

West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Fifth Legislature  
First Regular Session

Held at Charleston  
Published by the Clerk of the House



March 25, 2021  
FORTY-FOURTH DAY



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Thursday, March 25, 2021

**FORTY-FOURTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Wednesday, March 24, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. B. 2493, on Third reading, Special Calendar, had been transferred to the House Calendar; and H. B. 2719 and H. B. 3059, on First reading, Special Calendar, had been transferred to the House Calendar.

**Committee Reports**

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**Com. Sub. for H. C. R. 22**, Bill O'Dell Memorial Bridge,

**H. C. R. 27**, Harvey Lemasters Memorial Bridge,

And,

**H. C. R. 38**, U.S. Marine Corps Sergeant David Andrew Green Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

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, Pushkin, L. Pack, Lovejoy, Queen, Fast, Westfall, Fluharty, Bruce, Pinson and B. Ward:**

**H. B. 3304** - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §25-8-1, §25-8-2, §25-8-3, §25-8-4, §25-8-5, §25-8-6, §25-8-7, §25-8-8 and, §25-8-9, all relating to establishing a Reentry and Transitional Housing Programs, providing reentry and transitional service centers for the delivery of reentry residences and

programs for criminal offenders; providing the purpose and legislative findings; authorizing the commissioner of the Division of Corrections and Rehabilitation to establish the program; defining terms; providing eligibility criteria for offenders to participate in the program; authorizes the commissioner to promulgate legislative rules; placing conditions and limitations on eligibility for referrals to the programs and exceptions thereto; providing criteria for the division to develop policies and procedures providing for reporting, performance review and recommendations to assess and improve the program; providing for financial costs to be held by the state for the cost of the program, and placing limitations thereto; to administer the program; offering transitional programs to provide structured release and proper supervision, providing for and partnering with private and nonprofit facilities to provide transitional services.”

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. 2592**, Require Counties and Municipalities to hold all local elections during statewide elections,

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

**Com. Sub. for H. B. 2592** - “A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-8-16 and §11-8-17 of said Code; and, to amend and reenact §18-9-1, §18-9-2, and §18-9-2a of said code, all relating to bringing uniformity to local elections by ensuring that all counties and municipalities have their local elections held on a date that a statewide election is already taking place, on a primary or general election date; requiring that local elections and any elections to increase levies coincide with a primary or a general election; removing references to special elections for levies; providing a saving clause for the terms of existing local elected officials by providing for a vote of local bodies to schedule their elections in a manner which brings them into conformity with the new structure; providing a saving clause for the renewal of existing levies by providing for levying bodies and boards of education to vote in order to schedule such elections to renew or extend these levies in a manner which brings them into conformity with the new structure,”

And,

**H. B. 2927**, Adding Caregiving expenses to campaign finance expense,

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

**Com. Sub. for H. B. 2927** - “A Bill to amend and reenact §3-8-1a and §3-8-9 of the Code of West Virginia, 1931, as amended, relating to campaign finance expenses; adding caregiving services as a defined term; and adding caregiving services as a lawful campaign expense,”

With the recommendation that the committee substitutes each 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. 3106**, To change the hearing requirement for misdemeanors to 10 days,

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

**Com. Sub. for H. B. 3106** - "A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to bail; increasing the time for a secured bond hearing to 5 days; and allowing for release of a defendant on a personal recognizance bond if the hearing is not held unless the defendant is charged with a crime against the person,"

With the recommendation that the committee substitute do pass.

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

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

**S. C. R. 20**, Supporting and celebrating centennial anniversary of Jones Act,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (S. C. R. 20) was referred to the Committee on Rules.

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

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

**Com. Sub. for S. B. 389**, Relating to State Resiliency Office responsibility to plan for emergency and disaster response, recovery, and resiliency,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 389) was referred to the Committee on Government Organization.

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

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

**Com. Sub. for S. B. 102**, Allowing disabled veterans and purple heart recipients park free at paid parking of state or its political subdivisions,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 102) was referred to the Committee on Finance.

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

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

**S. B. 16**, Providing continued eligibility for developmental disability services to dependents of military members,

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

In accordance with the former direction of the Speaker, the bill (S. B. 16) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 3269**, To require the Department of Environmental Protection to assume responsibility of cost and permitting of dams that are deemed to be under state control,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3269) was referred to the Committee on Finance.

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

**By Delegates Linville, Espinosa, Maynard, Hamrick and Keaton:**

**H. B. 3307** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-12a; and, to amend said Code by adding thereto a new section designated as §55-7-32; all relating to limiting abuses by social media corporations; creating the Social Media Integrity and Anti-Corruption in Elections Act; defining terms; providing requirements for social media companies to prevent corruption and provide transparency of election-related content made available on social media websites; providing equal opportunities for all candidates and political parties to speak without policy or partisan-based censorship; setting forth definitions; providing for the protection of the integrity of elections by ensuring election-related content hosted, posted, and made available on social media websites is not monetized or otherwise used or manipulated for nefarious purposes; prohibiting modifying visibility of election information based on type of content; due process requirements for restriction of access to social media platforms; providing civil penalties, including asset seizure; providing rulemaking authority; creating the Stop Social Media Censorship Act; defining terms; setting forth criminal and civil penalties for a social media provider who, without good cause, deletes or censor a user's religious or political speech; or uses an algorithm to disfavor or censure the user's religious or political speech; providing for right of enforcement by the Attorney General; and providing exceptions and limitations."

The Speaker referred the bill (H. B. 3307) to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3122**, Relating to the establishment and operation of regional water, wastewater and stormwater authorities,

And,

**S. B. 69**, Creating “Choose Life” special registration plate supporting adoption,

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

In accordance with the former direction of the Speaker, the bills (H. B. 3122 and S. B. 69) were each referred to the Committee on Government Organization.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. C. R. 20**, Bill Withers Memorial Road,

**H. C. R. 21**, SP4 Dennis Harvey Roberts Bridge, McDowell County,

**H. C. R. 43**, U. S. Army CSM Hugh H. “Smokey” Stover Memorial Road,

**H. C. R. 52**, World War II Veterans Toothman Brothers Memorial Bridge,

**H. C. R. 54**, Robin W. Ames Memorial Road,

**H. C. R. 62**, Major Samuel Wilson Rogers Jr. Memorial Bridge,

**H. C. R. 63**, Mayor George Karos Bridge,

**H. C. R. 64**, Deputy Sheriff Scott D. Myers Memorial Bridge,

**S. C. R. 6**, U. S. Navy Seaman 2<sup>nd</sup> Class Wilbur “Webb” Hahn and John W. Hahn Memorial Bridge,

**S. C. R. 8**, Fire Chief Kenneth Junior Russell Memorial Bridge,

And,

**S. C. R. 9**, Haynie Family Veterans Memorial Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 20, H. C. R. 21, H. C. R. 43, H. C. R. 52, H. C. R. 54, H. C. R. 62, H. C. R. 63, H. C. R. 64, S. C. R. 6, S. C. R. 8 and S. C. R. 9) were referred to the Committee on Rules.

On motion for leave, a resolution was introduced (Originating in the Committee on Technology and Infrastructure and reported with the recommendation that it be adopted, but that it first be referred to the Committee on Rules), which was read by its title, as follows:

**By Delegates Linville and Boggs:**

**H. C. R. 72** - "Requesting the Division of Highways name the bridge bearing Identification Number 04A078, located in Frametown, Braxton County, West Virginia, on County-Route Map 04-021/00-008.14, latitude 38.635, longitude -80.86440, approximately 0.01 miles South of West Virginia Route 4 along Frametown Herold Road on County Route 21, 'David Allen Drake, Sr. Memorial Bridge.'"

Whereas, David Allen Drake, Sr. served the Braxton County community through devotion to molding and mentoring the youth of Braxton County as a volunteer coach of youth sports, serving multiple terms on the Braxton County Board of Education and exhibited substantial influence on the various communities in Braxton County through his support, leadership, volunteerism and genuine desire to exert a positive impact upon his community; and

Whereas, David Allen Drake, Sr., during his career as a General Construction Superintendent, supervised to completion a plethora of projects, including roadways and bridges, throughout central, south central and north central West Virginia, thereby making great, lasting and substantial improvements to the infrastructure of the State of West Virginia; and

Whereas, David Allen Drake, Sr. was universally recognized in his community as emblematic of the qualities common to the great people of West Virginia, to wit: love and devotion to family, hard work and a blue collar life, and devotion to community service; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name the bridge bearing Identification Number 04A078, located in Frametown, Braxton County, West Virginia, on County-Route Map 04-021/00-008.14, Latitude 38.635, Longitude -80.86440, approximately 0.01 miles South of West Virginia Route 4 along Frametown Herold Road on County Route 21, "David Allen Drake, Sr. 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 "David Allen Drake, Sr. 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.

The Speaker referred the resolution to the Committee on Rules.

Delegate Zatezalo, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:



**S. B. 248**, Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for purposes of job placement,

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

In accordance with the former direction of the Speaker, the bill (S. B. 248) was referred to the Committee on Government Organization.

Delegate Zatezalo, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

**Com. Sub. for S. B. 370**, Requiring certain documents that contain wage records be considered confidential,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 370) was referred to the Committee on the Judiciary.

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**S. B. 61**, Expanding Coyote Control Program through voluntary assessment on breeding cows,

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

In accordance with the former direction of the Speaker, the bill (S. B. 61) was referred to the Committee on Finance.

Delegate Phillips, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**Com. Sub. for S. B. 339**, Expanding types of agricultural operations that are protected from nuisance and other legal actions,

And,

**S. B. 359**, Informing landowners when fencing that may contain livestock is damaged due to accident,

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

In accordance with the former direction of the Speaker, the bills (Com. Sub. for S. B. 339 and S. B. 359) were each referred to the Committee on the Judiciary.

Delegate Dean, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**Com. Sub. for S. B. 66**, Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 66) was referred to the Committee on Finance.

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

**Com. Sub. for S. B. 460**, Relating to Deputy Sheriff Retirement System Act,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 460) was referred to the Committee on Finance.

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. 2667**, To create a cost saving program for state buildings regarding energy efficiency,

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

**Com. Sub. for H. B. 2667** - "A Bill to amend and reenact §5A-3B-2 and §5B-2F-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §5B-2F-3, §5B-2F-4, and §5B-2F-5, all relating to promoting cost savings for state taxpayers by implementing an energy savings program for assessment and implementation of energy savings goals for state buildings; requiring energy-savings contracts to include provisions relating to energy cost savings guarantees and deficiency payments; providing for the auditing and potential removal of energy metering devices installed at state buildings; establishing an energy savings program and contracting program within Division of Energy for state buildings; and establishing benchmarking and energy efficiency goals for state buildings,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 2581**, Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property,

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

**Com. Sub. for H. B. 2581** - "A Bill to repeal §11-3-24b and §11-3-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-1C-10 of said code, to amend said code by adding thereto a new section, designated §11-1C-10a; and to amend and reenact §11-3-15c, §11-3-15f, §11-3-15h, §11-3-15i, §11-3-23, §11-3-23a, §11-3-24, §11-3-24a, §11-3-25a, and §11-3-32 of said code, and to amend and reenact §11-10A-1, §11-10A-7, §11-10A-8, §11-10A-10, and §11-10A-19 of said code, all generally relating to the valuation, assessment, review, and appellate rights of property owners regarding valuation, classification, and taxability of real estate and personal property taxation; providing for revised methodology to value property producing oil, natural gas, and natural gas liquids by the Tax Commissioner for property tax assessments; providing for methods, calculation requirements, and definitions, all used to determine fair market value, net proceeds, weighted average prices from regional markets, actual receipts, actual annual operating costs, a statewide capitalization rate, average industry production decline rates; a yield capitalization model for each property, and a discounted net cash flow series income; providing for reporting by the Tax Commissioner to the Joint Committee on Government and Finance by the Tax Commissioner of certain data, explanations, and methodologies; providing that residential property owners may not be required to furnish a formal appraisal to establish the value of their primary residence; providing that an assessor's review is to be an informal process and defining the standard of proof which a taxpayer must meet to be no greater than a preponderance of the evidence; expanding the jurisdiction of the Office of Tax Appeals to include property tax valuation, classification, and taxability; providing that if an assessor rejects a petition, the petitioner may appeal to the county Board of Equalization and Review or the Office of Tax Appeals; allowing for certain appeals from decisions of the Tax Commissioner and Board of Equalization and Review to the Office of Tax Appeals; repealing and eliminating the Board of Assessment Appeals; providing for an increase in the number of administrative law judges and staff attorneys within the Office of Tax Appeals; providing for effective dates; and making technical changes,"

With the recommendation that the committee substitute 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:

**Com. Sub. for S. B. 275**, Relating generally to WV Appellate Reorganization Act of 2021,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 23<sup>rd</sup> day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for S. B. 5**, Relating to claims arising out of WV Consumer Credit and Protection Act,

**Com. Sub. for S. B. 42**, Creating Zombie Property Remediation Act of 2021,

**S. B. 89**, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements,

And,

**S. B. 523**, Correcting improper code references.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 24<sup>th</sup> day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for H. B. 2009**, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities,

**Com. Sub. for H. B. 2372**, Allow pre-candidacy papers to be filed the day after the general election,

**Com. Sub. for H. B. 2616**, Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification's website,

And,

**Com. Sub. for H. B. 2682**, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 24<sup>th</sup> day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**S. B. 459**, Relating to return of member's paid contributions to heirs after member's death under certain circumstances.

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. 2769**, Supplementing, amending and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles,

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

**Com. Sub. for H. B. 2769** - "A Bill supplementing, amending, and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles, fund 9007, fiscal year 2021, organization 0802, for the fiscal year ending June 30, 2021,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 2768**, Supplementing, amending and increasing an existing item of appropriation from the State Road Fund, to the Department of Transportation, Division of Highways,

**H. B. 2790**, Supplementing, amending, decreasing, and increasing items of existing appropriation to Division of Highways,

And,

**H. B. 3082**, Stabilizing funding sources for the DEP Division of Air Quality,

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

#### **Messages from the Executive**

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 24, 2021, he approved **Com. Sub. for H. B. 2011**.

#### **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:

**Com. Sub. for H. B. 2621**, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2797**, Declaring certain claims to be moral obligations of the State.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page two, section one, subsection (d), by striking out the word "GENERAL" and inserting in lieu thereof the word "SPECIAL".

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 271**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Cooper, Steele and Wamsley.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2797) passed.

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

On this question, the yeas and nays were taken (**Roll No. 272**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Steele and Wamsley.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2797) takes effect from its passage.

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

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. 2854**, Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System.

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:

**Com. Sub. for H. B. 2855**, Relating to the Natural Resources Police Officers Retirement System.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

**H. B. 2905**, Relating to repealing the prohibition against the use of certain words.

On motion of Delegate Summers, the House of Delegates concurred in the following Senate title amendment:

**H. B. 2905** – “A Bill to repeal §61-10-21 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of using the word ‘Doctor’ or the abbreviation ‘Dr.’, without specifying the type of degree held.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 273**), and there were—yeas 84, nays 13, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Diserio, Doyle, Fluharty, Garcia, Pushkin, Rowe, Skaff, Thompson, Walker, Young and Zukoff.

Absent and Not Voting: Cooper, Steele and Wamsley.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2905) passed.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 9**, Continuing Licensed Racetrack Modernization Fund.

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. 436** - “A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-15A-19 of said code; to amend and reenact §22-16-4 of said code; to amend and reenact §22C-4-30 of said code; and to amend and reenact §24-2-1m of said code, all relating to solid waste facilities; specifying that a mixed waste resource recovery facility is not a solid waste facility; providing for exemption of solid mixed waste resource recovery facilities from certain fees; and clarifying that mixed waste resource recovery facilities are not subject to the jurisdiction of the Public Service Commission”; which was referred to the Committee on Government Organization.

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. 551** - “A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to health care decisions; defining terms; revising forms of a living will, medical power of attorney, and combined medical power of attorney and living will and specific provisions; providing clarifying language regarding the effect of signing a living will on the availability of medically administered food and fluids; requiring oral food and fluids be provided as desired and tolerated; providing that forms executed prior to effective date of this bill remain in full force and effect; and providing for effective date”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 565** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1A-9; to amend and reenact §3-2-6, §3-2-11, §3-2-23, and §3-2-25 of said code; to amend and reenact §3-3-1, §3-3-3, §3-3-5, and §3-3-5c of said code; to amend and reenact §3-6-9 of said code; to amend and reenact §3-7-3, §3-7-6, and §3-7-7 of said code; to amend and reenact §3-8-2b of said code; and to amend said code by adding thereto a new section, designated §3-9-21, all relating to elections; prohibiting nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission; clarifying the deadline for electronically submitted voter registration applications; requiring certain optional questions regarding updating or transferring voter registration or registering to vote to be presented by the Division of Motor Vehicles as part of application for motor vehicles driver's license or other official identification card; authorizing the Secretary of State to revise questions in legislative rules to conform to federal law; requiring the Division of Motor Vehicles to release certain information to the Secretary of State; requiring cancellation of voter registration upon receipt of certain official notices from a state or federal court; changing the time period for county clerks to initiate the confirmation notice mailing process in the systematic purging program for removal of ineligible voters from registration files to each odd-numbered year following a federal election; changing the time period of inactivity required for county clerks to initiate the confirmation notice mailing process in the systematic purging program for removal of ineligible voters from registration files from four years to two years; extending an electronic absentee ballot transmission option to certain voters eligible to vote an emergency absentee ballot and certain first responders; changing deadline for certain voters to become eligible to vote an emergency absentee ballot; changing the start and end date for early in-person voting; removing requirements pertaining to punch card systems and gray envelopes; changing the deadline by which voters may submit their absentee-by-mail and emergency absentee ballot requests effective January 1, 2022; changing deadlines applicable to emergency absentee voting procedures which may be extended to certain voters by a county commission effective January 1, 2022; requiring boards of canvassers to transmit certain information electronically to the Secretary of State; making procedures for election contests before a special court applicable to contested elections of certain judges; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals; granting rulemaking authority to the Supreme Court of Appeals regarding election contests before circuit courts; requiring certain disclosures on certain political push-polls and prerecorded political telephone messages; providing for civil penalties for violations of requirements for disclosure of electioneering communications and disclaimers on telephone political messaging and polling; authorizing an action for equitable relief by a person injured by a violation of requirements for electioneering communications and disclaimers on telephone political messaging and polling; providing for award of costs and fees to prevailing plaintiffs in certain actions for equitable relief; defining the term 'bona fide survey and opinion research'; prohibiting certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election; and creating misdemeanor crime of certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election and establishing penalties therefor"; which was referred to the Committee on the Judiciary.



A message from the Senate, by

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

**S. B. 577** - "A Bill to amend and reenact §16-4C-23 of the Code of West Virginia, 1931, as amended, relating to exempting certain fire departments from licensure requirements for the provision of rapid response services"; which was referred to the Committee on Government Organization.

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. 590** - "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to permitting medical marijuana to be prescribed in edible form; removing the restrictions that prevent medical marijuana from being prescribed in edible form; and providing restrictions related to the shape of the edible product"; which was referred to the Committee on Health and Human Resources 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 the Judiciary then Rules:

**S. C. R. 5** "Urging Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress."

Whereas, Article IV, Section 4 of the Constitution of the United States guarantees to every state a Republican form of government which gives each state equal standing when calling for an amendments convention. Article V of the Constitution of the United States reserves to the several states the right to call for a convention for the purpose of amending the United States Constitution when Congress or the courts or both Congress and the courts refuse to address an egregious wrong suffered by the people; and

Whereas, The states alone have the authority to "limit" the agenda and authority of a convention. The states alone can call for a "Single Issue" convention by agreeing among themselves the purpose, terms, conditions, duration, and agenda for the convention. Congress does not have the authority to define a "Single Issue" convention. The authority of Congress, under Article V of the United States Constitution empowers it to convene a convention as called for and defined by several states; and

Whereas, The founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government which has created a crushing national debt through improper and imprudent spending; and

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

federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, It is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by proposing amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby urges Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

*Further Resolved*, That the State of West Virginia hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress and absolutely no other business will be authorized at this convention; and, be it

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

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution and application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of West Virginia's congressional delegation, and to the presiding officers of each of the legislative houses in several states requesting their cooperation"; which was referred to the Committee on the Judiciary then Rules

### **Resolutions Introduced**

Delegates Reynolds, Bridges, Foster, Summers, Barnhart, Paynter, Criss, Toney, Conley, Rohrbach, J. Pack, Anderson, Cooper, Ferrell, Gearheart, Hanshaw (Mr. Speaker), Holstein, Horst, D. Jeffries, J. Jeffries, Keaton, J. Kelly, Linville, Phillips, Smith, Storch, Tully, Kimble and Mandt offered the following resolution, which was reported by the Clerk as follows:

**H. R. 18** - "Recognizing the importance of coal-fired power plants and coal resources to West Virginia's future."

Whereas, West Virginia has a rich history cultivating domestic energy and the continued recovery and utilization of coal resources are important to the state's economy; and

Whereas, The diversity of fuel used to generate electricity is significant to providing reliable and economical energy to the citizens of West Virginia, and the state can continue to take advantage of opportunities in clean energy while supporting our remaining coal-fired power plants and those who rely on their operation; and

Whereas, West Virginia must continue to fight against unreasonable federal regulations intended to crush coal-fired power plants and coal production even while it accepts the importance of diversifying our energy resources; and

Whereas, Coal is an important fuel source for keeping household energy costs low in the State of West Virginia; and

Whereas, Over 600 coal-fired power plants nationally have been forced to close under unobtainable and unreasonable federal regulations, and 18 coal-fired electrical units within West Virginia's borders have been forced to close; and

Whereas, West Virginia should take steps to maintain its coal-fired power plants including, but not limited to, requiring that any financial subsidies received by manufacturers of renewable sources of energy, such as wind, solar, and hydro power, be paid to or used for the benefit of the coal-fired power plants still operating in West Virginia; and

Whereas, Coal resources are necessary to maintain a baseload of predictable and sustainable sources of power to avoid disasters like that recently experienced in Texas following a February 2021 ice storm which caused extended blackouts, a critical fuel supply failure, and compromised homeland security and defense measures; and

Whereas, When emergency weather situations arise, such as ice storms, snow storms, flooding, etc., clean burning West Virginia coal is the only source of reliable power, and other forms of energy production, such as wind, solar or hydro power, are simply not adequate to meet the needs of West Virginians; and therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates recognizes the value of its coal-fired power plants and coal resources to West Virginia's future, security, and economic growth; and, be it

*Further Resolved*, Coal-fired power plants and coal resources are necessary to sustain and protect the baseload of power generation for West Virginians and to reinforce homeland security and defense measures; and, be it

*Further Resolved*, That investing in the protection and sustainability of West Virginia's coal-fired power plants and coal resources can help build a stronger economy in the Mountain State.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 18) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

The question being on the adoption of the resolution, the yeas and nays were demanded which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 274**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Steele and Wamsley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. R. 18) adopted.

### **Motions**

Delegate Summers asked and obtained unanimous consent that, for the remainder of the session, members of Conference Committees be permitted to vote on any question or issue before the House which they have missed as a direct result of their duties on Conference Committees, provided that such members notify the Clerk of the House in writing as to how they wish to vote, before the daily Journal is published, and that any such vote will not change the outcome on any question.

### **Special Calendar**

#### **Unfinished Business**

The following resolutions, coming up in regular order as unfinished business, were reported by the Clerk, and in the absence of objection, considered en masse, and adopted:

**H. C. R. 12**, Charles E. Jarvis Memorial Bridge,

**H. C. R. 25**, William Edward Friese Memorial Bridge,

**H. C. R. 26**, Victor Yoak Memorial Bridge,

And,

**H. C. R. 33**, Norman A. and Carrie G. Silver Memorial Bridge.

**H. C. R. 48**, To balance the judicial workload and realign the current court systems based on their caseloads; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

**H. C. R. 56**, Create a resolution urging the FDA not to pass certain rules; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

### **Third Reading**

**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; 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. 275**), and there were—yeas 42, nays 56, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Barach, Bates, Boggs, Bruce, Capito, Diserio, Doyle, Ellington, Fleischauer, Fluharty, Garcia, Gearheart, Griffith, Hamrick, Hansen, Haynes, Higginbotham, Hornbuckle, Kessinger, Linville, Longanacre, Lovejoy, Mallow, Maynard, Pethtel, Pushkin, Queen, Riley, Rowan, Rowe, Skaff, Smith, Statler, Thompson, Toney, Tully, Westfall, Williams, Young, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2702) rejected.

**Com. Sub. for H. B. 2726**, Allowing for the lease of air space above public roads for the safe operation of unmanned aircraft; on third reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

**Com. Sub. for H. B. 2792**, Relating to the expansion of direct access to natural gas service for new customers; 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. 276**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Martin and Paynter.

Absent and Not Voting: Cooper, Linville, Statler and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2792) passed.

**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; 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. 277**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Miller.

Absent and Not Voting: Cooper, Linville and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2953) passed.

On motion of Delegate Capito, the title of the bill was amended to read 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 an additional procedure for a referendum to take place, if desired, instead of utilizing the current requirement that 10 percent of voters petition for such amendment.”

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

**H. B. 3107**, Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders; 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. 278**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Foster and Kimes.

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3107) passed.

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

**Com. Sub. for H. B. 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; 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. 279**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3137) 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. 3191**, Requiring employers to send certain notifications when retirants are hired as temporary, part-time employees; 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. 280**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3191) passed.

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

**Com. Sub. for H. B. 3231**, Public Utilities not required to pay interest on security deposits; 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. 281**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Brown, Howell, J. Jeffries, Paynter, Pushkin and Rowe.

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3231) passed.

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

**Com. Sub. for H. B. 3293**, Relating to single-sex participation in interscholastic athletic events; on third reading, coming up in regular order, was read a third time.

#### **Speaker Pro Tempore Howell in the Chair**

During debate on the bill, Delegate Walker was questioning Delegate Ellington when Delegate Espinosa arose concerning the opportunity for Delegate Ellington to answer questions directed to him. The Speaker Pro Tempore replied that the point was well taken and that the Delegate should be allowed to answer.

#### **Mr. Speaker, Delegate Hanshaw in the Chair**

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 282**), and there were—yeas 78, nays 20, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Higginbotham, Hornbuckle, Lovejoy, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3293) passed.

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

On this question, the yeas and nays were taken (**Roll No. 283**), and there were—yeas 79, nays 19, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Higginbotham, Hornbuckle, Lovejoy, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Cooper 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 H. B. 3293) 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. 3294**, Relating to unemployment insurance; 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. 284**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3294) passed.

On motion of Delegate Capito, the title of the bill was amended to read as follows:

**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 a commercially available database that provides cross-matching functions to verify eligibility for unemployment benefits; 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.”

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



In the absence of objection, **Com. Sub. for H. B. 2792**, Relating to the expansion of direct access to natural gas service for new customers, still being in possession of the Clerk, was taken up for further consideration.

On motion of Delegate Anderson, the title of the bill was amended to read as follows:

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

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

### Second Reading

**S. B. 67**, Relating to authority of Emergency Medical Services Advisory Council; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 356**, Allowing for written part of drivers' exam given in high school drivers' education course; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 390**, Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 431**, Relating to school attendance notification requirements to DMV; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 435**, Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2145**, Relating to student aide class titles; 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. 2573**, Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended, by striking out the section numbers §5B-9-1, §5B-9-2, §5B-9-3, §5B-9-4, §5B-9-5, §5B-9-6, §5B-9-7, §5B-9-8 and §5B-9-9 and inserting in lieu thereof §5B-10-1, §5B-10-2, §5B-10-3, §5B-10-4, §5B-10-5, §5B-10-6, §5B-10-7, §5B-10-8 and §5B-10-9.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2694**, Create the 2nd Amendment Preservation Act; on second reading, coming up in regular order, was read a second time.

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

**Com. Sub. for H. B. 2842**, Preventing cities from banning utility companies in city limits; 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. 2981**, Providing veterans with suicide prevention assistance; 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. 3254**, Authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a voluntary basis; 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. 3266**, Providing for termination of extracurricular contact upon retirement; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3299**, Authorizing Higher Education Rules; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 3300**, Relating to reducing personal income tax rates generally; on second reading, coming up in regular order, was read a second time.

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

**H. B. 3301**, Relating generally to property tax increment financing districts; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### First Reading

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

**Com. Sub. for S. B. 439**, Allowing use or nonuse of safety belt as admissible evidence in civil actions,

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

**Com. Sub. for H. B. 2747**, Transferring the Parole Board to the Office of Administrative Hearings,

**Com. Sub. for H. B. 2773**, Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake,

**Com. Sub. for H. B. 2793**, Permit out of state residents to obtain West Virginia concealed carry permits,

**Com. Sub. for H. B. 2890**, To clarify the regulatory authority of the Public Service Commission of West Virginia over luxury limousine services,

**Com. Sub. for H. B. 2962**, Relating generally to dental practice,

**Com. Sub. for H. B. 3002**, Update road abandonment process,

**H. B. 3303**, Relating to clarifying the process of filling vacancies on ballots,

**H. B. 3305**, Relating to required course of study,

And,

**H. B. 3306**, Relating to virtual instruction.

### **Leaves of Absence**

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

### **Miscellaneous Business**

The reports still being in possession of the Clerk, Delegate Summers asked and obtained unanimous consent to return to further consideration of reports from the Committee on Technology and Infrastructure.

Delegate Summers then asked and obtained unanimous consent to recommit H. B. 3307, H. B. 3122, S. B. 69, H. C. R. 20, H. C. R. 21, H. C. R. 43, H. C. R. 52, H. C. R. 54, H. C. R. 62, H. C. R. 63, H. C. R. 64, S. C. R. 6, S. C. R. 8, S. C. R. 9 and H. C. R. 72 to the Committee on Technology and Infrastructure.

At 1:56 p.m., on motion of Delegate Summers, the House of Delegates recessed until 6:00 p.m.

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### **Evening Session**

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[DELEGATE HOWELL, MR. SPEAKER PRO TEMPORE, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Gary Howell, Speaker Pro Tempore.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

### Committee Reports

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

Your Committee on Finance has had under consideration:

**H. B. 3298**, Making a supplemental appropriation to Dept. of Commerce, Dept. of Education, Senior Services and Civil Contingent Fund.

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

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3122**, Relating to the establishment and operation of regional water, wastewater and stormwater authorities,

**S. B. 69**, Creating "Choose Life" special registration plate supporting adoption,

**S. B. 529**, Correcting improper citation relating to DMV registration,

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

In accordance with the former direction of the Speaker, the bills (H. B. 3122, S. B. 69 and S. B. 529) were referred to the Committee on Government Organization.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 3307**, Social Media Integrity and Anti-Corruption in Elections Act,

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

The bill (H. B. 3307) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. C. R. 20**, Bill Withers Memorial Road,

**H. C. R. 21**, SP4 Dennis Harvey Roberts Bridge, McDowell County,

**H. C. R. 43**, U. S. Army CSM Hugh H. 'Smokey' Stover Memorial Road,

**H. C. R. 52**, World War II Veterans Toothman Brothers Memorial Bridge,

**H. C. R. 54**, Robin W. Ames Memorial Road,

**H. C. R. 62**, Major Samuel Wilson Rogers Jr. Memorial Bridge,

**H. C. R. 63**, "Mayor George Karos Bridge",

**H. C. R. 64**, Deputy Sheriff Scott D. Myers Memorial Bridge,

**H. C. R. 72**, David Allen Drake, Sr. Memorial Bridge,

**S. C. R. 6**, US Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn Memorial Bridge,

**S. C. R. 8**, Fire Chief Kenneth Junior Russell Memorial Bridge,

And,

**S. C. R. 9**, Haynie Family Veterans Memorial Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

The resolutions (H. C. R. 20, H. C. R. 21, H. C. R. 43, H. C. R. 52, H. C. R. 54, H. C. R. 62, H. C. R. 63, H. C. R. 64, H. C. R. 72, S. C. R. 6, S. C. R. 8 and S. C. R. 9) were referred to the Committee on Rules.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2177**, Permitting the issuance of a state issued identification card without a photo on the card under certain conditions,

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

**Com. Sub. for H. B. 2177** - "A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to state issued identification cards; and permitting the issuance of a state issued identification card without a photo on the card, based upon signing a written affidavit or other form that taking a photograph would violate religion tenet or religious belief,"

And,

**H. B. 2720**, Creating a Merit-Based Personnel System within DOT,

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

**Com. Sub. for H. B. 2720** - “A Bill to repeal §17-2A-24 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §5F-2-8; all relating to establishing a merit-based system for personnel administration for the agencies, authorities, boards, and commissions within the Department of Transportation; authorizing the Secretary of Transportation to establish a merit-based system; preserving existing due process protections in state law; requiring compliance with state law regarding nepotism, favoritism, discrimination, and ethics in the employment process; prohibiting actions with a negative effect on federal funding; requiring inter-agency cooperation; authorizing rule-making; setting an implementation date; and removing duplicative functions within the agency,”

With the recommendation that the committee substitutes each do pass.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**H. C. R. 70**, Calling for the construction of an licensed Off Highway Vehicle (OHV) vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side,

And reports the same back with the recommendation that it be adopted.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**H. C. R. 17**, James C. Vickers Silver Star Highway,

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

**Com. Sub. for H. C. R. 17** – “Requesting the Division of Highways name a portion of Rt 85 South, starting at the Van Community Park of the community of Van and ending at the bridge at Clinton Camp Rd in Wharton in Boone County, the ‘U. S. Army SSG James C. Vickers Highway’,”

With the recommendation that the committee substitute be adopted.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 25<sup>th</sup> day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for S. B. 156**, Authorizing Department of Homeland Security to promulgate legislative rules,

**Com. Sub. for S. B. 160**, Authorizing Department of Revenue to promulgate legislative rules,

And,

**Com. Sub. for S. B. 182**, Authorizing miscellaneous agencies and boards to promulgate legislative rules.

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. 2266**, Relating to expanding certain insurance coverages for pregnant women,

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

**Com. Sub. for H. B. 2266** - "A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to expanding certain insurance coverages for pregnant women; and providing an effective date,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 2915**, Relating to public records management and preservation,

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. C. R. 68**, Providing for the issuance of not to exceed \$22 million of refunding bonds pursuant to the Safe Roads Amendment of 1996,

And reports the same back with the recommendation that it be adopted.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**Com. Sub. for H. B. 2263**, Update the regulation of pharmacy benefit managers.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Maroney, Takubo and Stollings.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 361** - "A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to extended supervised release for certain offenders generally; requiring extended supervision for persons convicted of distribution of obscene matter to minors, soliciting a minor via computer, and soliciting a minor by use of obscene matter; and removing antiquated language"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 483** - "A Bill to amend and reenact §44-1-1, §44-1-3, and §44-1-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §44-1-31, all relating to allowing an oath to be taken before any person authorized to administer oaths under the laws of this state or any other state; and allowing a bond to be executed before any person authorized to administer oaths under the law of this state or any other state"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 487** - "A Bill to amend and reenact §5A-3-10 and §5A-3-11 of the Code of West Virginia, 1931, as amended, all relating to updating state procurement procedures and spending thresholds; authorizing the Director of the Division of Purchasing to delegate bid solicitations and commodity procurement to spending units within thresholds to be determined by the director; authorizing the director to increase or decrease the dollar limit of agency-delegated procurements based upon inspection; providing a process for an agency to cure inspection findings; establishing method for calculation of total procurement by commodity; providing that agency-delegated procurements must follow the same process as procurements under the supervision of the Purchasing Division; providing access to agency-delegated procurement records as public records; and defining monetary ranges for different means of collecting competitive bids". which was referred to the Committee on Government Organization.

A message from the Senate, by

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

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

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. 610** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-7d, relating to providing tuition and fee waivers for terms of service completed in West Virginia as AmeriCorps volunteer; specifying programs, conditions, required minimum hours of service, and limitation of semesters applicable; defining nominal value; providing that tuition and fee waivers are in addition to others permitted; authorizing governing boards to establish limits; and authorizing legislative rulemaking for certain purposes". which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

**S. B. 644** - "A Bill to amend and reenact §30-26-2 of the Code of West Virginia, 1931, as amended, relating to engaging in the practice of hearing-aid dealer; and creating exemption for pursuing a course of study leading to a degree in speech-language pathology or audiology". which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

**S. B. 651** - "A Bill to amend and reenact §18-9-3a of the Code of West Virginia, 1931, as amended, relating to giving county boards of education the option of publishing their financial statements on their websites rather than publishing as a Class I-0 legal advertisement". which was referred to the Committee on Education.

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. 658** - "A Bill to amend and reenact §7-26-2 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Sheriffs' Bureau of Professional Standards working with the sheriffs of each county of the state to actively participate in and utilize all components of the Handle With Care Program to help trauma-inflicted children in the public or private school system". which was referred to the Committee on 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 Rules:

**Com. Sub. for S. C. R. 14** - "Requesting that the Joint Committee on Government and Finance recognize the historical legacy of West Virginia suffragists through the creation of the West Virginia Women's Suffrage Memorial, to be located on the Capitol grounds as a permanent reminder of the impact of the suffragists on West Virginia's past, present, and future."

Whereas, The definition of a suffragist is a person advocating to extend the right to vote to more people and especially women; and

Whereas, West Virginia suffragists worked for decades from the advent of statehood to 1920 to win the vote for women in West Virginia and expand the democratic participation in society of women; and

Whereas, The accomplishments and contributions of women have not been fully recognized in West Virginia; and

Whereas, Their sacrifices for a long, persistent, and heroic struggle are not well-known; and

Whereas, The beautiful grounds of our State Capitol would be a proper place to honor women's struggle for their rights including the right to vote; and

Whereas, It is fitting that a permanent memorial be established to honor the lives and work of West Virginia suffragists; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance recognize the historical legacy of West Virginia suffragists through the creation of the West Virginia Women's Suffrage Memorial, to be located on the Capitol grounds as a permanent reminder of the impact of the suffragists on West Virginia's past, present, and future; and, be it

*Further Resolved*, That the West Virginia Governor shall establish a nine-member commission called the Suffragist Memorial Committee. The committee shall be composed of: One member of the Senate; one member of the House of Delegates; one representative of the Governor's office; one representative from the Office of the Secretary of State; one representative of the League of Women Voters; one representative of the Kanawha Valley National Organization for Women; one member of the WVU Women's Studies Program; one member of the Marshall University Women's Studies Program; and one representative of the West Virginia Division of Culture and History; and, be it

*Further Resolved*, That the work of the committee will be staffed by the West Virginia Women's Commission to provide administrative support to organize meetings and record minutes of all meetings; and, be it

*Further Resolved*, That meetings will begin in July of 2021 and meet monthly until December 31, 2021. During this time, the committee will consult with the public about the project, research the suffragists active in getting the vote ratified in West Virginia, and choose one prominent suffragist to be honored; and, be it

*Further Resolved*, That beginning in January 2022, the committee shall consult on the cost of the project, begin to solicit funds, and ultimately solicit proposals for creation of a memorial on the Capitol grounds upon approval of the Capitol Grounds Building Authority; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of the resolution to the West Virginia Women's Commission.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution,

which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**S. C. R. 23** - "Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the 'U.S.M.C. CPL Guy Maywood Edwards Memorial Bridge'."

Whereas, Guy Maywood Edwards was born on September 13, 1918, in Myra, West Virginia, to Hiram Otho Edwards and Elmyra Elizabeth Porter Edwards; and

Whereas, Guy Maywood Edwards graduated from Hamlin High School and enlisted in the U.S. Marine Corps during the winter of 1942; and

Whereas, Corporal Edwards was serving with the Fourth Division of the Marines and, despite having been wounded in October 1944, on Saipan in the Marina Islands, landed on Iwo Jima on February 20, 1945, ready for duty. CPL Guy Maywood Edwards was killed in action six days later on February 26, 1945; and

Whereas, CPL Guy Maywood Edwards' brother, PFC Donald Edwards, was also serving in the Fourth Marine Division on Iwo Jima and was wounded on February 28, 1945; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Guy Maywood Edwards and his sacrifice 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 22-007/00-021.18 (22A153), locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the "U.S.M.C CPL Guy Maywood Edwards 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.M.C. CPL Guy Maywood Edwards Memorial Bridge"; and, be it

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

A message from the Senate, by

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

**S. C. R. 53** - "Encouraging certain facilities to improve or offer access to palliative care programs."

Whereas, Palliative care access remains a challenge across the state of West Virginia and increasing awareness of the availability of this service will align with many of the state's goals to improve a patient's health care experience and quality; and

Whereas, Palliative care empowers people to live as fully as possible, surrounded and supported by family and loved ones, despite serious, though not necessarily terminal, illness; and

Whereas, Palliative care brings patients and family caregivers the highest quality of care delivered by an interdisciplinary team of skilled professionals that includes physicians, advanced practice registered nurses or registered nurses, social workers, counselors, spiritual providers, and consulting pharmacists who make the wishes of each patient and family member a priority; and

Whereas, The interdisciplinary team-based model of care process is designed to relieve suffering and improve quality every day living for patients and families through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support; and

Whereas, This care should be available at any stage of illness from birth to advanced age and offered simultaneously with disease modifying interventions, including attempts for cure and remission; and

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby encourages certain facilities to improve or offer access to palliative care programs; and, be it

*Further Resolved*, That every long-term care facility or hospital of 50 beds or more offering skilled nursing care should be encouraged to offer a palliative care program to their patients; and, be it

*Further Resolved*, That every home health and hospice provider should be encouraged to offer palliative care to their patients to complete the continuum of care provided to these patients.

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 the Judiciary then Rules:

**S. C. R. 54** - "Urging Congress and the President of the United States to protect the Second Amendment of the United States Constitution."

Whereas, The Second Amendment of the United States Constitution, ratified in 1791 as part of the Bill of Rights, provides that, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed"; and

Whereas, The right to keep and bear arms is a fundamental right which is embodied in the constitutions of 44 states, and represents the belief of James Madison that the federal government does not have the authority to disarm citizens; and

Whereas, The Supreme Court of the United States in the case of the *District of Columbia v. Heller*, 554 U.S 570 (2008), ruled that the undue restriction of handguns, which are commonly used for traditionally lawful purposes like self-protection within the home, is a violation of the Second Amendment of the United States Constitution and declared that the Second Amendment shall be read to, "guarantee the individual right to possess and carry weapons in case of confrontation"; and

Whereas, The Supreme Court of the United States in the case of *McDonald v. Chicago*, 561 U.S 742 (2010), ruled that the “right to keep and bear arms” as protected by the Second Amendment, is incorporated within the Due Process Clause of the Fourteenth Amendment; and

Whereas, The Supreme Court of the United States in *McDonald v. Chicago*, held that the Fourteenth Amendment makes the Second Amendment right to keep and bear arms for the purpose of self-defense applicable to the states; and

Whereas, Justice Samuel A. Alito gave the opinion of the court in *McDonald v. Chicago* stating that rights that are “fundamental to our scheme of ordered liberty” and are “deeply rooted in the country’s history and tradition” are applied to the states through the Fourteenth Amendment; and

Whereas, On November 4th, 1986, the Right to Keep and Bear Arms Amendment to the West Virginia Constitution was approved by the voters of West Virginia, stating that, “A person has the right to keep and bear arms for the defense of self, family, home, and state, and for lawful hunting and recreational use”; and

Whereas, The Right to Keep and Bear Arms Amendment to the West Virginia Constitution was overwhelmingly approved by voters of this great state, which reflects the importance of not unduly restricting this unalienable right; and

Whereas, The citizenry of West Virginia urges the acknowledgment and protection of the right to keep and bear arms; and

Whereas, The natural rights enshrined within the founding of our nation should be protected to the greatest degree possible; and

Whereas, It is the desire of the West Virginia Legislature to respectfully urge Congress and the President of the United States to not unreasonably restrict citizens’ right to keep and bear arms; and

Whereas, Any efforts made to restrict these rights unreasonably will, within the limits of state and federal law, be met with strong opposition and the utilization of all lawful means in order to protect the citizens of West Virginia; and

Whereas, The West Virginia Legislature honors the U.S Supreme Court precedent affirming the right to keep and bear arms and supports both the United States Constitution and the West Virginia Constitutional provisions which protect this cherished right; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby urges Congress and the President of the United States to protect the Second Amendment of the United States Constitution; and, be it

*Further Resolved*, That the Legislature expresses its unwavering support of the unalienable right to keep and bear arms; and, be it

*Further Resolved*, That the Legislature opposes any executive action by the President of the United States or any act of Congress that unreasonably restricts an individual’s right to keep and bear arms, firearm accessories, or ammunition; and, further

*Further Resolved*, That the Legislature beseeches Congress to forego and refrain from the enactment of any law or laws that would infringe upon the constitutional right to keep and bear arms; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Governor of West Virginia, the Majority Leader of the United States Senate, the Speaker of the House of the United States House of Representatives, the President of the United States, the Honorable Joe Manchin, the Honorable Shelley Moore Capito, the Honorable David McKinley, the Honorable Alex Mooney, and the Honorable Carol Miller.

### **Miscellaneous Business**

The House of Delegates met on Wednesday, March 24, 2021 for **Remarks by Members**, which had been scheduled for 5:00 p.m., in accordance with House Rule 65. The Honorable Amy Summers, Majority Leader, called the House to order and presided while members proceeded to make remarks. At 5:19 p.m., Remarks by Members was adjourned.

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

**H. B. 2266**: Delegate Williams;

**H. B. 2773**: Delegate Pinson;

**H. B. 3082**: Delegate Espinosa;

**H. B. 3122**: Delegate Rowe;

**H. B. 3307**: Delegate Ferrell;

And,

**H. C. R. 70**: Delegates Booth, Bruce, Ferrell, Hamrick, Hott, Longanacre, Mazzocchi, Nestor, Reed, Smith, Storch and Worrell.

At 6:26 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 26, 2021.

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

## **SPECIAL CALENDAR**

**Friday, March 26, 2021**

**45<sup>th</sup> Day**

**11:00 A.M.**

### **UNFINISHED BUSINESS**

- Com. Sub. for H. C. R. 17 - U. S. Army SSG James C. Vickers Highway
- Com. Sub. for H. C. R. 22 - Bill O'Dell Memorial Bridge
- H. C. R. 27 - Harvey Lemasters Memorial Bridge
- H. C. R. 38 - "U.S. Marine Corps Sergeant David Andrew Green Memorial Bridge."
- H. C. R. 68 - Providing for the issuance of not to exceed \$22 million of refunding bonds pursuant to the Safe Roads Amendment of 1996
- H. C. R. 70 - Calling for the construction of an licensed Off Highway Vehicle (OHV) vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side

### **THIRD READING**

- S. B. 67 - Relating to authority of Emergency Medical Services Advisory Council (J. PACK) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 356 - Allowing for written part of drivers' exam given in high school drivers' education course (ELLINGTON) (REGULAR)
- S. B. 390 - Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database (J. PACK) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 431 - Relating to school attendance notification requirements to DMV (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 435 - Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2145 - Relating to student aide class titles (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2573 - Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2694 - Create the 2nd Amendment Preservation Act (CAPITO) (REGULAR) [AMENDMENTS PENDING] [RIGHT TO AMEND]

- 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. 2842 - Preventing cities from banning utility companies in city limits (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2981 - Providing veterans with suicide prevention assistance (J. PACK) (REGULAR)
- Com. Sub. for H. B. 3254 - Authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a voluntary basis (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3266 - Providing for termination of extracurricular contact upon retirement (ELLINGTON) (JULY 1, 2021)
- H. B. 3299 - Authorizing Higher Education Rules (ELLINGTON) (REGULAR)
- H. B. 3300 - Relating to reducing personal income tax rates generally (HOUSEHOLDER) (REGULAR) [AMENDMENTS PENDING]
- H. B. 3301 - Relating generally to property tax increment financing districts (HOUSEHOLDER) (REGULAR)

### **SECOND READING**

- Com. Sub. for S. B. 439 - Allowing use or nonuse of safety belt as admissible evidence in civil actions (CAPITO) (REGULAR)
- H. B. 2721 - Providing electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice (STEELE) (REGULAR)
- Com. Sub. for H. B. 2747 - Transferring the Parole Board to the Office of Administrative Hearings (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2773 - Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake (STEELE) (REGULAR)
- Com. Sub. for H. B. 2793 - Permit out of state residents to obtain West Virginia concealed carry permits (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2890 - To clarify the regulatory authority of the Public Service Commission of West Virginia over luxury limousine services (STEELE) (REGULAR)
- Com. Sub. for H. B. 2962 - Relating generally to dental practice (STEELE) (REGULAR)
- Com. Sub. for H. B. 3002 - Update road abandonment process (STEELE) (REGULAR)
- H. B. 3303 - Relating to clarifying the process of filling vacancies on ballots (CAPITO) (REGULAR)
- H. B. 3305 - Relating to required course of study (ELLINGTON) (REGULAR)



H. B. 3306 - Relating to virtual instruction (ELLINGTON) (REGULAR)

**FIRST READING**

Com. Sub. for S. B. 275 - Relating generally to WV Appellate Reorganization Act of 2021 (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]

Com. Sub. for H. B. 2177 - Permitting the issuance of a state issued identification card without a photo on the card under certain conditions (STEELE) (REGULAR)

Com. Sub. for H. B. 2266 - Relating to expanding certain insurance coverages for pregnant women (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 2581 - Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 2592 - Require Counties and Municipalities to hold all local elections during statewide elections (CAPITO) (REGULAR)

Com. Sub. for H. B. 2667 - To create a cost saving program for state buildings regarding energy efficiency (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 2720 - Creating a Merit-Based Personnel System within DOT (STEELE) (REGULAR)

H. B. 2768 - Supplementing, amending and increasing an existing item of appropriation from the State Road Fund, to the Department of Transportation, Division of Highways (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 2769 - Supplementing, amending and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

H. B. 2790 - Supplementing, amending, decreasing, and increasing items of existing appropriation to Division of Highways (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

H. B. 2915 - Relating to public records management and preservation (HOUSEHOLDER) (JULY 1, 2021)

Com. Sub. for H. B. 2927 - Adding Caregiving expenses to campaign finance expense (CAPITO) (REGULAR)

H. B. 3082 - Stabilizing funding sources for the DEP Division of Air Quality (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 3106 - To change the hearing requirement for misdemeanors to 10 days (CAPITO) (REGULAR)

- H. B. 3298 - Making a supplemental appropriation to Dept. of Commerce, Dept. of Education, Senior Services and Civil Contingent Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3304 - Authorizing the Division of Corrections and Rehabilitation to establish a Reentry and Transitional Housing Program (CAPITO) (REGULAR)

## HOUSE CALENDAR

Friday, March 26, 2021

45<sup>th</sup> Day

11:00 A. M.

### THIRD READING

- H. B. 2493 - Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2675 - Relating to the interest rate for condemnation cases and creating conformity with statutory rates (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. 2933 - Anti-Discrimination Against Israel Act (CAPITO) (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. 2959 - Relating to the financing of environmental pollution control equipment for coal-fired power plants (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 3009 - Relating to the publication of county board financial statements (ELLINGTON) (REGULAR)
- H. B. 3079 - Relating to exempting recovery residences from certain standards (J. PACK) (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)
- H. B. 2719 - Relating to the Division of Motor Vehicles use of electronic means and other alternate means to provide notice (STEELE) (REGULAR)
- H. B. 3059 - Making contract consummation with state more efficient (STEELE) (REGULAR)
- Com. Sub. for H. B. 3102 - Requiring Director of transportation to have experience in transportation department (ELLINGTON) (REGULAR)

# WEST VIRGINIA HOUSE OF DELEGATES

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**FRIDAY, MARCH 26, 2021**

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

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**AGRICULTURE AND NATURAL RESOURCES  
8:00 A.M. – ROOM 215 E**

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

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**MONDAY, MARCH 29, 2021**

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

**H. J. R. 3, PROPERTY TAX MODERNIZATION AMENDMENT.**





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