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March 5, 2021  
TWENTY-FOURTH DAY



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Friday, March 5, 2021

### TWENTY-FOURTH DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, March 4, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

#### Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for S. B. 270, H. B. 2741 and Com. Sub. for H. B. 2675, on Third reading, Special Calendar, had been transferred to the House Calendar.

#### Committee Reports

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 2792**, Relating to the expansion of direct access to natural gas service for new customers,

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

**Com. Sub. for H. B. 2792** - "A Bill to amend and reenact §24-2-20 of the Code of West Virginia, 1931, as amended, relating generally to natural gas public utilities; providing for the expansion of direct access to natural gas service for new customers and allowing existing natural gas utility customers to have direct access to natural gas service if an existing user expands its service in the amount of 25 million cubic feet of natural gas per year or more; allowing this direct access for users without the permission, consent, control, review, or input of the Public Service Commission; amending certification requirements by users to the Public Service Commission; requiring the Public Service Commission to promulgate rules to implement the provisions no later than July 1, 2021; amending legislative findings and establishing an effective date,"

With the recommendation that the committee substitute do pass.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 2342**, Establishing and implementing a program to require bonding sufficient to reclaim abandoned wind generation facilities and solar generation facilities,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2342) was referred to the Committee on the Judiciary.

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

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

**H. B. 2733**, Relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2733) was referred to the Committee on Government Organization.

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

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

**H. B. 2303**, Moving authority for the West Virginia veterans service decoration and West Virginia Service Cross to the Division of Veterans Affairs,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2303) was referred to the Committee on Government Organization.

On motions for leave, the following bills were introduced (Originating in the Committee on Government Organization and reported with the recommendation that they each do pass), which were read by their titles, as follows:

**By Delegates Steele and Foster:**

**H. B. 2957** - "A Bill to repeal §5-20-1, §5-20-2, §5-20-3, §5-20-4, §5-20-5, §5-20-6, §5-20-7, §5-20-8, and §5-20-9, of the Code of West Virginia, 1931, to repeal §5A-2A-1, §5A-2A-2, §5A-2A-3, and §5A-2A-4, of said code, and to repeal §16-6-13, and §16-6-22a of said code, all relating to the repeal of outdated code sections,"

And,

**By Delegates Steele and Foster:**

**H. B. 2958** - "A Bill to repeal §10-1-10 of the Code of West Virginia, 1931, as amended; to repeal §19-2A-5 of said code; to repeal §31-3-1, §31-3-2, §31-3-3, §31-3-4, §31-3-5, §31-3-6, §31-3-7, §31-3-8, §31-3-9, §31-3-10, §31-3-11 of said code; to repeal §31-15-12a of said code; and to repeal §34-1-11 of said code, all relating to repealing outdated sections of state code."

Delegate Steele, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**S. B. 296**, Relating generally to repealing certain rules,

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

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**S. B. 338**, Creating Fire Service Equipment and Training Fund,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (S. B. 338) to the Committee on Finance was abrogated.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2763**, Creating WV Cyber Incident Reporting,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2763) was referred to the Committee on Government Organization.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2632**, Permitting Commissioner of Highways to make transfers of money within the State Road Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2632) was referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2668**, Removing obsolete provisions regarding DOH standards for studded tires and chains,

**H. B. 2719**, Relating to the Division of Motor Vehicles use of electronic means and other alternate means to provide notice,

**H. B. 2721**, Providing electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice,

**H. B. 2742**, Providing explicit authority to process an online driver's license or identification renewal or reissuance when the applicant needs to update the address,

And,

**H. B. 2786**, Relating to Powers and Duties of the Chief Technology Officer,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 2668, H. B. 2719, H. B. 2721, H. B. 2742 and H. B. 2786) were each referred to the Committee on Government Organization.

Delegate D. Jeffries, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 4<sup>th</sup> day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for S. B. 14**, Providing for additional options for alternative certification for teachers.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 4<sup>th</sup> day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**H. B. 2262**, Relating to the controlled substance monitoring database.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 2776**, Creating the Air Ambulance Patient Protection Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2776) was referred to the Committee on the Judiciary.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 2674**, Relating to the administration of anesthetics,

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

**Com. Sub. for H. B. 2674** - "A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics,"

With the recommendation that the committee substitute do pass.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 2598**, Altering the definition of an above ground storage tank,

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

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

**H. B. 2097**, Relating to calculating net enrollment for home-school students enrolled in one virtual school course in the public school system,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2097) was referred to the Committee on Finance.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 12** - Relating to local health department accountability.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 263** - "A Bill to amend and reenact §47-20-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-21-2, all relating to authorizing charitable and public service organizations to raise funds by conducting charitable raffles and bingo virtually over the Internet; and defining terms"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 332** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3, §3-11A-4, and §3-11A-5, all relating to providing procedures for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America; defining terms; directing Legislature to establish committee of correspondence for Article V convention; authorizing participation by delegates in Article V convention only when each state has equal vote; setting forth delegate duties and responsibilities; setting forth oath for candidate for delegate or alternate; designating delegates and alternates as public officials and subject to West Virginia Governmental Ethics Act; providing for immediate recall of delegate casting unauthorized vote and replacement with alternate; directing Legislature to certify certain information to Article V convention; making violation of delegate's oath a felony; and providing criminal penalties for violation of a delegate's oath"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 345** - "A Bill to amend and reenact §17C-5A-3a of the Code of West Virginia, 1931, as amended, relating to expansion of the alcohol test and lock program to offenders with a drug-related offense; renaming the alcohol test and lock program to the Motor Vehicle Alcohol and Drug Test and Lock Program; authorizing the commissioner to require drug testing; authorizing deferral of the revocation period for a participant with a drug offense; and authorizing an offender of driving while license suspended or revoked, driving while license revoked for driving under the influence of alcohol, controlled substances, or drugs, or while having alcoholic concentration in the blood of eight hundredths of one percent or more, by weight, or for refusing to take secondary chemical test of blood alcohol contents, to participate in the Motor Vehicle Alcohol and Drug Test And Lock Program."

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for S. B. 345) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 87**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Ellington and Higginbotham

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time and ordered to third reading.

The bill was then read a third time.

Delegate Fleischauer arose to ask leave of the House to amend the bill on third reading. The Speaker replied, noting that he had already called for the vote.



The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 88**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Rowe, Steele and Wamsley.

Absent and Not Voting: Ellington and Higginbotham.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 345) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**S. C. R. 8** - "Requesting the Division of Highways name bridge number 20-077/00-081.90 (20A679), locally known as Dry Branch, carrying S 77 over Dry Branch and WV 79/1 in Kanawha County, the 'Fire Chief Kenneth Junior Russell Memorial Bridge'."

Whereas, Kenneth Junior Russell was born in Marting, West Virginia, on October 19, 1944, the son of Elijah Thomas Russell and Monnie Ethel Russell. He was a proud retired coal miner from Carbon Fuel Coal Company where he was a continuous miner at the No. 9 mine; and

Whereas, Kenneth Junior Russell was a charter member of the Cabin Creek Volunteer Fire Department in Eskdale, West Virginia, where he joined on July 30, 1970, and served for 38 years, 30 years of which were as chief, eight years as President of the Cabin Creek Volunteer Fire Department Board of Directors. His significant contributions have been profound to the fire-rescue profession, the organization, and most importantly, the communities of which he so proudly served over his longstanding public service career; and

Whereas, Kenneth Junior Russell's stellar leadership, devotion to duty, and his dedication to fellow emergency workers have always been value-driven through a high sense of integrity, commitment, and compassion. Concerned about providing needed water for the Cabin Creek area, Fire Chief Kenneth Junior Russell, along with members of the Cabin Creek Volunteer Fire Department, worked with West Virginia American Water to provide Cabin Creek residents much needed safe and potable water, and increased fire protection for the Cabin Creek area. Kenneth Junior Russell was presented the Distinguished Mountaineer Award in 2010 by Governor Joe Manchin III; and

Whereas, Kenneth Junior Russell married the love of his life, Linda Joyce Castle in 1962, and the two were married for 34 years. Kenneth Junior Russell passed away on August 27, 2020. He is survived by his daughter, Monnie Kay Russell; daughter in law Tracy Castle; grandson Travis L. Castle and wife Christine; granddaughter Crystal Castle, great-grandson Oscar "Tootie" Castle; brother Frank Russell; brother Glen Russell; sister Dorothy Cockernham and husband Steve; sister Wanda Wood and a plethora of nieces and nephews. He was preceded in death by his wife, Linda Joyce Russell, son Walter Lee Castle, daughter Cinda Russell, father Elijah Thomas Russell, mother Monnie Ethel Russel, and sister Carol Gay; and

Whereas, The Cabin Creek community mourn the loss of their founding chief who served to protect his fellow man and advance the common good, and sympathy on their behalf is extended to his family, loved ones, to his many friends, to members of the Cabin Creek Volunteer Fire Department family with whom he served faithfully and honorably, and to all those who knew and loved him; and

Whereas, It is fitting that an enduring memorial be established to commemorate Fire Chief Kenneth Junior Russell and his contributions to our state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-077/00-081.90 (20A679), locally known as Dry Branch, carrying S 77 over Dry Branch and WV 79/1 in Kanawha County, the "Fire Chief Kenneth Junior Russell Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Fire Chief Kenneth Junior Russell Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**S. C. R. 9** – "Requesting the Division of Highways name bridge number 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV 75 over Twelvepole Creek in Wayne County, the 'Haynie Family Veterans Memorial Bridge'."

Whereas, The Haynies have been in the Buffalo Creek area since the early 1800s and served their country in World Wars I and II; and

Whereas, Anthony Haynie, PVT, WW I, was born July 22, 1895, in Wayne County, West Virginia. He enlisted in the U.S. Army on October 5, 1917, and was discharged on June 10, 1919. He served under General Pershing, Battery C 315, Field Artillery, 80 Division. PVT Anthony Haynie's unit had advanced to the town of Romagne and were engaged with the Germans. Three guns of his battery were knocked out by shell fire and gas attack. The battery commander asked for volunteers to man the guns in spite of the fierce gas attack and PVT Anthony Haynie answered the call. His record reveals that he was severely wounded in that engagement and that he received the Purple Heart. PVT Anthony Haynie died on January 17, 1976; and

Whereas, Arthur Haynie was born November 17, 1921. He attended the old wooden school in Buffalo, West Virginia. He entered the U.S. Army on December 14, 1942. At discharge, he was a Tech 5 of the military police. He died on September 18, 1995; and

Whereas, James E. Haynie, PVT, WW II, was born on August 16, 1923, in Wayne County. He attended and graduated from Buffalo High School. He served in the U.S. Army from July 8, 1943, through December 7, 1945. PVT James E. Haynie was a demolition expert and served in Calcutta and Burma. His unit merged with Merrill's Marauders and came behind them, "cleaning up their mess". He received the Asiatic Pacific Theater Ribbon, WW II Victory Ribbon, and Distinguished Unit Badge with two Bronze Stars. PVT James E. Haynie died September 14, 2014; and

Whereas, Robert V. Haynie, PVT, WW II, was born on March 24, 1925, in Wayne County. He attended Buffalo High School. He served in the U.S. Army from August 28, 1943, through February 14, 1946. PVT Robert V. Haynie was a military policeman serving in the European Theater of Operation. He served in Normandy, Northern France, and the Rhineland. He was a recipient of the Purple Heart, the European African Middle Eastern Theater Ribbon, and the WW II Victory Ribbon. PVT Robert V. Haynie died December 25, 2018; and

Whereas, Charles E. Haynie, WW II, was born on April 14, 1927, in Wayne County. He attended Buffalo High School. He enlisted in the U.S. Navy and served on the USS Sandoval (APA-194) as a coxswain in Iwo Jima. Charles E. Haynie died November 20, 2016; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Haynie family and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV 75 over Twelvepole Creek in Wayne County, the "Haynie Family Veterans Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Haynie Family Veterans Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

### **Resolutions Introduced**

Delegates Howell, Hanshaw (Mr. Speaker), Foster and Westfall offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

**H. C. R. 24** - "Urging Congress to extend federal tax incentives to participants in Jumpstart Savings programs that are similar to those that are currently provided to participants in College Savings plans, pursuant to 26 U.S.C. §529."

Whereas, The economy of the United States is experiencing increased demands for highly trained, skilled tradespeople to fill jobs in the construction, welding, and other vocational sectors; and

Whereas, In the United States, there are nearly half a million more jobs available in the skilled trades than workers with the skills to fill them; and

Whereas, The number of available jobs in the skilled trades is anticipated to rise to two million over the next decade; and

Whereas, A traditional college education is one path to success, but not the only path, especially in light of the increasing costs of a traditional four-year college degree and the growing demand for skilled labor; and

Whereas, Encouraging students and their families to invest in alternative forms of post-secondary skills could help reshape our nation's future workforce; and

Whereas, Providing the next generation the ability to save money for the future costs of tools, equipment, and business expenses will make it easier to enter a vocation, trade, or start a small business in the skilled trades industry; and

Whereas, The West Virginia Legislature has adopted legislation authorizing the West Virginia Jumpstart Savings Program, which creates several tax incentives to help program participants save money, by allowing an income tax deduction for contributions to a Jumpstart Savings account, by providing businesses with a non-refundable state tax credit for matching an employee's own contribution to his or her account each year; and

Whereas, The Jumpstart Savings Program will allow individuals to roll 529 College Savings plan funds over to a Jumpstart Savings account without facing state income tax penalties; and

Whereas, West Virginia's Jumpstart Savings Program could be a model for other states to invest in the future entrepreneurship and small business trade industries in our nation, and Congress should extend federal tax benefits to such programs; therefore, be it

*Resolved by the Legislature of West Virginia:*

That Congress is urged to provide tax benefits to participants in Jumpstart Savings programs that are similar to those currently provided to participants in College Savings plans pursuant to 26 U.S.C. §529; and, be it

*Further Resolved,* That the Clerk of the House of Delegates is hereby directed to forward a copy of this resolution, along with a copy of the Jumpstart Savings Act, to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, and to members of West Virginia's congressional delegation.

Delegate Westfall offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 25** - "Requesting the Division of Highways name bridge numbers (54-077/00-164.69 (NB&SB), (54A249,54A250) (39.11568,-81.54558) locally known as City Beer Overpass N&S (CIBB), carrying IS77 over County Route 21 in Wood County, the 'U.S. Army SSG William "Billy" E. Friese Memorial Bridge'."

Whereas, William E. "Billy" Friese was born on September 28, 1988, unto William A. Friese and Cathy Teehan; and

Whereas, William E. "Billy" Friese grew up in Rockport on an old gravel road, hunting, catching crawdads, playing/fighting with his siblings and drinking his grandma's sweet tea; and

Whereas, William E. "Billy" Friese graduated from Parkersburg South High School in 2007 and earned an occupational associate degree in specialized diesel technology and management from WyoTech in June, 2013; and

Whereas, William E. "Billy" Friese joined the West Virginia Army National Guard in 2008 assigned to the 111<sup>th</sup> Engineer Brigade and achieved the rank of staff sergeant; and

Whereas, SSG William E. "Billy" Friese was deployed to Camp Buehring, Kuwait, in support of Operation Inherent Resolve and was also previously deployed to Afghanistan in 2010 with the 1092<sup>nd</sup> Engineer Battalion; and

Whereas, SSG William E. "Billy" Friese military service awards include the Meritorious Service Medal, Army Achievement Medal with Bronze Oak Leaf Cluster, Army Good Conduct Medal, Army Reserve Components Achievement Medal with 2 Bronze Oak Leaf Cluster, National Defense Service Medal, Afghanistan Campaign Ribbon with Bronze Star Device, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with Mobilization Device, Army Service Ribbon, Army Overseas Ribbon, Army Reserve Components Overseas Training Ribbon, West Virginia National Guard Emergency Services Ribbon with Bronze Oak Leaf Cluster, West Virginia National Guard State Service Ribbon with Bronze Oak Leaf Cluster and West Virginia National Guard Service Ribbon; and

Whereas, SSG William E. "Billy" Friese died on July 18, 2019 while on active duty at Camp Buehring, Kuwait; and

Whereas, SSG William E. "Billy" Friese will be sadly missed by his wife, Nattakarn "Tookta" Srimoung Friese; children, Christian Alan and Narissara "Sarah" Srimoung; mother, Cathy Teehan and husband/stepfather, John; Cindy Jaworski and husband, Andre; father, Steve Ward; paternal grandparents, William and Barbara Friese; maternal grandmother, Sandra Vanoster; siblings, Nathaniel Duvuvuei and wife, Maria, Orrin Duvuvuei and wife, Erin, Josh Ward, Kyle Ward, Ashley "Nikki" Morris and husband Bobby, Kayla Lehan and husband, Ryan; and several nieces, nephews and special loved ones; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSG William E. "Billy" Friese and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge numbers\ (NB&SB), (54A249,54A250) (39.11568,-81.54558) locally known as City Beer Overpass N&S (CIBB), carrying IS77 over County Route 21 in Wood County, the "U.S. Army SSG William 'Billy' E. Friese Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army SSG William "Billy" E. Friese Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the commissioner of the Division of Highways.

Delegates Westfall and Queen offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 26** - "Requesting the Division of Highways name bridge number 18-33/00-011.48 (18A127), -81.72619), locally known as WEST RIPLEY BRIDGE (CSWB), carrying US 33 over MILL CREEK in Jackson County, the 'U. S. Navy SK3C Victor Yoak Memorial Bridge'."

Whereas, U. S. Navy SK3C Victor Yoak was born in Shook, West Virginia on March 9, 1922; and

Whereas, U. S. Navy SK3C Victor Yoak enlisted in the Navy in 1942. He was sent to Norfolk, Virginia for his three-week induction. The Navy wanted him to be a gunner; but that was not for him. After a conversation with his commanding officer, he was given the opportunity to serve as a storekeeper at age 20 years on the U.S.S. Monrovia when it went into service. He sailed two thirds around the world. As a part of the 3<sup>rd</sup> Fleet, his ship was protected by other battleships with no deaths or casualties, but they were attacked by German airstrikes. Although both General Dwight D.

Eisenhower and General George Patton were on the U.S.S. Monrovia at various times, U. S. Navy SK3C Victor Yoak was more impressed with the ship's ceremony and initiation when the ship crossed the equator; and

Whereas, After being discharged on October 24, 1945, he returned to the states. He married the love of his life, Ruth Bennington and they raised three children. He moved to Jackson County in 1977, where he was active in Ripley's city government as a member of the city council. During an interview, the then 98 year old Vic Yoak had no regrets for how he lived his life. Moving to Jackson County was one of his best decisions. He loved the people there, "there's a closeness and friendliness"; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Navy SK3C Victor Yoak and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 18-33/00-011.48 (18A127), -81.72619), locally known as WEST RIPLEY BRIDGE (CSWB), carrying US 33 over MILL CREEK in Jackson County, the "U. S. Navy SK3C Victor Yoak Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the " U. S. Navy SK3C Victor Yoak Memorial Bridge"; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

**By Delegate Higginbotham:**

**H. J. R. 26** - "Proposing an amendment to the Constitution of the State of West Virginia declaring the right to hunt and fish; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Agriculture and Natural Resources then the Judiciary.

### **Bills Introduced**

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

**By Delegates Howell, Paynter, Hamrick and Linville:**

**H. B. 2919** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-14a, relating to persons from another state storing firearms in this state; providing that firearms may be stored in any storage location in this state not otherwise prohibited by law; providing that information relating to firearms stored in this state shall not be disseminated to law enforcement or other agency without meeting certain conditions; providing that a judge must first order a person to provide information relating to firearms stored in this state; providing that the judge must have clear and convincing evidence that the firearm was used in a crime committed in another state or this state before ordering information to be provided; providing that the owner or operator of a storage location must provide only information ordered by a judge; providing that an owner or operator of a storage location must not provide information without being first ordered by a judge; providing for first time offense penalties; providing for subsequent offense penalties; providing for an absolute defense for failing to provide information before being ordered to provide information by a judge"; to the Committee on the Judiciary.

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

**H. B. 2920** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2021, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

**By Delegates Young, Lovejoy, Fluharty, Pushkin, Zukoff and Rowe:**

**H. B. 2921** - "A Bill to amend and reenact §3-3-1 of the Code of West Virginia, 1931, as amended, relating to voting; allowing voters 65 and older to vote absentee"; to the Committee on the Judiciary.

**By Delegates Young, Zukoff, Lovejoy, Fluharty, Pushkin and Rowe:**

**H. B. 2922** - "A Bill to amend and reenact §3-8-1a and §3-8-9 of the Code of West Virginia, 1931, as amended, relating to adding security expenses to the definition of campaign finance expenses"; to the Committee on the Judiciary.

**By Delegates Young, Linville, Dean, Thompson and Garcia:**

**H. B. 2923** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-19-1, relating to prohibiting an institution of higher education from requiring a current or prospective student, or current or prospective employee, to disclose their username or password for social media accounts or to require such person to change their social media privacy settings, or add an employee or volunteer of the institution of higher education; and prohibiting an institution of higher education from taking action against such current or prospective student, or current or prospective employee, such as threatening to discharge, discipline, prohibit from participating in curricular or extracurricular activities, or otherwise penalize a current student for asserting their right under this article"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Young, Walker, Zukoff and Thompson:**

**H. B. 2924** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated as §21A-6B-1, §21A-6B-2, §21A-6B-3, §21A-6B-4, §21A-6B-5, and §21A-6B-6, all relating to establishing the Short Time Compensation Program within Workforce West Virginia; defining terms; providing that the executive director of Workforce West Virginia establish and implement the program; establishing program requirements; development of an employer application form to request approval of a plan and an approval process to participate in the program; establishing requirements for a plan application; procedure for approval or disapproval of a plan; providing for the effective date, duration, and modification of a plan; employee eligibility requirements to receive short-time compensation; and prescribing employee benefits and limitations on benefits"; to the Committee on Workforce Development then Government Organization.

**By Delegates Young, Linville, Paynter, Dean, Thompson and Garcia:**

**H. B. 2925** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to providing for the destruction of customer records that contain personal information no longer needed by the business"; to the Committee on the Judiciary.

**By Delegates Young, Walker, Paynter, Garcia and Thompson:**

**H. B. 2926** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-9-1, relating to prohibiting public utilities from terminating or disconnecting services during a state disaster emergency declared by executive order; creating duty to restore service; requiring public utility to enter into deferred payment agreement with residential

customer during state of emergency; prohibiting public utility from disconnecting service for 180 days providing notice to residential customer; and establishing right of public utilities to recover funds owed in normal course following the state of emergency”; to the Committee on Government Organization then the Judiciary.

**By Delegates Young, Walker, Statler, Worrell, Skaff and Lovejoy:**

**H. B. 2927** - “A Bill to amend §3-8-1a and §3-8-9 of the Code of West Virginia, 1931, as amended, relating to campaign finance expenses; and adding caregiving expenses to definitions and to lawful election campaign expenses”; to the Committee on the Judiciary.

**By Delegates Young, Thompson, Zukoff and Rowe:**

**H. B. 2928** - “A Bill to amend and reenact §3-3-1 and §3-3-2 of the Code of West Virginia, 1931, as amended, all relating to absentee voting, by removing specifications for permission to vote by absentee ballot and allowing all voters to request and vote by absentee ballot”; to the Committee on the Judiciary.

**By Delegates Young, Lovejoy, Fluharty, Pushkin and Zukoff:**

**H. B. 2929** - “A Bill to amend and reenact §3-6-9 of the Code of West Virginia, 1931, as amended, relating to requiring that the boards of canvassers transmit electronically to the Secretary of State, on a form prescribed by the Secretary of State, the total ballots cast, counted, and rejected”; to the Committee on the Judiciary.

**By Delegate McGeehan:**

**H. B. 2930** - “A Bill to amend and reenact §18-5-2 of the Code of West Virginia, 1931, as amended, relating to changing the method of filling vacancies in county boards of education”; to the Committee on Education then the Judiciary.

**By Delegates Foster, Kimes, Steele and Barrett:**

**H. B. 2931** - “A Bill to amend and reenact §48-8-103 of the Code of West Virginia, 1931, as amended, relating to standardization of the criteria for awarding spousal support in cases of separation and divorce”; to the Committee on the Judiciary.

**By Delegates Kessinger, Graves and Mazzocchi:**

**H. B. 2932** - “A Bill to amend §1-7-2 and §1-7-3 of the Code of West Virginia, 1931, as amended, relating to the protection of an individual’s freedom of association”; to the Committee on Government Organization.

**By Delegates Kessinger, Hardy, D. Jeffries, Pinson, J. Pack, Summers, L. Pack, Haynes, Brown, Hanshaw (Mr. Speaker) and Mazzocchi:**

**H. B. 2933** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating to creating the Anti-Discrimination Against Israel Act”; to the Committee on the Judiciary.

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

**H. B. 2934** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, and to amend said code by adding thereto a new article, designated §8-20B-1, all relating to unsafe real property conditions in counties or municipalities; providing a process by which county commissions may compel the cleanup of hazardous real property conditions; providing a power to assert a lien if a real property owner fails to comply with a county commission’s hazardous condition resolution; providing a hearing an appeals process regarding unsafe condition determinations made by county commissions; providing a process by which local governing bodies may compel the cleanup of hazardous real property conditions; providing a power



to assert a lien if a real property owner fails to comply with a local governing body's hazardous condition resolution; and providing a hearing an appeals process on unsafe condition determinations made by local governing bodies"; to the Committee on Political Subdivisions then Government Organization.

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

**H. B. 2935** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-5-16, relating to limiting the assessed value of antique or classic vehicles; and providing a justification requirement for any increase by the county tax assessor which must be presented to the vehicle owner before any increase may take effect"; to the Committee on Political Subdivisions then Finance.

**By Delegate Criss:**

**H. B. 2936** - "A Bill to amend and reenact §12-6C-4 and §12-6C-9 of the Code of West Virginia, 1931, as amended, all relating generally to the Board of Treasury Investments; authorizing the board to provide compensation to appointed directors for each meeting attended and establishing the rate thereof; authorizing the board to invest in commercial paper with a certain nationally recognized rating and weighted maturity; authorizing the board to invest in state and local government securities with certain nationally recognized ratings; removing the limitation on the percentage of the Consolidated Fund that the board may invest in certain corporate securities; and eliminating the requirement that the board invest a certain percentage of the Consolidated Fund in obligations guaranteed by the United States"; to the Committee on Finance.

**By Delegate Hanna:**

**H. B. 2937** - "A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating to requiring a vote on school closure or consolidation in certain circumstances"; to the Committee on Education then the Judiciary.

**By Delegates Espinosa, Barrett, Hardy, Clark, Householder and Summers:**

**H. B. 2938** - "A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to changes in distribution of net terminal income"; to the Committee on the Judiciary then Finance.

**By Delegates Espinosa, Barrett, Hardy, Horst, Reed, Miller, Clark, Forsht and Householder:**

**H. B. 2939** - "A Bill to amend and reenact §49-1-113 of the Code of West Virginia, 1931, as amended, relating to clarifying 'out-of-school' time programs"; to the Committee on Education.

**By Delegates Hanshaw (Mr. Speaker) and Skaff**

**[By Request of the Executive]:**

**H. B. 2940** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2021, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Skaff**

**[By Request of the Executive]:**

**H. B. 2941** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, by decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner, fund 8883, fiscal year 2021, organization 0704, by

supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

**By Delegate Holstein:**

**H. B. 2942** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-10a, relating to establishing a tax credit for employers who hire qualified employees in a program of recovery from substance abuse; authorizing tax credit; defining terms; specifying the application process for tax credit; determining the amount of the credit; restricting disclosure of diagnosis and treatment information; establishing maximum allowable credits; and providing that unused credits do not carry over to subsequent years”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegate Holstein:**

**H. B. 2943** - “A Bill to amend and reenact §48-22-702 of the Code of West Virginia, 1931, as amended, relating to adoption records, providing a means for adoptees reaching 21 years of age to obtain an original birth certificate upon application and payment of fees”; to the Committee on the Judiciary.

**By Delegate Higginbotham:**

**H. B. 2944** - “A Bill to amend and reenact §6B-3-1, §6B-3-2, §6B-3-3a, §6B-3-3b, §6B-3-3c, §6B-3-4; §6B-3-6; and §6B-3-7 of the Code of West Virginia, 1931, as amended, all relating to the registration of lobbyists and lobbyist interns; defining and specifying criteria for lobbyist interns; providing for registration of lobbyist interns and exemption from registration fees; requiring lobbyists and lobbyist interns under contract to specifying end date of their engagements; including lobbyist interns in conflict of interest prohibitions and training requirements; requiring reporting of activity and expenditures; prohibiting the use of unregistered lobbyists and lobbyist interns; and including lobbyist interns within in the same ethical requirements as lobbyists”; to the Committee on the Judiciary.

**By Delegate Higginbotham:**

**H. B. 2945** - “A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to providing a requirement that any candidate be registered for six months with a political party before announcing a candidacy”; to the Committee on the Judiciary.

**By Delegate Howell:**

**H. B. 2946** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §2-4-1, §2-4-2, §2-4-3, §2-4-4, and §2-4-5, all relating to the second amendment sanctuary law; legislative findings; prohibitions; penalties and severability”; to the Committee on the Judiciary.

**By Delegates Higginbotham and Steele:**

**H. B. 2947** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1, §62-16-2, §62-16-3, §62-16-4, §62-16-5, §62-16-6, §62-16-7, and §62-16-8, all relating to electronic recording of interrogations regarding criminal investigations; stating the purpose and application; providing definitions; when electronic recording required and admissibility of recordings; remedies for compliance and noncompliance; and providing that recordings not be destroyed”; to the Committee on the Judiciary.

**By Delegates Lovejoy, Brown, Williams, Worrell and Hornbuckle:**

**H. B. 2948** - “A Bill to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended, relating to requiring the Superintendent of State Police to furnish at State Police expense medical and hospital services for treatment of illness or injury of a member incurred by the member

while engaged in the performance of duty and from causes beyond control of the members”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Higginbotham and Ellington:**

**H. B. 2949** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5H-1, §18-5H-2, §18-5H-3, §18-5H-4, §18-5H-5 and §18-5H-6, all relating to the Supplemental Educational Opportunities Act to allow student instruction via learning pods; defining terms; providing for exemptions; clarifying burden of proof and limitation on action; and providing for severability”; to the Committee on Education.

**By Delegates Howell, Martin, Paynter, Hamrick, J. Pack, Linville and Maynard:**

**H. B. 2950** - “A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended, relating to authorizing the division of motor vehicles to issue an ‘Antique Fleet’ single registration plate for use on fleets of 5 or more antique vehicles; and relating to setting a fee for an ‘Antique Fleet’ plate”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Foster, Hamrick, Clark, Mazzocchi, Steele, Kessinger, J. Pack, Howell, Householder, Linville and Hardy:**

**H. B. 2951** - “A Bill to repeal §8-13-5 of the Code of West Virginia, 1931, as amended, relating to the business and occupation or privilege tax”; to the Committee on Finance.

**By Delegate Foster:**

**H. B. 2952** - “A Bill to amend and reenact §48-9-302 of the Code of West Virginia, 1931, as amended, relating to ensure that persons appointed as guardians ad litem in divorce and child custody and parenting cases are properly trained in certified courses of instruction with curricula grounded in the social science bases for determining the best interests of the child with regard to custodial responsibility, decision-making responsibility and parenting time”; to the Committee on the Judiciary.

**By Delegates Hardy, Westfall, Jennings, Clark, Linville, Hott, D. Jeffries, Graves, Tully, Storch and Forsht:**

**H. B. 2953** - “A Bill to amend and reenact §7-17-3 and §7-17-12 of the Code of West Virginia, 1931, as amended, all relating to clarifying that counties may hire firefighters as paid staff; and to modifying the existing procedures to include a procedure of public hearing to commission a vote without the 10 percent threshold, as it relates to amending fire fees”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Burkhammer, J. Jeffries, Mandt, Paynter, Martin, Hanna, Worrell, Graves, Pinson, Wamsley and J. Pack:**

**H. B. 2954** - “A Bill to amend and reenact §16-2M-2, §16-2M-4, and §16-2M-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding a new section thereto, designated §16-2M-4a, all relating to restricting the circumstances in which an abortion may be performed or attempted; modifying the definition of ‘pain capable gestational age’; establishing absolute limit on gestational age for abortion; limiting abortion to circumstances of rape, incest, or threat to life or safety of the mother; requiring abortions to be performed in hospitals by licensed physician; referencing requirements for notification and consent by parent or guardian; and providing for manslaughter charges if the woman is convicted, after the abortion, of making false statements regarding the sexual assault”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Linville:**

**H. B. 2955** - “A Bill to amend and reenact §17-2A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement for the Commissioner of the Division of Highways”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Bates and Young:**

**H. B. 2956** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2D-8, relating to allow licensed food trucks to operate on the Capitol Complex grounds for certain occasions"; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

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

**S. B. 358**, Removing prohibition on ATMs located in area where racetrack video lottery machines are located; on third reading, coming up in regular order, with amendment pending and the right to amend, was reported by the Clerk.

Whereupon,

Delegate Capito obtained unanimous consent that his amendment be withdrawn.

There being no further amendments, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 89**), and there were—yeas 73, nays 25, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barnhart, Boggs, Booth, Brown, Bruce, Burkhammer, Conley, Fast, Hanna, D. Jeffries, Jennings, Keaton, J. Kelly, Longanacre, Lovejoy, Mandt, Maynard, Mazzocchi, Paynter, Phillips, Pinson, Rohrbach, Skaff, Toney and Worrell.

Absent and Not Voting: Ellington and Higginbotham.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 358) passed.

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

**Com. Sub. for H. B. 2257**, Relating to extended supervision for certain drug offenders; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 90**), and there were—yeas 68, nays 29, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Graves, Griffith, Hansen, Hornbuckle, Horst, J. Jeffries, Kimble, Lovejoy, McGeehan, Nestor, Paynter, Pritt, Pushkin, Rowe, Skaff, Thompson, Walker, G. Ward, Williams, Young and Zukoff.

Absent and Not Voting: Ellington, Higginbotham and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2257) passed.

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

**Com. Sub. for H. B. 2507**, Remove the limitations on advertising and promotional activities by limited video lottery retailers; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 91**), and there were—yeas 55, nays 39, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Anderson, Barnhart, Boggs, Brown, Bruce, Burkhammer, Conley, Doyle, Fast, Ferrell, Fleischauer, Graves, Griffith, Hansen, Hornbuckle, D. Jeffries, Jennings, Keaton, Kimble, Kimes, D. Kelly, J. Kelly, Linville, Longanacre, Lovejoy, Mallow, Mandt, Martin, Maynard, J. Pack, L. Pack, Pethel, Phillips, Pinson, Rohrbach, Sypolt, Toney, B. Ward and G. Ward.

Absent and Not Voting: Booth, Diserio, Ellington, Higginbotham, Storch and Worrell

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2507) passed.

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

**Com. Sub. for H. B. 2621**, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 92**), and there were—yeas 94, nays none, absent and not voting 6, with absent and not voting being as follows:

Absent and Not Voting: Booth, Ellington, Higginbotham, Storch, Worrell and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2621) passed.

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

### Second Reading

**Com. Sub. for S. B. 280**, Relating to e-commerce modernization; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 372**, Providing greater discretion to WV Board of Medicine to approve graduate clinical training; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the bill on page 2, line 25, by removing “substantially equivalent” and inserting “similar”.

On page 3, line 56, “substantially equivalent” and inserting “similar”.

And,

On page 6, after line 126 by inserting the following:

**“§30-3-11. Endorsement of licenses to practice medicine and surgery and podiatry; fees; temporary license; summer camp doctors.**

(a) (1) Any person seeking to be licensed to practice medicine and surgery in this state who holds a valid license to practice medicine and surgery attained under requirements ~~substantially~~ similar to the requirement of section ten of this article from another state, the District of Columbia, the Commonwealth of Puerto Rico or Canada; ~~and or~~

(2) Any person seeking to be licensed to practice podiatry in this state who holds a valid license to practice podiatry attained under requirements ~~substantially~~ similar to the requirements in section ten of this article from another ~~state, territory or foreign country or the District of Columbia~~ jurisdiction shall be issued a license to practice ~~medicine and surgery or~~ podiatry, as appropriate, in this state if he or she meets the following requirements:

~~(1)~~ (A) He or she must submit an application to the board on forms provided by the board and remit a ~~reasonable~~ licensure fee, ~~the amount of such reasonable fee to be set by the board as provided in legislative rule.~~ The application must, as a minimum, require a statement that the applicant is a licensed physician or podiatrist in good standing and indicate whether any medical disciplinary action has been taken against him or her in the past; and

~~(2)~~ (B) He or she must demonstrate to the satisfaction of the board that he or she has the requisite qualifications to provide the same standard of care as a physician or podiatrist initially licensed in this state.

(b) The board may investigate the applicant and may request a personal interview to review the applicant's qualifications and professional credentials.

(c) The board ~~may at its discretion,~~ grant a temporary license to an individual applying for licensure under this section if the individual meets the requirements of ~~subdivision (1), subsection (a) of this section~~ of this section. Such A temporary license issued by the board authorizes the holder to practice medicine and surgery or podiatry in West Virginia for the term of the temporary license, and includes full prescriptive authority. The temporary license shall only be is valid until its holder has either been granted or denied a license at the next regular meeting of the board. until the board is able to meet and consider the endorsement request The board may fix and collect a ~~reasonable~~ fee for a temporary license, ~~the amount of such reasonable fee to be set by the board as provided in legislative rule.~~

(d) The application fee shall be waived, and to the extent consistent with the integrity of the licensure process and the requirements for licensure as set forth in this section and in the relevant legislative rules, the board shall expedite its processing of an individual's application to practice medicine and surgery, or practice podiatry: *Provided, That* the sole purpose for licensure is to provide services at a children's summer camp for not more than one specifically designated three week period annually. The license shall be issued for a period of the specifically designated three weeks only, on an annual basis.”

The bill was then ordered to third reading.

**Com. Sub. for H. B. 2221**, Relating to the establishment of an insurance innovation process; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2335**, Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2701**, Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2709**, Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2764**, Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 2765**, Relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2905**, Relating to repealing the prohibition against the use of certain words; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### **First Reading**

The following bill on first reading, was read a first time and ordered to second reading:

**H. B. 2906**, Relating to the School Building Authority's allocation of money.

### **Leaves of Absence**

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

### **Miscellaneous Business**

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

**H. B. 2043**: Delegate Hamrick;

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

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

- H. B. 2095: Delegate Rowe;
- H. B. 2156: Delegate Young;
- H. B. 2106: Delegate Rowe;
- H. B. 2122: Delegate Young;
- H. B. 2208: Delegate Rowe;
- H. B. 2538: Delegate Rowe;
- H. B. 2585: Delegate Rowe;
- H. B. 2624: Delegate Bates;
- H. B. 2700: Delegate Riley;
- H. B. 2708: Delegates Dean, Pushkin, Walker and Worrell;
- H. B. 2722: Delegate Young;
- H. B. 2726: Delegate Rowe;
- H. B. 2760: Delegate Young;
- H. B. 2773: Delegate J. Jeffries;
- H. B. 2792: Delegate Mandt;
- H. B. 2795: Delegates Doyle, Pushkin and Rohrbach;
- H. B. 2830: Delegates Bridges, Clark, Hanshaw, Holstein, Sypolt, D. Jeffries, Riley, Smith and Steele;
- H. B. 2852: Delegate Evans;
- H. B. 2882: Delegate Young;
- H. B. 2891: Delegates L. Pack and Young;
- H. B. 2910: Delegate Hardy;
- H. B. 2911: Delegate Smith;
- H. B. 2912: Delegate Smith;
- H. B. 2918: Delegate L. Pack;
- H. B. 2921: Delegate Barach;
- H. B. 2927: Delegates Barach and Fleischauer;



**H. B. 2956:** Delegate Graves;

**H. J. R. 25:** Delegate L. Pack;

And,

**H. R. 12:** Delegate Linville.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

**H. B. 2865:** Delegate Horst.

At 1:14 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 8, 2021.

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



**SPECIAL CALENDAR**

**Monday, March 8, 2021**

**27<sup>th</sup> Day**

**11:00 A. M.**

**THIRD READING**

- Com. Sub. for S. B. 280 - Relating to e-commerce modernization (STEELE) (REGULAR)
- S. B. 372 - Providing greater discretion to WV Board of Medicine to approve graduate clinical training (J. PACK) (REGULAR)
- Com. Sub. for H. B. 2221 - Relating to the establishment of an insurance innovation process (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2335 - Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor (CAPITO) (REGULAR)
- H. B. 2701 - Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license (STEELE) (REGULAR)
- H. B. 2709 - Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond (CAPITO) (REGULAR)
- H. B. 2764 - Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2765 - Relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights (CAPITO) (REGULAR)

H. B. 2905 - Relating to repealing the prohibition against the use of certain words (J. PACK) (REGULAR)

### **SECOND READING**

H. B. 2906 - Relating to the School Building Authority's allocation of money (ELLINGTON) (REGULAR)

### **FIRST READING**

S. B. 296 - Relating generally to repealing certain rules (STEELE) (REGULAR)

S. B. 338 - Creating Fire Service Equipment and Training Fund (STATLER) (EFFECTIVE FROM PASSAGE)

H. B. 2598 - Altering the definition of an above ground storage tank (J. PACK) (REGULAR)

Com. Sub. for H. B. 2674 - Relating to the administration of anesthetics (J. PACK) (REGULAR)

Com. Sub. for H. B. 2792 - Relating to the expansion of direct access to natural gas service for new customers (ANDERSON) (REGULAR)

H. B. 2957 - Relating to the repeal of outdated code sections (STEELE) (REGULAR)

H. B. 2958 - Relating to repealing outdated sections of state code (STEELE) (REGULAR)

## HOUSE CALENDAR

Monday, March 8, 2021

27<sup>th</sup> Day

11:00 A. M.

### THIRD READING

- Com. Sub. for S. B. 270 - Providing for collection of tax by hotel marketplace facilitators (STEELE) (REGULAR)
- Com. Sub. for H. B. 2363 - Relating to "Best Interests of the Child Protection Act of 2021" (CAPITO) (REGULAR)
- 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)

### SECOND READING

- Com. Sub. for S. B. 272 - Relating to WV Employment Law Worker Classification Act
- Com. Sub. for S. B. 277 - Creating COVID-19 Jobs Protection Act (CAPITO) (EFFECTIVE FROM PASSAGE)
- 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)

### FIRST READING

- Com. Sub. for S. B. 216 - Authorizing Department of Commerce to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- 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**

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**MONDAY, MARCH 8, 2021**

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

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**COMMITTEE ON THE JUDICIARY  
9:00 A.M. – ROOM 215 E**

**COMMITTEE ON RULES  
10:45 A.M. – ROOM 418 M**

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

**COMMITTEE ON GOVERNMENT ORGANIZATION  
1:00 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