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THIRTY-FOURTH DAY

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 §24-21-1, 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, 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, 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.

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

SPECIAL CALENDAR

Tuesday, March 16, 2021

35th Day

11:00 A. M.

UNFINISHED BUSINESS

- 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
- H. C. R. 32 - To name Gatewood Road in Fayette County as the "Senator Shirley Love Memorial Road."

THIRD READING

- H. B. 2379 - Make criminal invasion of privacy a felony (CAPITO) (REGULAR)
- H. B. 2493 - Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers (HOUSEHOLDER) (REGULAR)
- H. B. 2776 - Creating the Air Ambulance Patient Protection Act (CAPITO) (REGULAR)
- H. B. 2888 - Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction (CAPITO) (REGULAR)

SECOND READING

- S. B. 404 - Modifying well work permits issued by DEP Office of Oil and Gas (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 2400 - Authorizing the Department of Transportation to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2634 - Coverage for the treatment of chronic pain (J. PACK) (REGULAR)
- 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 (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2817 - Donated Drug Repository Program (J. PACK) (REGULAR)
- H. B. 3078 - Relating to powers and duties of the parole board (CAPITO) (REGULAR)
- H. B. 3081 - Updating the West Virginia Business Corporations Act (WESTFALL) (EFFECTIVE FROM PASSAGE)
- H. B. 3128 - Relating to carrier fees on 911 fee revenues (CAPITO) (REGULAR)
- H. B. 3131 - Relating to correcting internal code references and citations (CAPITO) (REGULAR)
- H. B. 3133 - Relating to motor carrier rates (CAPITO) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 5 - Relating to claims arising out of WV Consumer Credit and Protection Act (CAPITO) (REGULAR)

- Com. Sub. for S. B. 42 - Creating Zombie Property Remediation Act of 2021 (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2495 - Relating to the filing of asbestos and silica claims (CAPITO) (REGULAR)
- H. B. 2830 - Relating generally to sex trafficking (CAPITO) (REGULAR)
- H. B. 2854 - Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2855 - Relating to the Natural Resources Police Officers Retirement System (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2896 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 2898 - Making a supplementary appropriation to WorkForce West Virginia – Workforce Investment Act (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 2901 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 2903 - Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 2940 - Making a supplementary appropriation to the Department of Education, State Board of Education – State Department of Education (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

- H. B. 2941 - Supplementary appropriation decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3129 - Relating to the Consumer Price Index rate increase (CAPITO) (REGULAR)
- H. B. 3130 - Relating to elimination of sunset provisions concerning towing rates (CAPITO) (REGULAR)
- H. B. 3132 - Relating to motor carrier inspectors (CAPITO) (REGULAR)
- H. B. 3134 - Creating a new criminal defense prohibiting public disclosure of restricted information (CAPITO) (REGULAR)
- H. B. 3175 - Relating to removing certain felonies than can prohibit vehicle salespersons from receiving a license (CAPITO) (REGULAR)

HOUSE CALENDAR

Tuesday, March 16, 2021

35th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2675 - Relating to costs and interest in eminent domain condemnation proceedings (CAPITO) (REGULAR)
- H. B. 2741 - Relating to expansion of the alcohol test and lock program to offenders with a drug related offense (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2770 - Including home confinement officers in definition of law-enforcement officers (CAPITO) (REGULAR) [RIGHT TO AMEND]
- Com. Sub. for H. B. 2785 - Relating to public school enrollment for students from out of state (ELLINGTON) (REGULAR)

SECOND READING

- 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 (J. PACK) (EFFECTIVE FROM PASSAGE)
- 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 (J. PACK) (EFFECTIVE FROM PASSAGE)
- H. B. 2536 - Relating to expressions of legislative intent regarding equivalent instruction time (ELLINGTON) (REGULAR)
- 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 (CAPITO) (REGULAR)
- 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 (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2792 - Relating to the expansion of direct access to natural gas service for new customers (ANDERSON) (REGULAR)

FIRST READING

- H. B. 2582 - Relating to creating a third set of conditions for the professional teaching certificate (ELLINGTON) (REGULAR)
- H. B. 2590 - Relating to the West Virginia Employment Law Worker Classification Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2620 - Relating to a departmental study of the child protective services and foster care workforce (J. PACK) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, MARCH 16, 2021

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON HEALTH AND HUMAN RESOURCES
9:00 A.M. – ROOM 215 E**

**COMMITTEE ON ENERGY AND MANUFACTURING
9:00 A.M. – HOUSE CHAMBER**

**COMMITTEE ON RULES
10:45 A.M. – ROOM 434 M**

**COMMITTEE ON EDUCATION
1:00 P.M. – HOUSE CHAMBER**

**COMMITTEE ON GOVERNMENT ORGANIZATION
2:00 P.M. – ROOM 215 E**

WEDNESDAY, MARCH 17, 2021

**VIRTUAL PUBLIC HEARING
COMMITTEE ON THE JUDICIARY
8:00 A.M.**

H. B. 2354, RELATING TO POLITICAL PARTY COMMITTEES.

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