the Budget Bill,

And,

H. B. 328, Relating generally to the West Virginia ABLE Act,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bills (H. B. 303, H. B. 304, H. B. 305, H. B. 306, H. B. 307, H. B. 308, H. B. 309, H. B. 310, H. B. 311, H. B. 312, H. B. 313, H. B. 314, H. B. 315, H. B. 316, H. B. 317, H. B. 318, H. B. 319, H. B. 320, H. B. 321, H. B. 322, H. B. 323, H. B. 324, H. B. 325, H. B. 326 and H. B. 328) were each taken up for immediate consideration, read a first time and ordered to second reading.

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. 327, 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,

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

Com. Sub. for 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; eliminating \$25 processing fee; and excluding honorably discharged, resident veterans of the reserve and National Guard from payment of the application fee,"

And,

H. B. 332, Relating to the statutory salary of the Director of Lottery Commission,

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

Com. Sub. for H. B. 332 - "A bill to amend and reenact §6-7-2A of the Code of West Virginia, 1931, as amended, relating to increasing the statutory salary of the Lottery Director; correcting the title of the state appointive official; adding clarifying language; and providing that the amendment and reenactment of the section shall not operate to reduce the salary of any appointive state officer whose salary has been increased since July 1, 2020,"

With the recommendation that the committee substitutes each do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bills (Com. Sub. for H. B. 327 and Com. Sub. for H. B. 332) were each taken up for immediate consideration, read a first time and ordered to second reading.

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. 329, 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,

H. B. 333, Creating the Court Facilities Maintenance Fund.

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

At the respective requests of Delegate Summers, and by unanimous consent, the bills (H. B. 329 and H. B. 333) were each taken up for immediate consideration, read a first time and ordered to second reading.

At 2:15 p.m., on motion of Delegate Summers, the House of Delegates recessed until 3:30 p.m.

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Late Afternoon Session

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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 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 Delegate Howell:

H. B. 302 - "A Bill to amend §1-2-3 of the Code of West Virginia, 1931, as amended, relating to reapportionment of the counties of this state into congressional districts following the 2020 decennial census."

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 302) 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.

Miscellaneous Business

At 3:42 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, October 13, 2021.

SPECIAL CALENDAR

Wednesday, October 13, 2021

3rd Day

11:00 A. M.

THIRD READING

- H. B. 301 - Reapportioning House of Delegates Districts (HOWELL)
[AMENDMENTS PENDING] [RIGHT TO AMEND]
- Com. Sub. for H. B. 334 - Updating provisions establishing the Intermediate Court of Appeals (CAPITO)

SECOND READING

- H. B. 302 - Reapportioning Congressional Districts (HOWELL)
- H. B. 303 - Making supplemental appropriation of federal funds to Bureau of Senior Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 304 - Making supplemental appropriation of federal funds to Division of Human Services Energy Assistance Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 305 - Expiring funds to unappropriated surplus balance from Consumer Protection Recovery Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 306 - Making supplemental appropriation of federal funds to Department of Agriculture (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 307 - Making supplemental appropriation of federal funds to the Division of Culture and History (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 308 - Making supplemental appropriation of federal funds to Community Mental Health Services fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 309 - Making supplemental appropriation of federal funds to Consolidated Medical Services Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 310 - Making supplemental appropriation of federal funds to Division of Health Central Office Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 311 - Making supplemental appropriation of federal funds to Division of Human Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

- H. B. 312 - Making supplemental appropriation of federal funds to Division of Health - Substance Abuse Prevention and Treatment (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 313 - Making supplemental appropriation of federal funds to Educational Broadcasting Authority (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 314 - Making supplemental appropriation of federal funds to Library Commission (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 315 - Making supplemental appropriation of federal funds to Department of Veterans Assistance (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 316 - Making supplemental appropriation of federal funds to Department of Veterans Assistance - Veterans Home (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 317 - Making supplemental appropriation of federal funds to Commission for National and Community Service (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 318 - Making supplemental appropriation to Division of Culture and History (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 319 - Making supplemental appropriation to Department of Economic Development (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 320 - Making supplemental appropriation to State Department of Education (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 321 - Making supplemental appropriation to Governor's Office Civil Contingent Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 322 - Making supplemental appropriation to Division of Personnel (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 323 - Making supplemental appropriation to Department of Transportation Public Port Authority (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 324 - Making supplemental appropriation to Department of Transportation Office of Administrative Hearings (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 325 - Making supplemental appropriation to Special Railroad and Intermodal Enhancement Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 326 - Supplementing and amending the Budget Bill (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

- Com. Sub. for H. B. 327 - 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 (HOUSEHOLDER)
- H. B. 328 - Relating generally to the West Virginia ABLE Act (HOUSEHOLDER)
- H. B. 329 - 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 (HOUSEHOLDER) [FINANCE COMMITTEE TITLE AMENDMENT PENDING]
- H. B. 330 - Relating to establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers
- Com. Sub. for H. B. 332 - Relating to the statutory salary of the Director of Lottery Commission (HOUSEHOLDER)
- H. B. 333 - Creating the Court Facilities Maintenance Fund (HOUSEHOLDER) [FINANCE COMMITTEE TITLE AMENDMENT PENDING]

HOUSE CALENDAR

Wednesday, October 13, 2021

3rd Day

11:00 A. M.

(No Bills)

**WEST VIRGINIA
HOUSE OF DELEGATES**

WEDNESDAY, OCTOBER 13, 2021

HOUSE CONVENES AT 11:00 A.M.

**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