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FORTY-FIRST DAY

Monday, March 22, 2021

FORTY-FIRST DAY

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

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

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

The Clerk proceeded to read the Journal of Friday, March 19, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 3191, Requiring employers to send certain notifications when retirants are hired as temporary, part-time employees,

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

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

Your Committee on Finance has had under consideration:

H. J. R. 3, Property Tax Modernization Amendment,

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

In accordance with the former direction of the Speaker, the resolution (H. J. R. 3) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 3137, To accelerate the conversion of the transfer tax on the privilege of transferring real property from a state excise tax to a county excise tax,

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

Com. Sub. for H. B. 3137 - “A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax,”

With the recommendation that the committee substitute 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. 3231, Public Utilities not required to pay interest on security deposits,

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

Com. Sub. for H. B. 3231 - “A Bill to amend and reenact §24-3-8 of the Code of West Virginia, 1931, as amended, relating to public utility security deposits and interest thereon; prohibiting the charging of interest on security deposits held for up to eighteen months; and updating reference to prior law,”

With the recommendation that the committee substitute do pass.

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

By Delegates Capito, Fast, Young, L. Pack, Zukoff and Pushkin:

H. B. 3294 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21A-2D-1, §21A-2D-2, §21A-2D-3, §21A-2D-4, §21A-2D-5, §21A-2D-6, §21A-2D-7, §21A-2D-8, and §21A-2D-9; amending said code by adding thereto a new article designated §21A-6B-1, §21A-6B-2, §21A-6B-3, §21A-6B-4, §21A-6B-5, §21A-6B-6, and §21A-6B-7, all generally relating to unemployment insurance; creating the Unemployment Insurance Program Integrity Act; providing short title; providing definitions; providing the commissioner, on a weekly basis, check unemployment insurance rolls against Division of Corrections and Rehabilitation’s list of imprisoned individuals, check new hire records against the National Directory of New Hires, and check unemployment insurance rolls against the Integrity Data Hub; providing for data sharing between Workforce West Virginia and other departments, agencies, or divisions; providing for action by bureau to make new eligibility determinations; requiring commissioner to implement internal administrative policies regarding the recovery of fraudulent unemployment overpayments, cooperative agreements with the U.S. Department of Labor to investigate unemployment fraud, and recover overpayments of unemployment benefits; providing a mechanism for an employer to contact Workforce when an employee is offered their job back but refuses to be rehired; reporting of relevant data, to the extent permitted by federal law, by commissioner to the Legislature; providing for rulemaking; providing an effective date; establishing the Short Time Compensation Program within Workforce West Virginia; defining terms; providing that the commissioner of Workforce West Virginia establish and implement a short-time compensation program by July 1, 2023; requiring program to meet applicable federal and state law; providing that an employer that wishes to participate submit an application; requiring the commissioner to develop an employer application form to request approval of a plan and an approval process to participate in the program; establishing requirements for an application; providing procedure for commissioner approval or disapproval of a plan; providing for the effective date of a plan, expiration of a plan, revocation of a plan, and modification of a plan;

employee eligibility requirements to receive short-time compensation under a plan; prescribing employee benefits and limitations on benefits; and providing for rulemaking.”

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. 2726, Allowing for the lease of air space above public roads for the safe operation of unmanned aircraft,

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

Com. Sub. for H. B. 2726 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-30-1 and §17-30-2; to amend and reenact §29-2A-3 and §29-2A-12 of said code; and to amend said code by adding thereto a new section, designated §29-2A-12a, all relating to use of airspace; use of space above and below public roads; permit by political subdivisions of space above or below public roads owned or controlled by political subdivisions; procedure to be followed in permitting by political subdivisions of space above or below public roads owned or controlled by political subdivisions; powers and duties of the West Virginia State Aeronautics Commission; operation of manned aircraft at low altitude; low or dangerous flight of unmanned aircraft; landing of unmanned aircraft on land or water of another,”

H. B. 2953, To clarify that counties can hire fire fighters as paid staff and to modify the existing procedures to include a procedure of public hearing to commission a vote,

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

Com. Sub. for 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; delineating that a county commission may contract with the fire department of any political subdivision for fire protection services; and, modifying the existing procedures for amending fire fees to add a procedure for a referendum to take place without the current threshold requiring 10 percent of voters petitioning for such referendum,”

And,

H. B. 3293, Relating to single-sex participation in interscholastic athletic events,

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

Com. Sub. for H. B. 3293 - “A Bill to amend and reenact §18-2-5c and §18-2-25 of the Code of West Virginia, 1931, as amended, all relating to single-sex participation in interscholastic athletic events; providing county school districts must confirm the sex of pupil at time of birth prior to pupil’s participation in single-sex interscholastic athletic events under the control, supervision, and regulation of the West Virginia Secondary Schools Activities Commission; providing sex at birth be identified by original birth certificate or by a signed physician’s statement; providing that the commission must verify with each county board that each student participating in single-sex interscholastic events is participating according to the student’s sex at the time of the student’s

birth; and clarifying that these requirements do not apply to co-educational secondary school interscholastic athletic events,”

With the recommendation that the committee substitutes each do pass.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 19, 2021, he approved **Com. Sub. for S. B. 126, Com. Sub. for S. B. 272, Com. Sub. for S. B. 277, S. B. 296, S. B. 338 and S. B. 372.**

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

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.

A message from the Senate, by

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

S. B. 404, Modifying well work permits issued by DEP Office of Oil and Gas.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

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.

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. 422 - “A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to establishing that the intent and policy of the Legislature is that common law corporate ‘veil piercing’ claims may not be used to impose personal liability on a member or manager of a limited liability company; and nullifying the Supreme Court of Appeals of West Virginia’s decision in *Joseph Kubican v. The Tavern, LLC*. 232 W.Va. 268, 752 S.E.2d 299 (2013)”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

S. B. 531 - “A Bill to amend and reenact §11-10-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-10-14e, all relating to incomplete, duplicative, or redundant claims for refund; providing that interest does not run a claim for refund until a lawful, mathematically, uncontested correct claim for refund has been filed; providing for definitions; providing that incomplete, overlapping, duplicative, and conflicting claims for refund or credit will be rejected and requiring taxpayers to file one comprehensive claim for refund or credit; providing that the Tax Commissioner may require additional documentation to substantiate claims for refund or credit; providing time for the Tax Commissioner to review the documentation before any appeal; and clarifying existing language”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

S. B. 532 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5ee, relating to limitations on claiming state tax credits and rebates; and providing rule-making authority”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 626 - “A Bill to amend and reenact §61-3-49 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3-49c, all relating to the purchase and possession of certain scrap metal; updating the regulation of the purchase of automobile catalytic converters; requiring certain evidence and documentation from a seller of an automobile catalytic converter; placing restrictions on the payment for automobile catalytic converters; placing restrictions on the sale or transfer of an automobile catalytic converter by a scrap metal dealer; requiring scrap metal dealer to record identifying information on a catalytic converter; creating the criminal offense of possession of a catalytic converter without proof of ownership or authority to possess; requiring that persons charged with possession of a single catalytic converter are to be charged by citation and not be subject to arrest; establishing an absolute defense to the criminal action; and establishing criminal penalties”; which was referred to the Committee on Government Organization then the Judiciary.

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 Veterans’ Affairs and Homeland Security then Rules:

S. C. R. 20 “Expressing support for the Jones Act and celebrating the centennial anniversary of the Jones Act.”

Whereas, West Virginia is committed to creating and maintaining a safe, effective, and efficient transportation system that enhances opportunity for the people and communities of West Virginia and the United States; and

Whereas, The current pandemic has demonstrated the critical importance of maintaining resilient domestic industries and transportation services to the citizens and workforce of West Virginia; and

Whereas, The Merchant Marine Act of 1920, known as the Jones Act and codified in Title 46 of the United States Code, requires that vessels carrying cargo between locations in the United States be owned by American companies, crewed by American mariners, and built in American shipyards; and

Whereas, America's ability to project and deploy forces globally, and supply and maintain military installations domestically, depends on the civilian fleet of Jones Act vessels and mariners; and

Whereas, Mariners aboard Jones Act vessels strengthen America's homeland security as added eyes and ears monitoring the nation's 95,000 miles of shoreline and 25,000 miles of navigable inland waterways; and

Whereas, West Virginia is home to over 3,300 maritime jobs supported by the Jones Act, which generates \$171.7 million in labor income; and

Whereas, Maritime industry jobs create ladders of opportunity through high-paying, family wage careers that offer significant career advancement without generally necessitating advanced formal education and extensive student loans; and

Whereas, The more than 40,000-vessel strong Jones Act fleet supports nearly 650,000 family wage jobs and over \$154 billion in economic output nationally, and \$800 million to the West Virginia economy; therefore, be it

Resolved by the Legislature of West Virginia:

That the Senate expresses its support for the Jones Act and celebrates the centennial anniversary of the Jones Act; and, be it

Further Resolved, That the Senate affirms its resolute support for the Jones Act and in fostering a strong domestic maritime industry that is critical to West Virginia's and the nation's economic prosperity and national security; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to each member of the West Virginia Congressional Delegation

Resolutions Introduced

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

H. C. R. 62 - "Requesting the Division of Highways name bridge number 23-044/00-011.44 (23A309), locally known as Switzer Monty Bro Bridge, carrying West Virginia Route 44 over Island Creek in Logan County, the 'U.S. Air Force Major Samuel Wilson Rogers, Jr. Memorial Bridge'."

Whereas, Samuel Wilson Rogers, Jr., later known as 'Sam' was born to Samuel Rogers, Sr., and Delphia Rogers at Sarah Ann, in Logan County, on November 2, 1939; and

Whereas, Sam Rogers enlisted in the United States Air Force in 1957 and during his time in this service, he obtained a high school diploma, an undergraduate degree from the University of Nebraska at Omaha, and a master's degree from Troy State University; and

Whereas, Sam Rogers retired from the Air Force in 1988 after serving 31 years; and

Whereas, Following his military service; Sam Rogers became the West Virginia University Extension Agent for Logan County and he wrote a weekly column for the Logan Banner newspaper; and

Whereas, Sam Rogers was also a devoted member of the Logan County Historical Society and he authored three books about Logan County; and

Whereas, Sam Rogers passed away on June 17, 1999, and was subsequently buried at Arlington National Cemetery with full military honors; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Air Force Major Samuel Wilson Rogers, Jr. 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 23-044/00-011.44 (23A309), locally known as Switzer Monty Bro Bridge, carrying West Virginia Route 44 over Island Creek in Logan County, the "U.S. Air Force Major Samuel Wilson Rogers, Jr. 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. Air Force Major Samuel Wilson Rogers, Jr. Memorial Bridge"; and, be it

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

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

H. C. R. 63 - "Requesting the Division of Highways name bridge number 02-009/56-000.25 (02A166), (39.46467, -77.96611) locally known as Raleigh Street over Winchester and Western RR South, carrying CR 9/56 over Winchester & Western RR in Berkeley County, the 'Mayor George Karos Bridge'."

Whereas, George Karos, Mayor of Martinsburg, West Virginia was born September 10, 1931, in Martinsburg, West Virginia. He attended local schools, graduating from Martinsburg High School. After high school, he attended Shepherd College and received his Bachelor of Science Degree in Pharmacy from the Medical College of Virginia, School of Pharmacy in Richmond, Virginia. Before receiving his degree, he served in the United States Navy as a hospital corpsman and attained the rank of PO3; and

Whereas, Mayor George Karos was the previous owner and operator of Patterson's Drug Store, Inc. and is now retired, since June, 2015. He has received numerous awards for his devotion to civic and church activities, including the Sam Walton Wal-Mart Business Leadership

Award for Service to the Customer; the West Virginia A.H. Robin's Award for Outstanding Service to the Community and to Pharmacies in West Virginia and the West Virginia School of Pharmacy Honorary Alumnus Award; and

Whereas, George Karos has served the City of Martinsburg for more than four decades, including five terms as Mayor; and

Whereas, During his tenure, Mayor Karos was part of numerous multiple public capital-improvement and economic development projects, including the construction of the current city hall building, in the mid-1980s, the development of the Foxcroft Avenue commercial district, annexation of more than 700 acres west of Interstate 81, construction of the Caperton Train Station and the redesign of the town square, gateway signage and police department-municipal court building projects, as well as the extension of North Raleigh Street, from West Race Street to Edwin Miller Boulevard; and

Whereas, Mayor George Karos is also the recipient of "Who's Who in West Virginia Business", presented by the West Virginia State Journal, and has received the honor of 'Distinguished Citizenship Award — Lodge #778" by the Grand Lodge Elks USA. Mr. Karos was awarded the "Paul Harris Fellow Award for Humanity" from the Martinsburg International Rotary Club as well as the Chamber of Commerce "C. Leslie Golliday Award for Small Businessman of the Year"; and

Whereas, In August 2007, Mayor George Karos received the "2007 Mayor of the Year" award, presented by the West Virginia Municipal League. He was awarded "Man of the Year 2008-2009" by the Berkeley County Chamber of Commerce sponsored by the Journal and in May 2009 Main Street Martinsburg bestowed the honor of "Public Official of the Year" on Mayor Karos. George Karos has also been listed in the "Top 25 Most Influential People in the Eastern Panhandle" as chosen by the Journal; and

Whereas, Professional affiliations of Mayor George Karos include president of the West Virginia Board of Pharmacy; member of the Chamber of Commerce; Berkeley County Development Authority; Berkeley County Health Department, the Eastern Panhandle Builder's Association, the Rotary and Elks Club, Martinsburg/Berkeley County Library, the West Virginia and Virginia Pharmaceutical Association, the American Pharmaceutical Association and Eastern Panhandle Academy of Pharmacy; director of City National Bank; past president of Martinsburg/Berkeley County Chamber of Commerce; past Senior Warden of Trinity Episcopal Church; past member, officer and director of Berkeley County War Memorial Park and past member of Martinsburg Planning and Zoning Commission. He is also a member of the Equality Lodge #144 AF&M; Martinsburg Scottish Rite 32; Osiris Temple A.A.O.N.M.S., Wheeling, WV and Royal Order of Jesters #117, Cumberland, MD; and

Whereas, Mayor George Karos is also a member of the Governor's Advisory Council on Substance Abuse and President and Director of Kings Daughter Housing, Inc. and Associates for Community Development, as well as a member of the Board of Directors for the Eastern WV Community Foundation; and

Whereas, Mayor George Karos is married to M. Renee Burkhart and has two children by his late wife, Sophia M. Karos: his daughter, Maria K. Karos, and his son, George K. Karos; and

Whereas, It is fitting that an enduring tribute be established to commemorate Mayor George Karos and his contributions to the City of Martinsburg, 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 02-009/56-000.25 (02A166), (39.46467, -77.96611) locally known as Raleigh Street over Winchester and Western RR South, carrying CR 9/56 over Winchester & Western RR in Berkeley County, the "Mayor George Karos 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 "Mayor George Karos Bridge"; and, be it

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

Delegates Forsht, Bruce, Conley, Hardy, Horst, Householder, Kessinger, Longanacre, Mallow, Miller, Reed and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 64 - "Requesting the Division of Highways name bridge number: 02-032/00-001.22 (02A152), (39.40678, -78.02421) locally known as Tablers Station Overpass, carrying CR 32 over I 81 (X) in Berkeley county, the 'Deputy CPL Scott D. Myers Memorial Bridge'."

Whereas, Scott Douglas Myers was born on September 13, 1961, in Martinsburg WV, the second of six children of Cecil A. Myers and Virginia Ann Myers (Willen). Growing up, Scott lived his life in the area of Poor House Road in Martinsburg and attended Musselman High school; and

Whereas, Scott D. Myers met his wife Penny D. Myers (Brining) on May 16, 1987 and they married May 16, 1997; and

Whereas, Scott D. Myers was enlisted in the military with the 157th Army National Guard (Jan. 1981-Jan.1987); and

Whereas, Scott D. Myers had his own business called S&D plumbing (1990-1995), was an employee of Roach Oil Company from 1995 until 2002 when he became a deputy sheriff for the Berkeley County Sheriff's Dept. in Martinsburg WV; and

Whereas, Deputy CPL Scott D. Myers during his years with the Berkeley County Sheriff's Department was promoted to Deputy CPL; however, he unfortunately had to medically retire due to being diagnosed with cancer in 2009 and underwent surgery in 2013, ending his career; and

Whereas, Deputy CPL Scott D. Myers was a very notable and respected man within the community of Berkeley County. He volunteered with the South Berkeley Fire Department and the Berkeley County Deputy Reserves as a K-9 Handler; and

Whereas, Many children in Berkeley County were very well influenced by Deputy CPL Scott D. Myers as well. He was a role model and a mentor to many as a coach and referee, and for several years, coached baseball in Berkeley County Little League as well as Martinsburg Girls Softball; and

Whereas, Deputy CPL Scott D. Myers served on the Berkeley County Civil Service Commission; he also was a Republican candidate for Berkeley County Sheriff in 2012 as well as

a candidate for the Martinsburg City Council in 2020 and remained on the ballot even after his passing; and

Whereas, Deputy CPL Scott D. Myers was a notable deputy; he was recognized by the M.A.D.D organization for his outstanding ability to remove drunk drivers off the road; as a deputy reserve, Deputy CPL Scott D. Myers has found many missing persons, from the Appalachian trail up to Sleepy Creek; and

Whereas, Deputy CPL Scott D. Myers passed away, due to cancer, at his home on July 7 2020, surrounded by all of his loved ones. He is survived by his wife, Penny (Brining) Myers; one daughter, Erin J. Myers; two sons, Corey Gano and wife, Cindy, and James Gano; grandchildren, Jaidyn, Carmyn, Logan, Claire and J.G.; two brothers, Jeff Myers, and Dwayne Myers and wife, Brittany; three sisters, Mary Myers, Lisa Dawson, and Sandy Hess and husband, David; and numerous nieces and nephews; and

Whereas, It is fitting that an enduring memorial be established to commemorate the life of Deputy CPL Scott D. Myers 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: 02-032/00-001.22 (02A152), (39.40678, -78.02421) locally known as Tablers Station Overpass, carrying CR 32 over I 81 (X) in Berkeley county, the "Deputy CPL Scott D. Myers 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 "Deputy CPL Scott D. Myers Memorial Bridge"; and, be it

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

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

H. C. R. 65 - "Requesting the Division of Highways name bridge number 03-001/00-008.66 (03A004), (38.18093,-81.70618) locally known as Falling Rock Br 8.66, carrying CR 1 over Falling Rock Creek in Boone County, the 'Alex Perdue Memorial Bridge'."

Whereas, Alex Perdue was born June 2, 2005, in Ashford, West Virginia, to Dema and Ben Perdue; and

Whereas, Alex Perdue attended Ashford Rumble Elementary School, in Ashford, West Virginia, and Sherman Jr. High School in Seth, West Virginia; and

Whereas, Alex was known for his love of hunting and sports; Alex was always happy to help anyone with anything and did so with a smile and a happy heart; and

Whereas, Alex Perdue was fatally wounded in an ATV accident at the young age of 14, leaving behind family, friends, and a community who adored him; and

Whereas, Alex Perdue, died on Saturday, January 11, 2020 and his outgoing personality and kindness has been greatly missed by the community; and

Whereas, It is fitting that an enduring memorial be established to commemorate the life of Alex Perdue 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 03-001/00-008.66 (03A004), (38.18093, -81.70618) locally known as Falling Rock Br 8.66, carrying CR 1 over Falling Rock Creek in Boone County, the 'Alex Perdue 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 'Alex Perdue Memorial Bridge'; and, be it

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

Special Calendar

Third Reading

Com. Sub. for S. B. 156, Authorizing Department of Homeland Security to promulgate legislative rules; 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. 232**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Hamrick, Higginbotham, Maynard, Steele and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 156) passed.

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

On this question, the yeas and nays were taken (**Roll No. 233**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Hamrick, Higginbotham, Maynard, Steele and Thompson.

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 S. B. 156) 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 S. B. 160, Authorizing Department of Revenue to promulgate legislative rules; 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. 234**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Fast, Miller, Paynter, Pinson and Worrell.

Absent and Not Voting: Hamrick, Higginbotham and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 160) passed.

An amendment to the title of the bill, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the title to read as follows:

S. B. 160 - “A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; directing the amendment of a legislative-exempt rule by the Legislature; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to distilleries, mini-distilleries, and micro-distilleries; relating to authorizing the Financial Institutions Division to promulgate a legislative rule relating to a rule pertaining to the Fintech Regulatory Sandbox; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to fingerprinting requirements for applicants for insurance producer and insurance adjuster license; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance adjusters; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance continuing education for individual insurance producers and individual insurance adjusters; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to mental health parity; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to health benefit plan network access and adequacy; relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to greyhound racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to advance deposit account wagering; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery interactive wagering rule; relating to directing the State Tax Department to amend a legislative-exempt rule relating to valuation of farmland and structures situated thereon for ad valorem property tax purposes; relating to authorizing the State Tax Department to promulgate a legislative rule relating to a tax credit for providing vehicles to low-income workers; relating to authorizing the State Tax Department to promulgate a legislative rule relating to the downstream natural gas manufacturing investment tax credit; and relating to authorizing the State Tax Department to promulgate a legislative rule relating to the high-wage growth business tax credit.”

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

On this question, the yeas and nays were taken (**Roll No. 235**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Paynter, Pinson and Worrell.

Absent and Not Voting: Hamrick, Higginbotham and Steele.

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 S. B. 160) 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 S. B. 182, Authorizing miscellaneous agencies and boards to promulgate legislative rules; 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. 236**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Higginbotham and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 182) passed.

An amendment to the title of the bill, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 182 - "A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Seed Law; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to a seed certification program; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia-exempted dairy farms and milk and milk products processing rules; authorizing the Auditor to promulgate a legislative rule relating to standards for requisitions for payment issued by state officers on the Auditor; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders and funeral establishment requirements; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to a fee schedule; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to governing the West Virginia Board of Hearing Aid Dealers; authorizing the Board Landscape Architects to promulgate a legislative rule relating to registration of landscape architects;

authorizing the Board of Landscape Architects to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Livestock Care Standards Board to promulgate a legislative rule relating to livestock care standards; authorizing the Board of Medicine to promulgate a legislative rule relating to registration to practice during declared state of emergency; relating to authorizing the Municipal Pensions Oversight Board to promulgate a legislative rule relating to exempt purchasing; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to telehealth practice requirements, and definitions; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to emergency temporary permits to practice during states of emergency or state of preparedness; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substances Act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for continuing education for licensure of pharmacists; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure of wholesale drug distributors, third-party logistics providers, and manufacturers; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Controlled Substances Monitoring Program; authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy Rules for immunizations administered by pharmacists and pharmacy interns; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for physical therapist and physical therapist's assistants; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist's assistants; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for athletic trainers; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for athletic trainers; authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to examination and licensing of professional surveyors in West Virginia; authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to criteria for licensure; authorizing the Secretary of State to promulgate a legislative rule relating to loan and grants programs under the Help America Vote Act (HAVA) for the purchase of voting equipment, election systems, software, services, and upgrades; authorizing the Secretary of State to promulgate a legislative rule relating to guidelines and standards for electronic notarizations; and authorizing the Board of Senior Services to promulgate a legislative rule relating to a shared table initiative for senior citizens."

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

On this question, the yeas and nays were taken (**Roll No. 237**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Higginbotham and Steele.

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 S. B. 182) 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. 2026, Relating to the modernization of the collection of income taxes by adopting uniform provisions relating to the mobile workforce; on third reading, coming up in regular order, was read a third time.

During debate on the bill, Delegate Fluharty arose to a point of order regarding the enforcement of H. R. 5 and the wearing of face masks. The Speaker instructed all members to wear masks and also instructed members to not use vulgarity on the floor of the House.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 238**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Martin and Miller.

Absent and Not Voting: Higginbotham, Hornbuckle and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2026) 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. 2796, Expiring funds from the WV Board of Examiners for Registered Professional Nurses and making a supplementary appropriation to the Department of Commerce, Development Office; on third reading, coming up in regular order, was read a third time.

Delegate Tully requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 239**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2796) passed.

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

On this question, the yeas and nays were taken (**Roll No. 240**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2796) 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.

H. B. 2829, Providing for the amortization of annual funding deficiencies for municipal police or firefighter pension and relief 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. 241**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Higginbotham and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2829) 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. 2897, Expiring funds to the balance of the Department of Commerce; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 242**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2897) passed.

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

On this question, the yeas and nays were taken (**Roll No. 243**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2897) 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.

H. B. 2899, Making a supplementary appropriation to the Department of Commerce; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 244**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Foster, McGeehan and Pushkin.

Absent and Not Voting: Higginbotham and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2899) passed.

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

On this question, the yeas and nays were taken (**Roll No. 245**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2899) 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.

H. B. 2920, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 246**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2920) passed.

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

On this question, the yeas and nays were taken (**Roll No. 247**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Higginbotham and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2920) takes effect from its passage.

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

Second Reading

Com. Sub. for S. B. 9, Continuing Licensed Racetrack Modernization Fund; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page two, section ten, line nineteen, following the words "up to", by striking out the words "\$10 million" and inserting in lieu thereof the words "\$9 million".

And,

On page nine, section ten, following line two hundred eighteen, by inserting a new subsection (j) to read as follows:

"(j) If a court of competent jurisdiction finds that the provisions of this section as amended and reenacted in 2021 and the provisions of §29-22A-10d of this code conflict and cannot be harmonized, the provisions of §29-22A-10d shall control."

The bill was then ordered to third reading.

S. B. 10, Modifying racetrack licensing due date; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 305, Providing exemption from consumers sales and service tax for certain aircraft maintenance; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2195, Relating to motor vehicle crash reports; 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. 2368, Mylissa Smith's Law, creating patient visitation privileges; on second reading, coming up in regular order, was read a second time.

On motion of Delegate D. Jeffries and Steele, the bill was amended on page 3, section 8, line 5, after the word "applicable", by removing the word "guidance" and inserting the words "law or rule".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2760, Relating to economic development incentive tax credits; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page 1, following the enacting clause, by striking the remainder of the bill in its entirety and inserting in lieu thereof the following:

“ARTICLE 13Q. ECONOMIC OPPORTUNITY TAX CREDIT.**§11-13Q-9. New jobs percentage.**

(a) *In general.* — The new jobs percentage is based on the number of new jobs created in this state directly attributable to the qualified investment of the taxpayer.

(b) *When a job is attributable.* — An employee’s position is directly attributable to the qualified investment if:

(1) The employee’s service is performed or his or her base of operations is at the new or expanded business facility;

(2) The position did not exist prior to the construction, renovation, expansion, or acquisition of the business facility and the making of the qualified investment; and

(3) But for the qualified investment, the position would not have existed.

(c) *Applicable percentage.* —

(1) For the purpose of subsection (a) of this section, the applicable new jobs percentage is determined under the following table:

If number of new jobs is at least:	The applicable percentage is:
20	20%
280	25%
520	30%

(2) *Provided,* That for credit applications filed for taxable years beginning on and after January 1, 2022, for the purpose of subsection (a) of this section, the applicable new jobs percentage is determined under the following table:

<u>If number of</u>	<u>The applicable</u>
<u>new jobs is at least:</u>	<u>percentage is:</u>
<u>10</u>	<u>10%</u>
<u>20</u>	<u>20%</u>
<u>280</u>	<u>25%</u>
<u>520</u>	<u>30%</u>

(d) *Certification of new jobs.* — With the annual return for the applicable taxes filed for the taxable year in which the qualified investment is first placed in service or use in this state, the taxpayer shall estimate and certify the number of new jobs reasonably projected to be created by

it in this state within the period prescribed in subsection (f) of this section that are, or will be, directly attributable to the qualified investment of the taxpayer. For purposes of this section, 'applicable taxes' means the taxes imposed by ~~articles thirteen~~ §11-13-1, et seq., ~~twenty-one~~ §11-21-1, et seq., ~~twenty-three~~ and ~~twenty-four~~ §11-24-1, et seq. of this chapter code against which this credit is applied.

(e) *Equivalency of permanent employees.* — The hours of part-time employees shall be aggregated to determine the number of equivalent full-time employees for the purpose of this section.

(f) *Redetermination of new jobs percentage.* — With the annual return for the applicable taxes imposed, filed for the third taxable year in which the qualified investment is in service or use, the taxpayer shall certify the actual number of new jobs created by it in this state that are directly attributable to the qualified investment of the taxpayer.

(1) If the actual number of jobs created would result in a higher new jobs percentage, the credit allowed under this article shall be redetermined and amended returns filed for the first and second taxable years that the qualified investment was in service or use in this state.

(2) If the actual number of jobs created would result in a lower new jobs percentage, the credit previously allowed under this article shall be redetermined and amended returns filed for the first and second taxable years. In applying the amount of redetermined credit allowable for the two preceding taxable years, the redetermined credit shall first be applied to the extent it was originally applied in the prior two years to personal income taxes, then to corporation net income taxes, ~~then to business franchise taxes~~ and, lastly, to business and occupation taxes. Any additional taxes due under this chapter shall be remitted with the amended returns filed with the commissioner, along with interest, as provided in §11-10-17 of this code, and a 10-percent penalty determined on the amount of taxes due with the amended return, which may be waived by the commissioner if the taxpayer shows that the overclaimed amount of the new jobs percentage was due to reasonable cause and not due to willful neglect.

(g) *Additional new jobs percentage.* — When the qualified investment is \$20 million or more and ~~the new or expanded business facility is constructed using construction laborers and mechanics who are paid an average wage equal to or greater than the prevailing wage for their respective classes of work determined under chapter 21 of this code, then~~, if the number of full-time construction laborers and mechanics working at the job site of the new or expanded business facility is 75 or more, or if the number of hours of all construction laborers and mechanics working at the job site is equal to or greater than the number of hours ~~75-five~~ full-time construction laborers and mechanics would have worked at the job site during a 12 consecutive month period, a taxpayer that is allowed a new jobs percentage determined under subsection (a) of this section shall be allowed a new jobs percentage that is five percentage points higher than the new jobs percentage allowed under subsection (a) of this section. In no event may construction laborers and mechanics be used to attain or retain a subsection (a) new jobs percentage. The number of full-time construction laborers and mechanics working at the job site shall be determined by dividing the total number of hours worked by all construction laborers and mechanics on a new or expanded business facility during a 12 consecutive month period by 2,080 hours per year. A taxpayer may not claim the additional new jobs percentage allowed by this section unless the taxpayer includes with the certification filed under subsection (d) of this section a certification signed by the general contractor or the construction manager certifying that construction laborers employed at the job site during a consecutive 12 month period aggregated the equivalent of at least 75 full-time employees and the taxpayer has received from the general contractor or

construction manager records substantiating the certification, which records shall be retained by the taxpayer for 13 years after the day the expansion to an existing business facility, or the new business facility, is first placed in service or use by the taxpayer. For purposes of ~~subsection (g)~~ of this subsection ~~section~~:

(1) The term 'construction laborers and mechanics' means those workers, utilized by a contractor or subcontractor at any tier, whose duties are manual or physical in nature, including those workers who use tools or are performing the work of a trade, as distinguished from mental or managerial and working foremen who devote more than 20 percent of their time during a workweek performing the duties of a laborer or mechanic; and

(2) The term 'job site' is limited to the physical place or places where the construction called for in the contract will remain when the work on it is completed and nearby property, as described in subdivision (3) of this subsection, used by the contractor or subcontractor during construction that, because of proximity, can reasonably be included in the 'site'.

(3) Except as provided in subdivision (4) of this subsection, fabrication plants, mobile factories, batch plants, borrow pits, job headquarters and tool yards are part of the 'job site' provided they are dedicated exclusively, or nearly so, to performance of the contract or project and are located in proximity to the actual construction location so that it would be reasonable to include them.

(4) The term 'job site' does not include permanent home offices, branch offices, branch plant establishments, fabrication yards or tool yards of a contractor or subcontractor whose locations and continuance in operation are determined without regard to the contract or subcontract for construction of a new or expanded business facility.

§11-13Q-10. Credit for small business.

(a) *Small business defined.* — For purposes of this section, the term 'small business' means a business which has annual gross receipts of not more than \$7 million (including the gross receipts of any affiliates in its controlled group): *Provided*, That beginning January 1, 2004, and on January 1 of each year thereafter, the commissioner shall prescribe an amount that shall apply in lieu of the \$7 million amount during that calendar year. This amount is prescribed by increasing the \$7 million amount by the cost-of-living adjustment for that calendar year. The requirements for annual gross receipts, once met by a given taxpayer in that taxable year when qualified investment is first placed in service or use, may not again be applied to that same taxpayer in subsequent years to defeat the small business credit to which the taxpayer gained entitlement in that year.

(1) *Cost-of-living adjustment.* — For purposes of subsection (a) of this section, the cost-of-living adjustment for any calendar year is the percentage (if any) by which the consumer price index for the preceding calendar year exceeds the consumer price index for the calendar year 2002.

(2) *Consumer price index for any calendar year.* — For purposes of subdivision (1) of this subsection, the consumer price index for any calendar year is the average of the federal consumer price index as of the close of the 12-month period ending on August 31 of that calendar year.

(3) *Consumer price index.* — For purposes of subdivision (2) of this subsection ~~above~~, the term "Federal Consumer Price Index" means the most recent consumer price index for all urban consumers published by the United States department of labor.

(4) *Rounding.* — If any increase under subdivision (1) ~~above of this subsection~~ is not a multiple of \$50, the increase shall be rounded to the next lowest multiple of \$50.

(b) *Amount of credit allowed.* —

(1) *Credit allowed.* — An eligible small business taxpayer is allowed a credit against the portion of taxes imposed by this state that are attributable to and the direct consequence of the eligible small business taxpayer's qualified investment in a new or expanded business in this state which results in the creation of at least 10 new jobs within 12 months after placing qualified investment into service. The amount of this credit is determined as provided in subdivision (2) of this subsection.

(2) *Amount of credit.* — The annual amount of credit allowable under this subsection is determined by dividing the amount of the eligible small business taxpayer's 'qualified investment' (determined under §11-13Q-8. of this code) in 'property purchased for business expansion' (as defined in §11-13Q-3 of this code) by 10. The amount of qualified investment so apportioned to each year of the 10-year credit period is the annual measure against which a taxpayer's annual new jobs percentage (determined under subsection (d) of this section;) is applied. The product of this calculation establishes the maximum amount of credit allowable each year for 10 consecutive years under this section due to the qualified investment.

(3) *Application of credit.* — The annual credit allowance ~~must~~ shall be taken beginning with the taxable year in which the taxpayer places the qualified investment into service or use in this state, unless the taxpayer elects to delay the beginning of the 10-year credit period until the next succeeding taxable year. This election is made in the annual income tax return filed under this chapter by the taxpayer for the taxable year in which the qualified investment is first placed in service or use. Once made, this election cannot be revoked. The annual credit allowance shall be taken and applied in the manner prescribed in §11-13Q-7 of this code.

(c) *New jobs.* — The term "new jobs" has the meaning ascribed to it in §11-13Q-3 of this code.

(1) The term "new employee" has the meaning ascribed to it in §11-13Q-3 of this code: *Provided*, That this term does not include employees filling new jobs who:

(A) Are related individuals, as defined in subsection (i), section 51 of the Internal Revenue Code of 1986, or a person who owns 10 percent or more of the business with such ownership interest to be determined under rules set forth in subsection (b), section 267 of said Internal Revenue Code; or

(B) Worked for the taxpayer during the six-month period ending on the date the taxpayer's qualified investment is placed in service or use and is rehired by the taxpayer during the six-month period beginning on the date taxpayer's qualified investment is placed in service or use.

(2) *When a job is attributable.* — An employee's position is directly attributable to the qualified investment if:

(A) The employee's service is performed or his or her base of operations is at the new or expanded business facility;

(B) The position did not exist prior to the construction, renovation, expansion, or acquisition of the business facility and the making of the qualified investment; and

(C) But for the qualified investment, the position would not have existed.

(d) *New jobs percentage.* — The annual new jobs percentage is based on the number of new jobs created in this state by the taxpayer directly attributable to taxpayer's qualified investment.

(1) If at least 10 new jobs are created and filled during the taxable year in which the qualified investment is placed in service or use, the applicable new jobs percentage is 10 percent.

(2) During each of the remaining nine years of the 10-year credit period, the annual new jobs percentage is based on the average number of new jobs filled during that taxable year: *Provided*, That for purposes of estimating the new jobs percentage that will be applicable for each subsequent credit year, the taxpayer shall use the new jobs percentage allowable for the taxable year immediately prior thereto, and in the annual income tax return filed under this chapter for the then current tax year, the taxpayer shall redetermine his or her allowable new jobs percentage for that year based on the average number of new employees employed in new jobs during that year (determined on a monthly basis) created as the direct result of the taxpayer's qualified investment.

(e) *Certification of new jobs.* — With the annual income tax return filed under this chapter for each taxable year during the 10-year credit period, the taxpayer shall certify:

(1) The new jobs percentage for that taxable year;

(2) The amount of the credit allowance for that year;

(3) If the business is a partnership, limited liability company or electing small business corporation, the amount of credit allocated to the partners, members, or shareholders, as the case may be for that year;

(4) That qualified investment property continue to be used in the business, or if any of it was disposed of during the year the date of disposition and that the property was not disposed of prior to expiration of its useful life, as determined under §11-13Q-8 of this code; and

(5) That the new jobs created by the qualified investment continue to exist and are filled by persons who meet the definition of new employee (as defined in this section).

(f) *Small business project.* — A small business may apply to the commissioner under ~~§14-13Q-3-6~~ §11-13Q-6 of this code for certification as a project if that project will create at least 10 new jobs.

(g) *Rules.* — The commissioner may prescribe such rules as he or she determines necessary in order to determine the amount of credit allowed under this section to a taxpayer; to verify a taxpayer's continued entitlement to claim the credit; and to verify proper application of the credit allowed.

(h) The commissioner may require a taxpayer intending to claim credit under this section to file with the commissioner a notice of intent to claim this credit, before the taxpayer begins reducing his or her monthly or quarterly installment payments of estimated tax for the credit provided in this section.

(i) Termination of Credit — No credit is allowable under this section to any taxpayer for investment placed in service or use in any tax year beginning on or after January 1, 2022.

Taxpayers that have gained lawful entitlement to the credit allowable under this section pursuant to qualified investment placed in service or use prior to January 1, 2022, shall retain that entitlement and apply the credit in due course pursuant to the requirements and limitations of this article.

§11-13Q-10a. Credit allowed for specified high technology manufacturers.

(a) *High technology manufacturing business defined.* –

For purposes of this section, the term ‘high technology manufacturing business’ means and is limited to only those businesses ~~engaging in a~~ engaged in a business enumerated in subdivision (1) of this subsection: *Provided*, That for tax years beginning on and after January 1, 2022, the term ‘high technology manufacturing business’ means and is limited to only those businesses engaged in a business enumerated in subdivision (1) or subdivision (2), or both, of this subsection.

(1) ‘High technology manufacturing business’ means a manufacturing activity properly classified as having one or more of the following six-digit North American Industry Classification System code numbers.

North American Industry Classification System Code	Manufacturing Activity
	Computer & Peripheral Equipment
334111	Electronic Computers
334112	Computer Storage Devices
	Electronic Components
334411	Electron Tubes
334414	Electronic Capacitors

	Semiconductors
334413	Semiconductor & Related Devices
333295	Semiconductor Machinery

(2) 'High technology manufacturing business' means, in addition to those activities enumerated in subdivision (1) of this subsection:

(A) The activity of manufacturing drones, target drones, unmanned aircraft or unmanned robotic aircraft,

(B) The activity of manufacturing autonomous motor vehicles,

(C) The activity of manufacturing robots, robotic medical machines or equipment or robotic surgical machines or equipment,

(D) The activity of manufacturing machines, equipment and products predominantly operated by and incorporating artificial intelligence.

(E) The activity of manufacturing biotechnology products.

(F) The activity of manufacturing medical devices.

(3) Definitions – For purposes of this section.

(A) Artificial Intelligence — For purposes of this section 'artificial intelligence' means computers and computer systems that, by design and function, perform tasks that would typically require human intelligence, including decision-making, visual perception, speech recognition, or translation of one human language into another human language.

(B) Autonomous — For purposes of this section 'autonomous' means that set of characteristics of a machine which taken as a whole cause the machine to be capable of performing designated tasks without immediate direct or explicit human control or intervention beyond initial programming and preliminary set up and initiation.

(C) Autonomous Motor Vehicle — For purposes of this section, The term 'autonomous motor vehicle' means a motor vehicle that conforms to Level 3, level 4 or level 5 of the Society of Automotive Engineers automation level definitions specified in SAE International Standard J3016.

(D) Biotechnology

(i) 'Biotechnology' means scientific invention, processes and methods, or industrial invention, processes and methods, based on the science of biology, microbiology, molecular biology, cellular biology, biochemistry, or biophysics, or any combination thereof. Biotechnology includes,

but is not limited to, recombinant DNA techniques, genetics and genetic engineering, cell fusion techniques, and bioprocesses, using living organisms, or parts of organisms.

(ii) Biotechnology does not include farming, agriculture, or animal or apiary husbandry, or the production of any crop or agricultural product by traditional growing processes or by hydroponic growing processes, or fish farming, or the raising or growing or production of fish or any aquatic animal or product.

(iii) Biotechnology does not include zymurgy, wine making, brewing, preparation of yeast used in food production or preparation, or any food or drink preparation or production.

(E) 'Biotechnology product' means any virus, therapeutic serum, antibody, protein, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product produced through the application of biotechnology that is used in the prevention, treatment, or cure of diseases or injuries to humans, animals, or plants.

(F) Drone – For purposes of this section 'drone' means an unmanned aircraft that may be controlled either remotely or by an autonomous system, which may work with internal systemic sensors or ground positioning satellite systems, or both.

(G) 'Medical device' means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, that is:

(i) Recognized in the national formulary or any supplement thereof, or the United States pharmacopeia, or any supplement thereof;

(ii) Intended for use in the diagnosis of disease, or in the cure, mitigation, treatment, or prevention of disease or other conditions in human beings or animals; or

(iii) Intended to affect the structure or any function of the body of human beings or animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of human beings or animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(H) Program – For purposes of this section 'program' means a set of instructions that can be executed by a computer, or other machine or device to perform calculations, processes or operations, or a combination thereof, to execute a specific task or series of tasks.

(I) Robot – For purposes of this section "robot" means a programmable machine, for which operating instructions are typically derived from computer programming, which machine is: (i) Capable of performing operations and processes involving physical movement; (ii) designed to operate with a degree of autonomy; (iii) capable of processing data and information, including data or information derived from visual perception or other physical perceptions; and (iv) capable of engaging in intelligent behavior derived from artificial intelligence.

(b) Amount of credit allowed.

(1) Credit allowed. — An eligible high technology manufacturing business taxpayer is allowed a credit against the portion of taxes imposed by this state that are attributable to and the direct consequence of the eligible high technology manufacturing business taxpayer's qualified

investment in a new or expanded high technology manufacturing business in this state which results in the creation of at least 20 new jobs within 12 months after placing qualified investment into service. The amount of this credit is determined as provided in this section.

(2) *Amount of credit.* — The annual amount of credit allowable under this subsection is 100 percent of the tax attributable to qualified investment, for each consecutive year of a 20-year credit period.

(3) *Application of credit.* — The annual credit allowance ~~must~~ shall be taken beginning with the taxable year in which the taxpayer places the qualified investment into service or use in this state, unless the taxpayer elects to delay the beginning of the 20-year credit period until the next succeeding taxable year. This election is made in the annual income tax return filed under this chapter by the taxpayer for the taxable year in which the qualified investment is first placed in service or use. Once made, this election cannot be revoked. The annual credit allowance shall be taken and applied against the taxes enumerated in ~~section seven of this article~~ §11-13Q-7 of this code. The credit shall offset 100 percent of tax attributable to qualified investment and shall be applied for a period of 20 consecutive years without carryover.

(c) *New jobs.* — The term ‘new jobs’ has the meaning ascribed to it in §11-13Q-3 of this code.

(1) The term ‘new employee’ has the meaning ascribed to it in §11-13Q-3 of this code: *Provided*, That this term does not include employees filling new jobs who:

(A) Are related individuals, as defined in subsection (i), section 51 of the Internal Revenue Code of 1986, or a person who owns 10 percent or more of the business with such ownership interest to be determined under rules set forth in subsection (b), section 267 of the Internal Revenue Code of 1986; or

(B) Worked for the taxpayer during the six-month period ending on the date the taxpayer’s qualified investment is placed in service or use and is rehired by the taxpayer during the six-month period beginning on the date taxpayer’s qualified investment is placed in service or use.

(2) *When a job is attributable.* — An employee’s position is directly attributable to the qualified investment if:

(A) The employee’s service is performed or his or her base of operations is at the new or expanded business facility;

(B) The position did not exist prior to the construction, renovation, expansion, or acquisition of the business facility and the making of the qualified investment;

(C) But for the qualified investment, the position would not have existed; and

(D) The median compensation of the new jobs attributable to the qualified investment is greater than \$45,000 per year: *Provided*, That this median compensation amount shall be adjusted for inflation each year in accordance with the provisions of this section.

(3) *Median compensation adjusted for inflation.* — The median compensation requirements applicable to high technology manufacturing business taxpayers for purposes of this section, shall be adjusted for inflation by application of a cost-of-living adjustment. The adjusted median compensation amount shall be applicable, as adjusted, each year throughout the 20-year credit

period. Failure of a taxpayer entitled to credit under this section to meet the median compensation requirement for any year will result in forfeiture of the credit for that year. However, if in any succeeding year within the original 20 year credit period, the taxpayer pays a median compensation to its employees which exceeds the inflation adjusted median compensation amount for that year, the taxpayer shall regain entitlement to take the credit for that year only. No credit forfeited in a prior year shall be taken, and the tax year or years to which the forfeited credit would have been applied shall be forfeited and deducted from the remainder of the years over which the credit can be taken.

(A) *Cost-of-living adjustment.* — For purposes of this section, the cost-of-living adjustment for any calendar year is the percentage, if any, by which the consumer price index for the preceding calendar year exceeds the consumer price index for the calendar year 2007.

(B) *Consumer price index for any calendar year.* — For purposes of this section, the consumer price index for any calendar year is the average of the federal consumer price index as of the close of the 12-month period ending on ~~the thirty-first day of August~~ 31 of such calendar year.

(C) *Consumer price index.* — For purposes of this section, the term ‘Federal Consumer Price Index’ means the last consumer price index for all urban consumers published by the United States Department of Labor.

(D) *Rounding.* — If any increase in the median compensation amount under this section is not a multiple of \$50, such increase shall be rounded to the next lowest multiple of \$50.

(d) *Credit exclusion.* —

(1) Any taxpayer that has taken the credit against tax authorized under this section shall not be eligible for application of the credit allowed under any other section of this article during the twenty year credit period authorized by this section for the same qualified investment on which credit allowed by this article was taken.

(2) Any taxpayer that has taken the credit against tax authorized under this section may not take the credit authorized under any other provision of this code for the same qualified investment on which credit allowed by this article was taken.

(e) *Rules.* — The commissioner may prescribe such rules as he or she determines necessary in order to determine the amount of credit allowed under this section to a taxpayer; to verify a taxpayer’s continued entitlement to claim the credit; and to verify proper application of the credit allowed.

(f) *Notices and reports.* — The commissioner may require a taxpayer intending to claim credit under this section to file with the commissioner a notice of intent to claim this credit before the taxpayer begins reducing his or her monthly or quarterly installment payments of estimated tax for the credit provided in this section.

~~(g) *Report to the Legislature.* — The Tax Commissioner shall report to the Legislature by January 1, 2014, regarding the use of this tax credit. The Tax Commissioner shall forward this report to the Joint Committee on Government and Finance and the House and Senate Finance Committees.~~

§11-13Q-22. Credit available for taxpayers which do not satisfy the new jobs percentage requirement.

(a) Notwithstanding any provision of this article to the contrary, a taxpayer engaged in one or more of the industries or business activities specified in ~~section nineteen of this article §11-13Q-19 of this code~~ which does not satisfy the new jobs percentage requirement prescribed in ~~subsection (c), section nine of this article §11-13Q-9(c) of this code~~ or, if the taxpayer is a small business as defined in ~~section ten of this article~~, does not create at least ten new jobs within twelve months after placing qualified investment into service as required by ~~section ten of this article~~, but which otherwise fulfills the requirements prescribed in this article, is permitted to claim a credit against the taxes specified in ~~section seven of this article §11-13Q-7 of this code~~ in the order so specified that are attributable to and the consequence of the taxpayer's business operations in this state which result in the creation of net new jobs. Credit under this section is allowed in the amount of \$3,000 per year, per new job created and filled by a new employee, as those terms are defined in ~~section three of this article §11-13Q-3 of this code~~ for a period of five consecutive years beginning in the tax year when the new employee is first hired. In no case may the number of new employees determined for purposes of this section exceed the total net increase in the taxpayer's employment in this state. Credit allowed under this section shall be allowed beginning in the tax year when the new employee is first hired: *Provided*, That each new job:

(1) Pays at least \$32,000 annually. Beginning January 1, 2010, and on January 1 of each year thereafter, the commissioner shall prescribe an amount that shall apply in lieu of the \$32,000 amount during that calendar year. This amount is prescribed by increasing the \$32,000 figure by the cost-of-living adjustment for that calendar year;

(2) Provides health insurance and may offer benefits including child care, retirement or other benefits; and

(3) Is a full-time, permanent position, as those terms are defined in section three of this article.

(b) Jobs that pay less than \$32,000 annually, or less than the amount prescribed by the commissioner pursuant to subdivision (1) ~~of this subsection~~, of subsection (a) of this section, whichever is higher, or that pay that salary but do not also provide benefits in addition to the salary do not qualify for the credit authorized by this section. Jobs that are less than full-time, permanent positions do not qualify for the credit authorized by this section.

The employer having obtained entitlement to the credit shall not be required to raise wages of employees currently employed in jobs upon which the initial credit was based by reason of the cost-of-living adjustment.

~~(b)~~ (c) For purposes of this section, the following definitions apply:

(1) *Cost-of-living adjustment*. — For purposes of subsection (a) of this section, the cost-of-living adjustment for any calendar year is the percentage (if any) by which the consumer price index for the preceding calendar year exceeds the consumer price index for the calendar year 2009.

(2) *Consumer price index for any calendar year*. — For purposes of subdivision (1) ~~of this subsection~~, subsection (a) of this section, the consumer price index for any calendar year is the average of the federal consumer price index as of the close of the twelve-month period ending on August 31 of that calendar year.

(3) *Consumer price index.* — For purposes of subdivision (2) of this subsection, the term ‘federal consumer price index’ means the most recent consumer price index for all urban consumers published by the United States Department of Labor.

(4) *Rounding.* — If any increase under subdivision (1) of this subsection is not a multiple of \$50, the increase shall be rounded to the next lowest multiple of \$50.

~~(e)~~ (d) Unused credit remaining in any tax year after application against the taxes specified in section seven of this article is forfeited and does not carry forward to any succeeding tax year and does not carry back to a prior tax year.

~~(d)~~ (e) The tax credit authorized by this section may be taken in addition to any credits allowable under ~~article thirteen c, thirteen d, thirteen e, thirteen f, thirteen g, thirteen j, thirteen r or thirteen s of this chapter~~ §11-13C-1 et seq., §11-13D-1 et seq., §11-13E-1 et seq., §11-13F-1 et seq., §11-13G-1 et seq., §11-13J-1 et seq., §11-13R-1 et seq., or §11-13S-1 et seq. of this code. However, any taxpayer that is taking, or that has taken, any credit against tax authorized under this article may not take the credit authorized under any other provision of this code for the same qualified investment on which credit allowed by this article was taken.

~~(e)~~ (f) *Reduction in number of employees credit forfeiture.* — If, during the year when a new job was created for which credit was granted under this section or during any of the next succeeding four tax years thereafter, net jobs that are attributable to and the consequence of the taxpayer’s business operations in this state decrease, counting both new jobs for which credit was granted under this section and preexisting jobs, then the total amount of credit to which the taxpayer is entitled under this section shall be decreased and forfeited in the amount of \$3,000 for each net job loss.

(g) Amendments to this section enacted during the 2021 regular session of the Legislature shall be effective for tax years beginning on or after January 1, 2022.”

The bill was then ordered to engrossment and third reading.

H. B. 2874, Extend the current veteran’s business fee waivers to active duty military members, their spouses and immediate family members; 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. 2933, Anti-Discrimination Against Israel Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3010, To extend the special valuation method for cellular towers to towers owned by persons not subject to regulation by the Board of Public Works; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Howell, the bill was amended on page 1, following the article heading, by inserting the following:

“§11-6L-2. Definitions.

For the purposes of this article:

(1) ‘Tower’ means a structure which hosts an antenna or other equipment used for the purposes of transmitting cellular or wireless signals for communications purposes, including

telephonically, or for computing purposes, including any antenna and all associated equipment, and which is constructed or erected ~~between~~ on or after July 1, 2019, ~~and July 1, 2024;~~ and

(2) 'Salvage value' means five percent of original cost."

The bill was then ordered to engrossment and third reading.

First Reading

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

Com. Sub. for S. B. 517, Relating to sunset provisions of legislative rules,

H. B. 2028, Exempting veterinarians from the requirements of controlled substance monitoring,

H. B. 2029, Relating to teacher preparation clinical experience programs,

Com. Sub. for H. B. 2427, Authorizing the Department of Health and Human Resources to promulgate legislative rules,

Com. Sub. for H. B. 2982, Relating to the Second Chances at Life Act of 2021,

Com. Sub. for H. B. 3009, Relating to the publication of county board financial statements,

H. B. 3045, Relating to firefighter disability claims,

H. B. 3079, Relating to exempting recovery residences from certain standards,

H. B. 3107, Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders,

H. B. 3164, Relating generally to kidnapping,

H. B. 3177, Removing expired, outdated, inoperative and antiquated provisions and report requirements in education,

And,

Com. Sub. for H. B. 3215, Amending the requirements to become an elected prosecutor.

Leaves of Absence

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

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. 2044: Delegate Barnhart;

H. B. 3285: Delegate Hanna;

And,

H. B. 3293: Delegate Burkhammer.

At 11:55 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, March 23, 2021.

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

SPECIAL CALENDAR

Tuesday, March 23, 2021

42nd Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 9 - Continuing Licensed Racetrack Modernization Fund (HOUSEHOLDER) (REGULAR)
- S. B. 10 - Modifying racetrack licensing due date (HOUSEHOLDER) (REGULAR)
- S. B. 305 - Providing exemption from consumers sales and service tax for certain aircraft maintenance (HOUSEHOLDER) (SEPTEMBER 1, 2021)
- Com. Sub. for H. B. 2195 - Relating to motor vehicle crash reports (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2368 - Mylissa Smith's Law, creating patient visitation privileges (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2760 - Relating to economic development incentive tax credits (HOUSEHOLDER) (REGULAR)
- H. B. 2874 - Extend the current veteran's business fee waivers to active duty military members, their spouses and immediate family members (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2933 - Anti-Discrimination Against Israel Act (CAPITO) (REGULAR)
- H. B. 3010 - To extend the special valuation method for cellular towers to towers owned by persons not subject to regulation by the Board of Public Works (HOUSEHOLDER) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 517 - Relating to sunset provisions of legislative rules (FOSTER) (EFFECTIVE FROM PASSAGE) [GOVERNMENT ORGANIZATION AMENDMENT PENDING]
- H. B. 2028 - Exempting veterinarians from the requirements of controlled substance monitoring (J. PACK) (REGULAR)
- H. B. 2029 - Relating to teacher preparation clinical experience programs (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2427 - Authorizing the Department of Health and Human Resources to promulgate legislative rules (FOSTER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2982 - Relating to the Second Chances at Life Act of 2021 (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3009 - Relating to the publication of county board financial statements (ELLINGTON) (REGULAR)
- H. B. 3045 - Relating to firefighter disability claims (CAPITO) (REGULAR)
- H. B. 3079 - Relating to exempting recovery residences from certain standards (J. PACK) (REGULAR)
- H. B. 3107 - Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders (CAPITO) (REGULAR)
- H. B. 3164 - Relating generally to kidnapping (CAPITO) (REGULAR)

H. B. 3177 - Removing expired, outdated, inoperative and antiquated provisions and report requirements in education (ELLINGTON) (REGULAR)

Com. Sub. for H. B. 3215 - Amending the requirements to become an elected prosecutor (CAPITO) (REGULAR)

FIRST READING

Com. Sub. for H. B. 2726 - Allowing for the lease of air space above public roads for the safe operation of unmanned aircraft (CAPITO) (REGULAR)

Com. Sub. for H. B. 2953 - To clarify that counties can hire fire fighters as paid staff and to modify the existing procedures to include a procedure of public hearing to commission a vote (CAPITO) (REGULAR)

Com. Sub. for H. B. 3137 - To accelerate the conversion of the transfer tax on the privilege of transferring real property from a state excise tax to a county excise tax (HOUSEHOLDER) (REGULAR)

H. B. 3191 - Requiring employers to send certain notifications when retirants are hired as temporary, part-time employees (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 3231 - Public Utilities not required to pay interest on security deposits (CAPITO) (REGULAR)

Com. Sub. for H. B. 3293 - Relating to single-sex participation in interscholastic athletic events (CAPITO) (REGULAR)

H. B. 3294 - Relating to unemployment insurance (CAPITO) (REGULAR)

HOUSE CALENDAR

Tuesday, March 23, 2021

42nd Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2630 - Requiring DEP to reimburse fines paid by towns, villages and communities in certain instances (HOUSEHOLDER) (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)
- Com. Sub. for H. B. 2785 - Relating to public school enrollment for students from out of state (ELLINGTON) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2004 - Permit a licensed health care professional from another state to practice in this state through telehealth when registered with the appropriate West Virginia board (J. PACK) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2015 - Requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency (J. PACK) (EFFECTIVE FROM PASSAGE)
- H. B. 2536 - Relating to expressions of legislative intent regarding equivalent instruction time (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2628 - Relating to the removal of the prohibition on having ATMs in the area where racetrack video lottery machines are located (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2702 - To require all public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2792 - Relating to the expansion of direct access to natural gas service for new customers (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 2959 - Relating to the financing of environmental pollution control equipment for coal-fired power plants (ANDERSON) (REGULAR)
- H. B. 3131 - Relating to correcting internal code references and citations (CAPITO) (REGULAR)

FIRST READING

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, MARCH 23, 2021

HOUSE CONVENES AT 11:00 A.M.

**TECHNOLOGY AND INFRASTRUCTURE
8:00 A.M. – HOUSE CHAMBER**

**COMMITTEE ON THE JUDICIARY
9:00 A.M. – ROOM 418 M**

**COMMITTEE ON FINANCE
9:00 A.M. – ROOM 462 M**

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

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

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

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

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