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TENTH DAY



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Friday, February 19, 2021

**TENTH DAY**

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Thursday, February 18, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 2221**, Relating to the establishment of an insurance innovation process,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2221) was referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 2093**, Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 2093) was referred to the Committee on Health and Human Resources.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 2076**, Removing all costs and fees from a Silver Star registration plate,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2076) was referred to the Committee on Finance.

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

**By Delegates Rohrbach, J. Pack, Summers, Reed, Longanacre, Bates, Criss and Dean:**  
**H. B. 2626** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to discontinuing operation of certain state facilities."

The Speaker referred the bill to the Committee on Finance.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 2184**, Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug,

And reports the same back with the recommendation that it do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 2094**, Relating to the juvenile restorative justice programs,

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

**Com. Sub. for H. B. 2094** - "A Bill to amend and reenact §49-4-725 of the Code of West Virginia, 1931, as amended, relating to the juvenile restorative justice programs; clarifying time-frame and conditions for juvenile referral to restorative justice programs; providing definitions related to the juvenile restorative justice programs; establishing particular aspects of a voluntary restorative justice program including the requirement that the juvenile offender and victim each participate voluntarily; focusing on repairing harm done by facilitated communication between victim, offender, and associated third parties or stakeholders; requiring restorative justice programs to include victim-offender mediation dialogue, family group conferencing and implementation of measures to redress the victim and community to provide an opportunity for the offender to accept responsibility and address repair of that harm; implement measures designed to redress the victim and community; address status offenses as appropriate and necessary; and providing that the petition against the juvenile shall be dismissed if the juvenile has not previously and successfully completed a restorative justice programs, is referred to and then successfully completes restorative justice program; and, provides that self-incriminating information obtained as the result of a restorative justice program is not admissible in subsequent juvenile proceedings,"

With the recommendation that the committee substitute do pass.

### Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2358**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

**H. B. 2359**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 15** - "A Bill to amend and reenact §18A-4-1 and §18A-4-2 of the Code of West Virginia, 1931, as amended, all relating generally to in-field master's degree; revising definition of 'M.A.'; adding definition for 'in-field master's degree'; providing that salary increase for holding an in-field master's degree is contingent upon a classroom teacher's assignment; requiring the state board to promulgate rules for the administration and implementation of the in-field master's salary; specifying contents of rule; requiring the Higher Education Policy Commission to develop a plan to provide readily accessible 'M.A.' classification programs at West Virginia institutions of higher education for professional educators throughout the state; requiring the commission to propose a legislative rule outlining the process for the state's public, master's degree granting institutions to offer a fully online, collaborative graduate program for educators providing academic coursework including pedagogy, curriculum and instructional design, and behavioral health areas of focus; and prohibiting certain classroom teachers from receiving the salary increase for any education level above A.B. plus 15 unless certain in-field master's degree related requirements have been satisfied"; which was referred to the Committee on Education.

### Resolutions Introduced

Delegates Howell, Hamrick, Foster, Martin, Steele, Ellington, Jennings, Horst, B. Ward, L. Pack and Gearheart offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

**H. C. R. 5** – "Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the United States Constitution limited to proposing amendments that impose limits to the power and jurisdiction of the federal government by allowing the state legislatures of the United States to pass legislation to override certain federal laws deemed too onerous or restrictive."

### **SECTION 1. Application for a convention for proposing amendments.**

Whereas, Some federal laws have a disproportionate impact on the several states in the Union;  
and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations, and special interests in Washington, D.C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the Constitution of the United States through a limited Convention of the States under Article V; therefore, be it

*Resolved by the Legislature of West Virginia:*

That it hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that limit the power and jurisdiction of the federal government by allowing a vote of three fifths of the several state legislatures to repeal certain federal laws and regulation they deem to be too onerous or restrictive; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution, Legislative Call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

*Further Resolved,* That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject.

## **SECTION 2. Reservations, understandings and declarations.**

The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings and declarations:

1. An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

2. Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two thirds of the legislatures of the several states;

3. Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution.

Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

4. By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

5. A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void *ab initio* if ever used at any stage to consider any change to any provision of the Bill of Rights;

6. Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

7. The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided.

### Motions

On motion of Delegate Summers, the House of Delegates reconsidered its action on the adoption on yesterday of the title amendment to Com. Sub. for H. B. 2013.

Unanimous consent was then obtained to withdraw the title amendment.

On motion of Delegate Summers, having voted on the prevailing side on yesterday, the House reconsidered the passage of Com. Sub. for H. B. 2013.

Delegate Summers then asked and obtained unanimous consent to recommit the bill to the Committee on Finance.

### Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

**By Delegates Mallow, Conley, Forsht, Bruce, Longanacre and Miller:**

**H. B. 2600** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4, relating to requiring a public entity accepting a bid on a public construction contract or any other type of contract to notify every municipality and county in which the contractor or any of its subcontractors will be performing services under the contract of the existence of the contract; publishing terms of contract; and providing time for public comment"; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Fast, Burkhammer, Kessinger, Phillips, Pritt, Bruce, Pinson, Kimble, Kimes, D. Kelly and Brown:**

**H. B. 2601** - "A Bill to amend and reenact §20-2-31 and §20-2-36 of the Code of West Virginia, 1931, as amended, relating to providing for an electronic or digital version of a hunting or fishing license"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Mallow, Conley, Forsht, Bruce, Horst, Miller, Sypolt, Pritt and Nestor:**

**H. B. 2602** - "A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local and state special elections to be held on the days and hours of general or primary or state elections; and providing an exception for run-off elections"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Mallow, Conley, Forsht, Bruce, Horst, Miller and Pritt:**

**H. B. 2603** - "A Bill to amend and reenact §5B-2I-4 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Tourism Office; and providing that the office may limit the number of visitor bureaus in the counties of the state in order to maximize effectiveness of one main visitors bureau in smaller populated counties"; to the Committee on Government Organization.

**By Delegates Mallow, Conley, Forsht, Bruce, Longanacre, Horst, Miller, Pritt and Holstein:**

**H. B. 2604** - "A Bill to amend and reenact §18-30-3 of the Code of West Virginia, 1931, as amended, relating to including vocational or trade schools in the West Virginia College Prepaid Tuition and Savings Program, if qualified as an eligible educational institution under 20 U. S. C. §529"; to the Committee on Education then Finance.

**By Delegates Mallow, Conley, Forsht, Bruce and Miller:**

**H. B. 2605** - "A Bill to amend and reenact §16-13A-3 of the Code of West Virginia, 1931, as amended, relating to providing that if a public service board represents more than one community, there shall be one member from each such community on the service district board"; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Mallow, Conley, Forsht, Bruce, Miller and Holstein:**

**H. B. 2606** - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to exempting honorably discharged veteran of any branch of the armed services of the United States from the payment of registration fees under the provisions of this chapter, except for a special initial application fee of \$10"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegates Mallow, Conley, Forsht, Bruce, Horst, Miller, Pritt, Holstein and Longanacre:**

**H. B. 2607** - "A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended, relating to requiring that in elections for candidates for public office, all registered voters shall produce a valid identifying document containing a photograph in order to vote"; to the Committee on the Judiciary.

**By Delegates Mallow, Conley, Forsht, Bruce, Miller and Holstein:**

**H. B. 2608** - "A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to the surcharge on fire and casualty insurance policies; providing that the surcharge be increased to one percent; providing that the surcharge be used solely for volunteer fire departments; and deleting obsolete language"; to the Committee on Banking and Insurance then Finance.

**By Delegates Mallow, Conley, Forsht, Bruce, Horst, Miller and Holstein:**

**H. B. 2609** - "A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5T-7, relating to establishing quick response teams under the Office of Drug Control Policy to act as first responders in narcotic related medical emergencies"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.



**By Delegate Fluharty:**

**H. B. 2610** - "A Bill to amend and reenact §6B-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists; and providing an effective date"; to the Committee on the Judiciary.

**By Delegates Pushkin and Rowe:**

**H. B. 2611** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-22 and §16-1-22a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Pushkin, Howell, McGeehan and Walker:**

**H. B. 2612** - "A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-11 of said code, all relating to allowing a bar to purchase liquor from a distillery or a mini-distillery if it is within 10 miles of the distillery or mini-distillery and the liquor was made at the distillery or mini-distillery"; to the Committee on the Judiciary.

**By Delegate Higginbotham:**

**H. B. 2613** - "A Bill to amend and reenact §5B-1-2 of the Code of West Virginia, 1931, as amended, relating to providing that the Jobs Investment Trust Board be part of the Department of Commerce"; to the Committee on Government Organization.

**By Delegates J. Pack and Rohrbach:**

**H. B. 2614** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-130, relating to the creation of the Office of Quality Assurance and Evaluation for child welfare programs within the Department of Health and Human Resources"; to the Committee on Health and Human Resources then Finance.

**By Delegates J. Pack and Rohrbach:**

**H. B. 2615** - "A Bill to amend and reenact §9-3-6 of the Code of West Virginia, 1931, as amended, relating to the program for drug screening of applicants for cash assistance"; to the Committee on Health and Human Resources.

**By Delegates J. Pack and Rohrbach:**

**H. B. 2616** - "A Bill to amend and reenact §16-5N-3 of the Code of West Virginia, 1931, as amended, relating to residential care communities that encourage and promote the development and utilization of quality residential communities for persons who desire to live independently or who may require limited and intermittent nursing care in a normal home environment; and to amend the requirement of an annual report to the Legislature to providing specified information being continuously available to the public at all times on the Office of Health Facility Licensure and Certification's website"; to the Committee on Health and Human Resources.

**By Delegates Barnhart, Foster, Keaton, Hamrick and Cooper:**

**H. B. 2617** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-16-1, §4-16-2, §4-16-3, §4-16-4, §4-16-5, §4-16-6, §4-16-7, §4-16-8, §4-

16-9, §4-16-10, and §4-16-11, all relating to capping the total number of regulatory requirements enacted by the State of West Virginia; and ensuring that for every new regulatory requirement enacted, two old regulatory requirements are sunset until the Red Tape Reduction Target is met, at which point the article will allow for every new regulatory requirement enacted, one old regulatory requirement will be sunset, thus maintaining zero net new regulatory requirements”; to the Committee on Government Organization then the Judiciary.

**By Delegates Fluharty, Hansen and Lovejoy:**

**H. B. 2618** - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, and §11-13KK-3; and to amend and reenact §55-7D-1 and §55-7D-3 of said code, all relating to Good Samaritan Food Donation Act; establishing a tax credit against corporation net income tax for retail food distributors that donate certain surplus food products to nonprofit organizations; providing for credit to apply to either personal income or corporate net income tax liabilities; placing limitations and qualifications for the tax; directing the Tax Commissioner to promulgate rules and forms; and directing the Department of Health and Human Resources to distribute certain information regarding tax credit availability”; to the Committee on Finance.

**By Delegates J. Pack and Rohrbach:**

**H. B. 2619** - “A Bill to amend and reenact §33-4A-1, §33-4A-2, §33-4A-3, §33-4A-4, §33-4A-5, §33-4A-6, §33-4A-7, and §33-4A-8 of the Code of West Virginia of 1931, as amended, all relating to the All-Payer Claims Database, to reflect that the Health Care Authority is part of the organizational structure of the Department of Health and Human Resources and is no longer a separate governmental agency; and to more clearly and accurately delineate the roles of the entities responsible for the all-payer claims database”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates J. Pack and Rohrbach:**

**H. B. 2620** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-101a, relating to a departmental study of the child protective services and foster care workforce”; to the Committee on Health and Human Resources.

**By Delegates Steele, Maynard, Skaff, Lovejoy, Statler, Diserio and D. Kelly:**

**H. B. 2621** - “A Bill to amend and reenact §15A-11-8 and 15A-11-9 of the Code of West Virginia 1931, as amended, all relating to requiring the Fire Officer 2 training to contain a component on current laws, rules and regulations governing the fire service; requiring the Firefighter 1 training to contain a section on the Fire Commission, Fire Marshal’s Office and the operations of both; establishing a mandatory certification program for fire chiefs, or acting chiefs of every fire department; requiring the Fire Commission propose emergency legislative rules and legislative rules to implement the certification process; setting forth the process of denial, suspension, or revocation of fire departments, chiefs, or acting chiefs, and the conditions under which the certification can be denied, suspended or revoked; allowing persons with specialized training to be members of volunteer fire departments who are not certified as firefighters; limiting the actions of specialized members of fire departments who are not certified fire fighters; requiring the fire commission to propose emergency legislative rules and legislative rules to implement the process of allowing specialized members of departments; allowing the fire commission to propose emergency rules and legislative rules governing the activities of junior firefighters; requiring the fire Marshal to issue certificates to departments following a department evaluation, and requiring that the certificate of evaluation be posted at the fire department in a conspicuous place to be visible to members of the department and to members of the public”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates Skaff, Zukoff and Walker:**

**H. B. 2622** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to establishing a tax credit against West Virginia personal income tax liability tax credit for student loan payments; providing for definitions; establishing the tax credit; providing for the tax credit be claimed by the taxpayer the year of graduation; providing the tax credit may be claimed for nine tax years after graduation; providing that any year the tax credit is not claimed is forfeited; establishing certain conditions for the taxpayer to claim the credit; and permitting the Tax Commissioner to require forms, filings or other such methods to claim the tax credit"; to the Committee on Education then Finance.

**By Delegates Skaff, Zukoff and Higginbotham:**

**H. B. 2623** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to a tax credit for any new teacher who remains in the state and works as a teacher five years after graduation"; to the Committee on Education then Finance.

**By Delegates Skaff, Boggs and Rowe:**

**H. B. 2624** - "A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to redirecting a percentage of any surplus to state institutions of higher education to restore their state allocation funding levels to adjusted 2013 fiscal year appropriation levels"; to the Committee on Education then Finance.

**By Delegates Skaff, Rowe and Walker:**

**H. B. 2625** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-2-45, relating to permitting election day registration of voters"; to the Committee on Political Subdivisions then the Judiciary.

**Special Calendar****Third Reading**

**Com. Sub. for H. B. 2003**, Relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 36**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Ellington, Kessinger and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2003) passed.

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

On this question, the yeas and nays were taken (**Roll No. 37**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Ellington, Kessinger and Linville.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2003) takes effect from its passage.

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

**Com. Sub. for H. B. 2009**, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 38**), and there were—yeas 61, nays 36, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Brown, Dean, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Jeffries, J., Lovejoy, Mandt, Maynard, McGeehan, Paynter, Pethtel, Pushkin, Rohrbach, Rowe, Skaff, Statler, Storch, Thompson, Toney, Walker, G. Ward, Westfall, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Ellington, Kessinger and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2009) passed.

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

**Com. Sub. for H. B. 2014**, Relating to role of the Legislature in appropriating federal funds; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 39**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Ellington, Kessinger and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2014) passed.

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

On this question, the yeas and nays were taken (**Roll No. 40**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Ellington, Kessinger and Linville.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2014) takes effect from its passage.

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

**Com. Sub. for H. B. 2325**, Removing the requirement of continuing education for barbers and cosmetologists; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 41**), and there were—yeas 84, nays 13, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Fleischauer, Fluharty, Griffith, Hansen, Pushkin, Rowe, Skaff, Thompson, Walker and Zukoff.

Absent and Not Voting: Ellington, Kessinger and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2325) passed.

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

**H. B. 2366**, Requiring agencies who have approved a proposed rule that affects fees or other special revenues to provide to the committee a fiscal note; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 42**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Ellington, Kessinger and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2366) passed.

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

### **Second Reading**

**Com. Sub. for H. B. 2008**, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers; on second reading, coming up in regular order, was read a second time.

Delegate Criss moved to amend the bill on page two, following line seven, by striking out Article 3D in its entirety.

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

The yeas and nays having been ordered, they were taken (**Roll No. 43**), and there were—yeas 57, nays 40, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bruce, Burkhammer, Capito, Clark, Conley, Cooper, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Haynes, Higginbotham, Holstein, Horst, Hott, Householder, Howell, D. Jeffries, Jennings, Keaton, Kimble, Kimes, Mallow, Mandt, Martin, Mazzocchi, Miller, J. Pack, Pritt, Reed, Smith, Steele, Summers, Tully, Wamsley and Hanshaw (Mr. Speaker).

Absent and Not Voting: Ellington, Kessinger and Linville.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

Delegate Diserio moved to amend the bill on page 16, section 2, line 19 following the words “means a person”, by inserting the following:

“whom the Fire Marshal has determined qualifies for employment under the E-Verify program administered by the United States Department of Homeland Security and the United State Social Security Administration and”.

On page 16, section 2, line 25 following the words “means a person” by inserting the following: “whom the Fire Marshal has determined qualifies for employment under the E-Verify program administered by the United States Department of Homeland Security and the United State Social Security Administration and.”

And,

On page 16, section 2, line 29 following the words “means a person” by inserting the following: “whom the Fire Marshal has determined qualifies for employment under the E-Verify program administered by the United States Department of Homeland Security and the United State Social Security Administration and”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 44**), and there were—yeas 31, nays 66, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Barach, Bates, Boggs, Booth, Bridges, Brown, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, J. Jeffries, Lovejoy, Maynard, Paynter, Pethtel, Pushkin, Rowe, Skaff, Thompson, Toney, Walker, G. Ward, Williams, Young and Zukoff.

Absent and Not Voting: Ellington, Kessinger and Linville.

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

Delegate Diserio moved to amend the bill on page 26, section 6, lines 23 through 25, on line 23, by striking out the colon, inserting a period, and striking out the proviso on lines 23 through 25.

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

The yeas and nays having been ordered, they were taken (**Roll No. 45**), and there were—yeas 28, nays 69, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Ellington, Kessinger and Linville.

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

There being no further amendments, the bill was ordered to engrossment and third reading.

**H. B. 2253**, Relating to forgery and other crimes concerning lottery tickets; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with the right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

### **First Reading**

The following resolution and bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for H. J. R. 1**, Supervision of Free Schools Modification Amendment,

**Com. Sub. for H. B. 2260**, Relating to procurement of child placing services,

And,

**H. B. 2500**, Create an act for Statewide Uniformity for Auxiliary Container Regulations.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Kessinger and Linville.

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Pinson regarding Com. Sub. for H. B. 2003
- Delegate Capito, including the discussion of Delegate Fleischauer and Capito, regarding Com. Sub. for H. B. 2003
- Delegates, Summers, Conley and Walker regarding Com. Sub. for H. B. 2325
- Delegate Graves regarding intending to vote "Nay" on Com. Sub. for H. B. 2009

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2049**: Delegate Hansen;

**H. B. 2050**: Delegate Hansen;

**H. B. 2051**: Delegate Hansen;

**H. B. 2057:** Delegate Hansen;

**H. B. 2063:** Delegate Hansen;

**H. B. 2094:** Delegate Barnhart;

**H. B. 2101:** Delegate Barach;

**H. B. 2105:** Delegate Barach;

**H. B. 2107:** Delegate Haynes;

**H. B. 2114:** Delegate Hansen;

**H. B. 2120:** Delegate Hansen;

**H. B. 2308:** Delegate Hansen;

**H. B. 2355:** Delegate Hansen;

**H. B. 2357:** Delegate Hansen;

**H. B. 2362:** Delegate Hansen;

**H. B. 2533:** Delegate Hansen;

**H. B. 2538:** Delegate Hansen;

**H. B. 2541:** Delegate Barach;

**H. B. 2549:** Delegate Hansen;

**H. B. 2550:** Delegate Barach;

**H. B. 2564:** Delegate Young;

**H. B. 2610:** Delegate Walker;

**H. B. 2611:** Delegate Walker;

And,

**H. C. R. 5:** Delegates Longanacre and Smith.

At 12:13 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 22, 2021.



**SPECIAL CALENDAR**

**Monday, February 22, 2021**

**13<sup>th</sup> Day**

**11:00 A. M.**

**THIRD READING**

Com. Sub. for H. B. 2008 - Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers (STEELE) (REGULAR)

H. B. 2253 - Relating to forgery and other crimes concerning lottery tickets (CAPITO) (REGULAR) [RIGHT TO AMEND]

**SECOND READING**

Com. Sub. for H. J. R. 1 - Supervision of Free Schools Modification Amendment (CAPITO)

Com. Sub. for H. B. 2260 - Relating to procurement of child placing services (CAPITO) (REGULAR)

H. B. 2500 - Create an act for Statewide Uniformity for Auxiliary Container Regulations (STEELE) (REGULAR)

**FIRST READING**

Com. Sub. for H. B. 2094 - Relating to the juvenile restorative justice programs (CAPITO) (REGULAR)

H. B. 2184 - Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug (CAPITO) (REGULAR)

## HOUSE CALENDAR

Monday, February 22, 2021

13<sup>th</sup> Day

11:00 A. M.

### 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)

### FIRST READING

- H. J. R. 2 - Providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate (CAPITO)
- H. B. 2582 - Relating to creating a third set of conditions for the professional teaching certificate (ELLINGTON) (REGULAR)

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**MONDAY, FEBRUARY 22, 2021**

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**HOUSE CONVENES AT 11:00 A.M.**

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

**COMMITTEE ON GOVERNMENT ORGANIZATION  
1:00 P.M. – ROOM 215 E**

**COMMITTEE ON THE JUDICIARY  
4:00 P.M. – ROOM 215 E**

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