

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



February 12, 2021
THIRD DAY

Friday, February 12, 2021

THIRD DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 11, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 2014, Relating to role of the Legislature in appropriating federal funds,

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

Com. Sub. for H. B. 2014 - "A Bill to amend and reenact §4-11-1, §4-11-2, §4-11-3, §4-11-4, §4-11-5, §4-11-6 and §4-11-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-1A-1 of said code; to amend and reenact §11B-1-1 and §11B-1-4 of said code; to amend and reenact §11B-2-11, §11B-2-21 and §11B-2-23 of said code; to amend and reenact §12-2-2 of said code; to amend and reenact §12-3-12 and §12-3-17 of said code; to amend and reenact §12-4-2 and §12-4-3 of said code; and to amend and reenact §15-5-6 of said code, all relating to disposition of moneys received by the state generally; specifying the role of the Legislature in appropriating federal funds; updating references to types of federal funds; providing for appropriation of federal funds in accordance with the state constitution; updating and clarifying statutory cross-references; limiting gubernatorial authority to spend federal funds without appropriation of the Legislature; continuing and limiting spending of certain emergency funds for natural disasters without additional enactment; requiring reports to the Legislature on proposed and actual spending of those funds; removing certain emergency federal fund exclusion language from the provisions governing appropriations of federal funds; establishing controlling provisions in case of conflict of law; clarifying statutes applicable to preparation of state budget; clarifying meaning of certain terms; conditioning the Secretary of Revenue's receipt and expenditure of federal funds; providing copy of certain reports to the Legislature; enlarging matters to be reported to the Legislature regarding revenue estimates, collections and appropriations; requiring any budget reductions be made before end of fiscal year; enlarging matters to be reported in the annual Consolidated Federal Funds report; authorizing funds to be reappropriated from one fiscal year to the next, and providing circumstances under which those funds expire to the general revenue fund instead of being reappropriated; modifying certain terms; updating references to public officers; and prohibiting the suspension of any statute governing the appropriation or expenditure of public funds by the exercise of gubernatorial emergency powers,"

With the recommendation that the committee substitute do pass.

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. 2006, Relating to the West Virginia Contractor Licensing Act,

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

Com. Sub. for H. B. 2006 - "A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, and §21-11-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-11A-3a of said code; to amend and reenact §5-22-1 of said code; to amend and reenact §21-1-3 of said code; to amend and reenact §21-3C-10b, and §21-3C-11 of said code; to amend and reenact §21-9-2 and §21-9-9 of said code; to amend and reenact §21-11A-2 and §21-11A-4 of said code; to amend and reenact §21-16-4 of said code; to amend and reenact §21A-10-11 of said code; to amend said code by adding thereto a new article, designated §30-42-1, §30-42-2, §30-42-3, §30-42-4, §30-42-5, §30-42-6, §30-42-7, §30-42-8, §30-42-9, §30-42-10, §30-42-11, §30-42-12, §30-42-13, §30-42-14, §30-42-15, §30-42-16, §30-42-17, §30-42-18, §30-42-19, §30-42-20, and §30-42-21, all relating to the West Virginia Contractor Licensing Act; providing for relocating the licensing of contractors from Chapter 21 to Chapter 30 of this code; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; providing for necessity for contractor license and exemptions; providing for procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; providing for prerequisites to obtaining building permit and mandatory written contracts; providing for requiring informational list for basic universal design features; providing for injunction and criminal penalties for violation of article; providing for specific administrative duties of board and record keeping by the board; establishing authorization to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; providing for misdemeanor criminal penalties for violations of article; providing for limitations on municipalities, local governments, and counties from requiring a license to perform contractor work; providing for an exemption from a contractor license for residential work up to \$10,000 and commercial work up to \$50,000; providing for an exemption from a contractor license for a person performing landscaping and painting services; and providing for technical updates which updates code references to contractors throughout this code to the correct code,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2002, Relating to Broadband,

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

Com. Sub. for H. B. 2002 - "A Bill to repeal §31G-1-6, §31G-1-9, and §31G-1-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-2E-2, §17-2E-3, §17-2E-5, §17-2E-6,

§17-2E-7, §17-2E-8, and §17-2E-9 of said code; to amend and reenact §24D-1-1, §24D-1-2, §24D-1-9, §24D-1-15, §24D-1-16, §24D-1-21, and §24D-1-26 of said code; to amend and reenact §31G-1-2 and §31G-1-4 of said code; to amend and reenact §31G-4-1 and §31G-4-2 of said code; to amend said code by adding thereto two new sections, designated §17-2E-10 and §17-2E-11; to amend said code by adding thereto a new article, designated §31G-1A-1, §31G-1A-2, §31G-1A-3, §31G-1A-4, §31G-1A-5, §31G-1A-6, §31G-1A-7, §31G-1A-8, §31G-1A-9, and §31G-1A-10; to amend said code by adding thereto a new section, designated §31G-3-3; and to amend said code by adding thereto a new article, designated §31G-6-1, §31G-6-2, and §31G-6-3 of said code, all relating to providing statutory framework to support, encourage, and expedite the expansion of broadband throughout the state of West Virginia; modifying the definition of ‘telecommunications carrier’; establishing requirements for agreements between the Division of Highways and an entity seeking to install telecommunications facilities; providing for in-kind contribution as a required term of agreement; establish process for Division of Highways to approve or deny application; requiring the Division of Highways provide a consolidated checklist or flow chart of all state or federal regulatory requirements; providing that the provisions of this article shall apply to all installations of any kind which necessitate disturbance of ground for a length of 1,000 feet or greater in a right-of-way owned or controlled by the Division of Highways; requiring notice to the Office of Broadband of a telecommunication entity’s intent to seek construction in division’s right-of way; providing the Office of Broadband is responsible for ensuring compliance with certain terms and will provide the Division of Highways and the applicant with certification of such compliance; allowing a utility to apply to share trench with telecommunications carrier; providing the Office of Broadband the authority to issue certificates of compliance to the Division of Highways and applicant; requiring Office of Broadband create, seek approval for, and update a formula or matrix to determine fair market value and in kind compensation for carriers use of rights of way or telecommunications facilities owned by the Division of Highways; providing Division of Highways the authority to allow carriers the use of excess telecommunications facilities; allowing Division of Highways to transfer or assign ownership of in-kind compensation or excess telecommunications facilities to another state agency upon approval by Governor; requiring that telecommunications facilities who share trench share responsibility of compensating Division of Highways; allowing Division of Highways to require a carrier bear joint and several liability; requiring agreements to provide that two or more carriers sharing obligations must allow Division of Highways to review or audit those agreements; providing rulemaking authority to Division of Highways; establishing additional requirements for Division of Highways related to broadband installation, permitting, pathways, access, and contractor requirements; adding broadband telecommunications to Chapter on cable television and cable television system act for certain purposes; defining ‘broadband’ or ‘broadband service’ and ‘broadband operator’; establishing requirements for broadband operators related to installation and construction; requiring broadband operators to indemnify the state for installation, operation, and maintenance; establishing requirements for broadband operator related to easement; providing requirements for broadband operators to restore interrupted service; requiring broadband operator to credit subscribers for interruptions in service of more than 24 hours; establishing that broadband providers may not deny access based upon certain factors; providing that broadband service is not a utility or subject to utility regulation; defining ‘applicable codes’ ‘unserved area’ and ‘underserved’; defining powers and duties of Broadband Enhancement Council; providing the Broadband Enhancement Council and Office of Broadband coordinate on bringing broadband service to unserved and underserved areas; providing Broadband Enhancement Council publicly report to the Secretary of Commerce on or before December 1 annually; creating the Office of Broadband within the Economic Development Office and under the Department of Commerce; creating the position of, and requirements for, the Director of the Office of Broadband; establishing the powers and duties of the Office of Broadband; requiring the Office of Broadband report annually to the Joint Committee on Government and Finance; requiring the Office of Broadband to map broadband in the state and establish an interactive public map; requiring certain executive agencies to cooperate and provide information to the Office of Broadband regarding AREA maps; requiring Office of Broadband Report to the Joint Committee on Technology regarding AREA

maps at specified times; allowing Office of Broadband to retain outside expert consultants; providing authority to Office of Broadband to educate public on broadband service issues; allowing Office of Broadband to establish a voluntary data collection program; providing that information collected in program not subject to the Freedom of Information Act; establishing, by Office of Broadband, requirements of data collection program to be submitted to the Legislature; requiring the Office of Broadband to create guidelines for voluntary donation of rights away and similar structures to facilitate broadband development; allowing Office of Broadband to create guidelines and recommend to legislature an easement program to facilitate broadband service; allowing Office of Broadband to seek funding and grants; establishing process to protect proprietary business information provided to the Office of Broadband; excluding proprietary business information from production under the Freedom of Information Act; providing criminal penalties for unauthorized disclosure of confidential and proprietary information; providing rulemaking authority to the Office of Broadband; establishing requirements for counties, municipalities, and political subdivisions regarding installation of conduit; defining 'applicable codes'; providing for preemption of West Virginia Code and Code of State Rules and ordinances relating to installation of certain broadband equipment; providing for scheme of construction of language of private agreements relating to exterior installation of antennas and related equipment; providing for preemption of West Virginia Code and Code of State Rules and ordinances relating to pole attachment of certain broadband equipment; providing for scheme of construction of language of private agreements relating to pole attachment; and requiring broadband operators receiving public funds to testify, upon request, under oath before the Legislature,"

With the recommendation that the committee substitutes it do pass.

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

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

H. B. 2265, Relating to collaborative pharmacy practice and updating rulemaking authority,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2265) was referred to the Committee on Government Organization.

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

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

H. B. 2264, Hospital exemptions from certificate of need,

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

Com. Sub. for H. B. 2264 - "A Bill to amend and reenact §16-2D-2 and §16-2D-10 of the Code of West Virginia, 1931, as amended, all relating to exemptions for hospitals from certificate of need; defining terms; and exempting hospitals performing health services from certificate of need requirements,"

With the recommendation that the committee substitute do pass.

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

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

H. B. 2260, Relating to procurement of child placing services,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2260) was referred to the Committee on the Judiciary.

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

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

H. B. 2015, Requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency,

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

Com. Sub. for H. B. 2015 - "A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended, relating to local health department; requiring rules of local boards of health to be approved by the appointing entity; providing exemptions; and requiring the state health officer to take control of a local health department when the Governor declares a state of emergency,"

With the recommendation that the committee substitute do pass.

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

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

H. B. 2005, Relating to health care costs,

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

Com. Sub. for H. B. 2005 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29B-6; to amend said code by adding thereto a new article, designated §33-60-1, §33-60-2, §33-60-3, §33-60-4, §33-60-5, §33-60-6, §33-60-7, §33-60-8, and §33-60-9; to amend said code by adding thereto a new article, designated §33-61-1, and §33-61-2; and to amend said code by adding thereto a new article, designated §47-29-1, all relating to health care costs generally; requiring reports to the health care authority; providing for the regulation of out-of-state healthcare providers and non-network facility based providers; providing for the disclosures of a healthcare facility and the publication of a carrier's network; defining the responsibilities of a carrier inadvertent to out-of-state network services; providing for binding arbitration in the event of payment disputes; providing for healthcare savings cost calculations, violations and legislative rules; providing for price transparency and a publication of prices; and providing a cost of healthcare appointment prices,"

With the recommendation that the committee substitute do pass.

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

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

H. B. 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,

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

Com. Sub. for H. B. 2004 - "A Bill to amend and reenact §30-1-26 of the Code of West Virginia, 1931, as amended, relating to telehealth; establishing a registration; permitting healthcare practitioners licensed in other states to practice in West Virginia using telehealth services and providing rulemaking authority,"

With the recommendation that the committee substitute do pass.

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

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

H. B. 2262, Amend who shall report and review the controlled substance monitoring database,

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

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

Your Committee on Education has had under consideration:

H. B. 2013, Relating to the Hope Scholarship Program,

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. 2213) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 2001, Relating generally to creating the West Virginia Jumpstart Savings Program,

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

Com. Sub. for H. B. 2001 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-21-12m and §11-21-25; to amend said code by adding thereto a new section, designated §11-24-10a; to amend said code by adding thereto a new article, designated §18-30A-1, §18-30A-2, §18-30A-3, §18-30A-4, §18-30A-5, §18-30A-6, §18-30A-7, §18-30A-8, §18-30A-9, §18-30A-10, §18-30A-11, §18-30A-12, §18-30A-13, §18-30A-14,

§18-30A-15, and §18-30A-16, all relating generally to creating the West Virginia Jumpstart Savings Program; providing a short title; providing legislative findings; defining terms; requiring the program to be operable by a certain date; creating the West Virginia Jumpstart Savings Board; establishing requirements for board membership, appointment, and procedures; establishing the powers of the board; authorizing the board to promulgate legislative rules; establishing the duties and powers of the Treasurer related to the program; establishing the Jumpstart Savings Trust and Trust Fund and requirements for said fund; establishing the Jumpstart Savings Expense Fund and establishing requirements for said fund; authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; establishing requirements for opening a Jumpstart Savings account and making deposits to an account; providing requirements for distributions from an account; providing when distributions from an account are treated as income for taxation purposes; specifying expenditures of account distributions that are qualified expenses; allowing a personal income tax decreasing modification for certain contributions to an account; allowing a personal income tax decreasing modification for distributions from an account used for qualified expenses; allowing a tax credit against personal income tax or corporate net income tax for certain matching contributions to accounts of employees; allowing a personal income tax decreasing modification for a rollover of distributions from a college savings account to a Jumpstart Savings account; allowing a personal income tax decreasing modification for a rollover of distributions from a Jumpstart Savings account to a West Virginia ABLE account; providing reporting and auditing requirements for the Jumpstart Savings Program; authorizing certain training and educational entities and employers to share information with the board and the Treasurer related to program participation; exempting certain personal information regarding program participants from disclosure under the state's Freedom of Information Act; limiting liability of the Treasurer related to the program; and requiring the board to promulgate certain legislative rules,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. B. 2012, Relating to public charter schools,

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

Com. Sub. for H. B. 2012 - "A Bill to amend and reenact §18-5G-1, §18-5G-2, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-9, §18-5G-10, and §18-5G-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §18-5G-13, §18-5G-14, and §18-5G-15, all relating to public charter schools; providing for a liberal interpretation; prohibiting the conversion of private schools; prohibiting any sort of profit or monetary consideration by elected officials in relation to charter schools; limiting the authorization of public charter school; creating a process by which to appeal the authorizer's decision to the West Virginia Board of Education; creating virtual public charter schools in West Virginia; establishing the West Virginia Professional Charter School Board; providing for members, appointments, and meetings; and making technical improvements and corrections,"

With the recommendation that the committee substitute do pass.

Resolutions Introduced

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

By Delegates McGeehan, J. Jeffries, Fast, Paynter, Hanna and Martin:

H. J. R. 14 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section fifty-one, article VI thereof, relating to the establishment of a general fund expenditure limit; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

By Delegates Steele, McGeehan, Howell and Higginbotham:

H. J. R. 15 - "Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof, relating to exempting honorably discharged veterans of the Armed Forces of the United States who have been determined to have a one hundred percent disability from ad valorem property taxation on the full amount of assessed value of a primary residence and all personal property; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

By Delegate Bates:

H. J. R. 16 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, relating to imposing term limits for senators and delegates; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

By Delegate Foster:

H. J. R. 17 - "Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to exempting from ad valorem taxation personal property in the form of manufacturing inventory and manufacturing equipment; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

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

H. B. 2019 - "A Bill to amend and reenact §5B-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-2-1, §5B-2-2, §5B-2-3, §5B-2-3b, §5B-2-4, §5B-2-4a, §5B-2-5, §5B-2-6, §5B-2-6a, §5B-2-9a, §5B-2-10, §5B-2-14, §5B-2-15, §5B-2-16, and §5B-2-17 of said code; to amend and reenact §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7, and §5B-2I-8 of said code; to amend and reenact §5F-1-2 of said code; and to amend and reenact §5F-2-1 of said code, all relating to reorganizing and redesignating certain agencies of the Department of Commerce; clarifying the divisions that report to the cabinet secretary of the Department of Commerce; removing the West Virginia Development Office from the Department of Commerce and redesignating the West Virginia Development Office as the Department of Economic Development; removing reference to the Division of Energy under the Department of Commerce; removing the West Virginia Tourism Office from the Department of Commerce and redesignating the West Virginia Tourism Office as the Department of Tourism; removing the Tourism Commission from the Department of Commerce and redesignating the Tourism Commission as the Tourism Advisory Council; redesignating the executive director of the Development Office as the secretary of the Department of Economic Development and providing for his or her appointment and term of office; providing that the Department of Economic Development will utilize existing resources of the Department of Commerce to the fullest extent practicable and efficient; providing that the Secretary of the Department of Economic Development

may exempt employees from coverage under the state's classified service; providing that the Department of Economic Development is exempt from of §5A-3-1 *et seq.* of this code; redesignating the Development Office Promotion Fund as the Economic Development Promotion and Closing Fund and allowing further uses of such fund; redesignating the executive director of the Tourism Office as the secretary of the Department of Tourism and providing for his or her appointment and term of office; providing that the Department of Tourism will utilize existing resources of the Department of Commerce to the fullest extent practicable and efficient; providing that the Department of Tourism is exempt from §5A-3-1 *et seq.*; adding the Secretary of the Department of Economic Development to the membership of the Tourism Advisory Council; updating references to the secretary and Department of Economic Development; and updating references to the secretary and Department of Tourism"; to the Committee on Government Organization.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2021 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-12E-1, §29-12E-2, §29-12E-3, and §29-12E-4, all related to the creation of and the enactment and operation of the 'West Virginia COVID-19 Immunity Act'; to provide for certain immunities from liability for claims regarding COVID-19; to provide for definitions; to provide for exceptions; to provide for a retroactive effective date; and to provide for severability"; to the Committee on the Judiciary.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2023 - "A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2D-16a; to amend said code by adding thereto a new section, designated §23-1-1h; to amend and reenact §23-5-1, §23-5-3, §23-5-5, §23-5-6, §23-5-8, §23-5-9, §23-5-10, §23-5-11, §23-5-12, §23-5-13, §23-5-15, and §23-5-16 of said code; to amend said code by adding thereto a new section, designated §23-5-8a; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend and reenact §51-2-2 of said code; to amend and reenact §51-2A-24 of said code; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2021; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial vacancies in an Intermediate Court of Appeals; transferring jurisdiction over appeals of decisions of the Health Care Authority in certificate of need reviews from the Workers' Compensation Office of Administrative Judges to the Intermediate Court of Appeals; transferring jurisdiction over objections filed in workers' compensation claims from the Office of Judges to the Workers' Compensation Board of Review; terminating the Office of Judges by a certain date and transferring all powers and duties, related to objections, from the Office of Judges to the Board of Review; providing that the Insurance Commissioner shall have administrative oversight and authority over the Board of Review; adding two members to the Board of Review; providing for appointment of new Board of Review members; providing for the appointment of members of the board of review; authorizing the Board of Review to hire hearing examiners meeting certain qualifications and classified as attorneys; requiring the chair of the Board of Review to assign a member of the Board to each objection; requiring that all orders and decisions of the Board of Review pertaining to an objection be issued and signed by a single member of the Board of Review; permitting the Board of Review member assigned to an objection to delegate certain duties to a hearing examiner; establishing the administrative powers and duties of the Board of Review; increasing the limit on the annual salary of a Board of Review member; authorizing the Board of Review to promulgate rules of practice and procedure, and establishing a process therefor; establishing duties of the chair of the Board of Review; providing that the

administrative expenses of the Board of Review shall be included in annual budget of the Insurance Commissioner; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals; establishing certain procedures and other requirements for appeals of Board of Review decisions made to the Intermediate Court of Appeals; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; requiring that appeal of contested cases under the State Administrative Procedures Act be made to the Intermediate Court of Appeals; excluding certain matters from jurisdiction of the circuit courts; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; creating an Intermediate Court of Appeals in West Virginia to be operational by a certain date; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring a three-judge panel for proceedings of each district of the Intermediate Court of Appeals; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; providing for and excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing that parties to an appeal in the Intermediate Court of Appeals shall have an opportunity for a full and meaningful review on the record of the lower tribunal and an opportunity to be heard; establishing a procedure by which parties to an appeal in the Intermediate Court of Appeals may file a motion for direct review of an appeal by the Supreme Court of Appeals in extraordinary circumstances; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for the staggered initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing a process for the initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing for an initial election of judges to the Intermediate Court of Appeals; providing for the regular election of a judge to each district of the Intermediate Court of Appeals upon the expiration of a sitting judge's term; establishing procedures for the filling of vacancies in unexpired judicial terms by appointment and in certain circumstances, subsequent election; providing that the Governor's judicial appointments must be made from a list of candidates submitted by the Judicial Vacancy Advisory Commission and are subject to advice and consent of the Senate; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during the judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the Chief Judge of the Intermediate Court of Appeals to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the administrative director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the administrative director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing that the Intermediate Court of Appeals shall issue written decisions as a matter of right; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing internal effective dates; removing obsolete language from the code; and making technical corrections to the code"; to the Committee on the Judiciary then Finance.

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

H. B. 2024 - "A Bill to amend and reenact §30-3-13a of the Code of West Virginia of 1931, as amended, relating to telemedicine; to expand use of telemedicine to all medical personnel; to allow for audio-only telemedicine encounters; to ensure parity for telemedicine to match in-person coverage and fees; and to limit the ability of medical personnel professional licensure boards to restrict telemedicine beyond that of this section"; to the Committee on Health and Human Resources.

By Delegates Hanshaw (Mr. Speaker), Cooper, Jennings, Smith, J. Pack and Steele:

H. B. 2303 - "A Bill to repeal §15-1G-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15-1G-10, relating to the West Virginia Service Decoration and West Virginia Service Cross"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegates Higginbotham and Hanna:

H. B. 2304 - "A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating to allowances for instructional technology and for advanced placement, dual credit and international baccalaureate programs; increasing base allocation to each county for improving instructional technology; and changing basis of determining amount to be distributed to counties for enrollment in advanced placement and dual credit programs"; to the Committee on Education then Finance.

By Delegate Higginbotham:

H. B. 2305 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-26c, relating to creating a tax credit for hiring an ex-felon"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Higginbotham, Toney and Hanna:

H. B. 2306 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-39-1, relating to governmental websites; requiring municipalities to maintain websites with specific information available to the public at no charge; requiring information to be updated; and requiring updated information be provided to the Office of Technology"; to the Committee on Government Organization.

By Delegate Higginbotham:

H. B. 2307 - "A Bill to amend and reenact §3-10-7 of the Code of West Virginia, 1931, as amended, relating to requiring vacancies in the office of county commissioner be made from a list of three legally qualified persons submitted by the appropriate party's county executive committee"; to the Committee on the Judiciary.

By Delegates Higginbotham, Toney, Hanna and Evans:

H. B. 2308 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to creation of the Business PROMISE+ Scholarship; establishing the scholarship under the management of the Higher Education Policy Commission; creating a special revenue account; explaining funding for the scholarship; authorizing the issuance of tax credits for certain businesses; authorizing legislative rules by the Higher Education Policy Commission and the Tax Commissioner; setting student eligibility; noting business benefits and requirements; creating a process for awarding a specific amount of funds; detailing student requirements upon receipt of the scholarship; and requiring the creation of a deferral and waiver program for certain requirements"; to the Committee on Education then Finance.

By Delegates Higginbotham, Toney, Hanna and Anderson:

H. B. 2309 - "A Bill to amend and reenact §9A-1-10 of the Code of West Virginia, 1931, as amended, relating to requiring the Secretary of the Department of Veterans' Assistance to prescribe

methods of support for families of veterans to attend funeral services for deceased veterans, such as payment for travel expenses for members of the immediate family; and requiring rule-making”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Foster, Fast and Rowan:

H. B. 2310 - “A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f, and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6, and §62-7-6a, all relating to death penalty for first degree murder; procedures, standards, and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid (‘DNA’) testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence, and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body”; to the Committee on the Judiciary then Finance.

By Delegate Foster:

H. B. 2311 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-12d, relating to requiring prescriptions be made by electronic means; and providing exceptions”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2312 - “A Bill to amend and reenact §48-9-601 of the Code of West Virginia, 1931, as amended, relating to ensuring that legal or biological parents have equal access to any and all copies of birth registry forms submitted to the hospital by the mother, or any other person, for the purpose of registering the birth of the child with the West Virginia Vital Registration Office”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 2313 - “A Bill to amend and reenact §29-3D-2 of the Code of West Virginia, 1931, as amended, relating to reducing the number of hours of experience needed to qualify as a journeyman sprinkler fitter from 10,000 to 3,000”; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2314 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18A-4-2d and §18A-4-4a, all relating to teacher salary enhancement; requiring that to qualify for certain additional salary provisions, the teacher’s earned master’s degree or graduate work toward or following obtaining a master’s degree, shall be in the field in which the teacher is teaching”; to the Committee on Education.

By Delegate Foster:

H. B. 2315 - “A Bill to amend and reenact §18C-7-6 and §18C-7-7 of the Code of West Virginia, 1931, as amended, relating to PROMISE Scholarship Program requirements; requiring repayment of scholarship if student is not employed in West Virginia following graduation, under certain circumstances”; to the Committee on Education then Finance.

By Delegate Foster:

H. B. 2316 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-1-13a, relating to allowing access to the Department of Environmental Protection's electronic submission system by all persons, as well as multiple persons involved in the submission of a specific application or other project by those persons involved in the project"; to the Committee on Government Organization.

By Delegates Foster, Fast, Lovejoy and Rowe:

H. B. 2317 - "A Bill to amend and reenact §49-4-112 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Health and Human Resources to pay the attorney fees of an adoptive parent in a subsidized adoption"; to the Committee on Health and Human Resources.

By Delegate Foster:

H. B. 2318 - "A Bill To repeal §21-1C-1, §21-1C-2, §21-1C-3, §21-1C-4, §21-1C-5, and §21-1C-6 of the Code of West Virginia, 1931, as amended, relating to repealing the West Virginia Jobs Act"; to the Committee on Government Organization.

By Delegates Foster and D. Jeffries:

H. B. 2319 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt; to amend said code by adding thereto a new section, designated §8-12-22; and to amend said code by adding a new section, designated §30-1-27, all relating to prohibiting the regulation and licensing of occupations by local government; declaring state authority to regulate trades, occupations, and professions; prohibiting regulation of occupations by county commissions; prohibiting municipalities from enacting or enforcing laws regulating trades, occupations, and professions; and preserving the authority of local governments to regulate certain projects, construction, and modifications, to be known as the 'Statewide Uniform Licensing Act'; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2320 - "A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-5-50, relating to mandatory drug testing of all classes of employees in K through 12 schools"; to the Committee on Education then the Judiciary.

By Delegates Higginbotham, Foster, Fast and Martin:

H. B. 2321 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, §18-34-4, §18-34-5, §18-34-6, §18-34-7, §18-34-8, and §18-34-9, all relating to enacting an Educational Savings Account Program; providing a short title and definitions; providing basic elements of an educational savings account; application requirements; responsibilities of the Treasurer; establishing a Parent Review Committee; providing eligibility requirements for and rights of education service providers; including responsibilities of resident school districts; and addressing legal proceedings"; to the Committee on Education then Finance.

By Delegate Higginbotham:

H. B. 2322 - "A Bill to amend and reenact §46A-5-101 of the Code of West Virginia, 1931, as amended, relating to conforming the state Consumer Credit and Protection Act to the federal Fair Debt Collection and Practices Act"; to the Committee on the Judiciary.

By Delegates Higginbotham, Howell, J. Jeffries and Rohrbach:

H. B. 2323 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing a special vehicle registration plate for '2nd Amendment' enthusiasts"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Foster, McGeehan and Toney:

H. B. 2324 - "A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to charging fees for municipal services and prohibiting municipalities from assessing fees to people on the basis of employment within the municipal boundaries"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Foster:

H. B. 2325 - "A Bill to amend and reenact §30-27-10 of the Code of West Virginia, 1931, as amended, relating to removing the requirement of continuing education for barbers and cosmetologists"; to the Committee on Government Organization.

By Delegates Foster and Fast:

H. B. 2326 - "A Bill to amend and reenact §29-3B-3 of the Code of West Virginia, 1931, as amended, relating to exempting from licensure as an electrician a person who installs low voltage electrical wiring"; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2327 - "A Bill to repeal §23-2-1d of the Code of West Virginia, 1931, as amended, relating to prime contractors liability for subcontractors failure to make proper payments for workers' compensation coverage"; to the Committee on Workforce Development then the Judiciary.

By Delegates Foster and Fast:

H. B. 2328 - "A Bill to amend and reenact §61-3B-2 and §61-3b-3 of the Code of West Virginia, 1931, as amended, all relating to criminal trespass"; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 2329 - "A Bill to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to net metering; modifying method for determining rebate or discounts to customers; and requiring compliance with certain national codes"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Foster:

H. B. 2330 - "A Bill to amend and reenact §29A-1-3 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; eliminating the commissions exemption from rulemaking requirements in Chapter 29A"; to the Committee on Government Organization then the Judiciary.

By Delegates Foster and D. Jeffries:

H. B. 2331 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-21, relating to requiring that contractors performing work for government contracts on computers use software to verify the hours the contractor worked on the computer"; to the Committee on Workforce Development then Government Organization.

By Delegate Foster:

H. B. 2332 - "A Bill to repeal §30-19-2, §30-19-3, §30-19-4, §30-19-5, §30-19-6, §30-19-7, §30-19-8, §30-19-9, §30-19-10, §30-19-11, §30-19-12, §30-19-13, §30-19-14, §30-19-15, §30-19-16 and §30-19-17 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-1A-7; and to amend and reenact §30-19-1 of said code, all relating to terminating the State Board of Registration of Foresters; providing deadlines to wind up activities of the board; transferring the assets and records of the board to the Division of Forestry; creating a special fund; authorizing rule-making; and providing for the transfer and disposition of board assets and funds"; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2333 - "A Bill to amend and reenact §30-27-5 of the Code of West Virginia, 1931, as amended, relating to restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products"; to the Committee on Government Organization.

By Delegates Foster and Howell:

H. B. 2334 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-27, relating to requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures undertaken or proposed to be undertaken"; to the Committee on Government Organization.

By Delegate Foster:

H. B. 2335 - "A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor"; to the Committee on the Judiciary.

By Delegate Hanna:

H. B. 2336 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, and §18-2L-12; and to amend said code by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, and §18C-10-5, all relating generally to the establishment of the Katherine Johnson Academy as magnet school programs at colleges and universities in West Virginia; defining terms; creating a board of trustees to govern the Katherine Johnson Academy; providing for membership of the board of trustees, the selection of a chair, terms of the trustees, duties and responsibilities, setting of meetings, and establishing trustees to serve without compensation; authorizing the board of trustees to perform certain duties; providing for the appointment of a president; providing for collaboration agreements for the establishment of magnet school programs; providing for restrictions on the amount that may be charged for tuition, fees, room, board, and books; authorizing the establishment of residential programs and commuter programs at colleges and universities; establishing the Academy of Mathematics and Science and the Academy for the Performing Arts; requiring the board of trustees to select certain host institutions pursuant to a competitive bidding process; establishing certain minimum eligibility requirements for students; authorizing a host institution to determine admission and enrollment; requiring students accepted and admitted into a magnet school program to receive the PROMISE scholarship; providing for students to receive a scholarship from the Katherine Johnson Scholarship Fund; providing that no county board or college or university will be required to participate in this program; requiring the Katherine Johnson Academy, the State Board of Education, and the Higher Education Policy Commission to promulgate a joint rule for the administration of the Katherine Johnson Academy; establishing the Katherine Johnson Scholarship Fund; providing for state and county support for the Katherine Johnson Scholarship Fund based upon per-pupil allocations; defining terms; and providing for rulemaking"; to the Committee on Education then Finance.

By Delegate Westfall:

H. B. 2337 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15F-1, §33-15F-2, §33-15F-3, §33-15F-4, §33-15F-5, §33-15F-6, and §33-15F-7, all relating to requiring medical insurance providers to include infertility services in their policies; making findings; providing for determination of infertility; providing prohibited and permissible limitations on coverage; requiring rule-making; establishing an effective date; providing for severability; and defining terms"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Westfall:

H. B. 2338 - "A Bill to amend and reenact §19-37-2 of the Code of West Virginia, 1931, as amended, relating to adding pasteurized milk and other dairy foods produced or processed in West Virginia to the list of items required to be purchased by all state-funded institutions, such as schools, colleges, correctional facilities, governmental agencies, and state parks; and authorizing the Commissioner of Agriculture to promulgate legislative rules to add additional products to the list"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegate Westfall:

H. B. 2339 - "A Bill to amend and reenact §61-2-15a of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for attacking an athletic official, and further defining the penalties for attacking an athletic official"; to the Committee on the Judiciary.

By Delegates Hanna, Haynes and Barnhart:

H. B. 2340 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to requiring compensation be made to certain members of the State Police for off-duty time when they are required to be on standby to be called back to work; requiring off-duty State Police officers who are called back to work or appear in court be compensated a minimum amount; and providing a housing cost stipend for those officers who reside in, and are assigned to, one of the top five counties in median monthly housing costs"; to the Committee on Finance.

By Delegates Hanna and Haynes:

H. B. 2341 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid, for personal income tax purposes"; to the Committee on Education then Finance.

By Delegates Zatezalo and Anderson:

H. B. 2342 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-32-1, §22-32-2, §22-32-3, §22-32-4, §22-32-5, §22-32-6, and §22-32-7, all relating generally to establishing and implementing a program to decommission and reclaim wind and solar electrical generation facilities upon closure; making legislative findings; stating legislative purpose; providing a short title; defining terms; requiring the owners of a wind generation facilities and solar generation facilities to notify and provide certain information to the Department of Environmental Protection including dates when operations began and plans with cost estimates for decommissioning facilities; requiring DEP to determine and assess a reclamation bond based on a facility's total disturbed acreage; establishing a minimum bond value of \$150,000; requiring the owners of said facilities to submit bonds payable to the state in a form and in a sum determined by the DEP, conditioned on the satisfactory decommissioning; providing that owners of said facilities may enter into alternative reclamation agreements after approval by the DEP; providing that the DEP may modify said plans after proper notification and appeals; providing exemptions from bond requirements for facilities with nameplate capacities of less than 0.5 megawatts; providing for administrative penalties for failure to submit decommissioning bonds of not more than \$10,000 for the first day and not more than \$500 for each additional day; providing appellate rights to the Environmental Quality Board; providing transfer of ownership provisions; providing for amended plans for allowing reductions in bond amounts; providing that bond submission does not absolve owners from complying with other applicable regulations and requirements; establishing a 'Wind and Solar Decommissioning Account' within the Office of the West Virginia Treasurer in to which assessed penalties and accrued interest must be paid and held; providing that the account may only be used by the DEP to implement this article and adopted rules; providing that DEP shall administer this act

using existing resources and the account; requiring the DEP to maintain and hold bonds or other surety received; providing for the release of bonds after the DEP is satisfied property has been properly decommissioned in accordance with the plan; providing for bond forfeiture when a facility is not properly decommissioned, if the deficiencies are not rectified; providing that the Office of Environmental Remediation or a private entity by contract may decommission facilities; providing that DEP may file suit to enforce permit and plan conditions and to recoup costs of reclamation; authorizing rulemaking; and providing effective dates”; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate J. Pack:

H. B. 2343 - “A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, as amended, relating to adding emergency contact information to an individual’s driver or motorcycle license for contact in emergency situations”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate J. Pack:

H. B. 2344 - “A Bill to amend and reenact §30-10-10 and §30-10-11 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of ‘Registered Veterinary Technician’ from ‘Technician’ to ‘Nurse’”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Westfall, Hanna, Queen and Barrett:

H. B. 2345 - “A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to requiring each county school board to employ at least one full time school nurse for each public school”; to the Committee on Education then Finance.

By Delegate Higginbotham:

H. B. 2346 - “A Bill to amend and reenact §16A-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-3-1 and §16A-3-5 of said code; and to amend and reenact §16A-13-3 of said code, all relating to the Medical Cannabis Act; adding definitions to ‘serious medical condition’; requiring rules related to use of edible medical cannabis; protecting patients from another state with medical cannabis in possession from arrest; and clarifying that colleges and private businesses shall be included in medical cannabis research programs”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Foster and D. Jeffries:

H. B. 2347 - “A Bill to amend and reenact §29-3B-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-3C-4 of said code; and to amend and reenact §29-3D-6 of said code; all relating to licensure qualifications and technical corrections”; to the Committee on Government Organization.

By Delegates Higginbotham, Hott and Martin:

H. B. 2348 - “A Bill to amend and reenact §11-10-14a of the Code of West Virginia, 1931, as amended, relating to allowing certain deductions to be made from individual personal income tax refunds; providing check-off for donations to the Make-A-Wish Foundation of Greater Pennsylvania and West Virginia for the purpose of granting wishes to children who reside in West Virginia and who have life-threatening medical conditions; to provide for disposition of such donated monies; to establish the Make-A-Wish Foundation of Greater Pennsylvania and West Virginia Fund as a special escrow fund in the State Treasury; to provide for the administration and use of moneys in the fund;

to authorize the Tax Commissioner to make certain deposits into the fund; and to provide for reporting to the Joint Committee on Government and Finance”; to the Committee on Finance.

By Delegate Foster:

H. B. 2349 - “A Bill to amend and reenact §16-30-6 of the Code of West Virginia, 1931, as amended, relating to authorizing a medical power of attorney representative to sign a binding arbitration agreement with an extended care facility operated in conjunction with a hospital, an assisted living facility, a nursing home or their related entities and employees on behalf of an incapacitated person unless the representative’s authority is clearly limited”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 2350 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 2351 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-27, relating to events in municipalities licensed by the Alcoholic Beverage Control Commission”; to the Committee on Political Subdivisions then Government Organization.

By Delegate Higginbotham:

H. B. 2352 - “A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-52, relating to placing sections of political party platforms on the ballot for each primary election in a presidential election year”; to the Committee on the Judiciary.

By Delegates Higginbotham and Hanna:

H. B. 2353 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to establishing a tax credit for families who suffer the loss of a stillborn child”; to the Committee on Finance.

By Delegates Higginbotham and Toney:

H. B. 2354 - “A Bill to amend and reenact §3-1-9 of the Code of West Virginia, 1931, as amended, relating to political party committees; establishing that any elected state representative in the West Virginia House of Delegates or the West Virginia State Senate are members of the political party upon election or appointment; permitting all elected or appointed officials to remain a member for the duration of their time in office; and permitting any elected or appointed representative to be elected as an officer for the political party committee”; to the Committee on the Judiciary.

By Delegates Higginbotham and Barrett:

H. B. 2355 - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §11-24-6c, relating to establishing a tax deduction against corporation net income tax for retail food distributors that donate certain surplus food products to school ‘backpack programs’ and school pantries; requiring rulemaking; defining terms”; to the Committee on Finance.

By Delegate Higginbotham:

H. B. 2356 - “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 the use of medical cannabis; allowing medical cannabis to be dispensed as dry flower or plant flower and in edible forms; removing the restriction that medical cannabis not be dispensed in dry leaf or plant form; and removing the prohibition on smoking medical cannabis”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Higginbotham, Hott, Howell and Martin:

H. B. 2357 - "A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all schools to instruct students on the Holocaust and other genocides"; to the Committee on Education then Finance.

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

H. B. 2358 - "A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates"; to the Committee on Finance.

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

H. B. 2359 - "A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates"; to the Committee on Finance.

Miscellaneous Business

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

- H. B. 2012:** Delegate Espinosa;
- H. B. 2031:** Delegate Storch;
- H. B. 2034:** Delegate Mandt;
- H. B. 2035:** Delegate Mandt;
- H. B. 2036:** Delegate Mandt;
- H. B. 2046:** Delegate Mandt;
- H. B. 2051:** Delegate Mandt;
- H. B. 2093:** Delegates Pack and Mandt;
- H. B. 2106:** Delegate Mandt;
- H. B. 2108:** Delegate Mandt;
- H. B. 2109:** Delegate Mandt;
- H. B. 2133:** Delegates Barach and Hansen;
- H. B. 2157:** Delegate Mandt;
- H. B. 2159:** Delegate Mandt;
- H. B. 2200:** Delegate Mandt;

H. B. 2204: Delegate Mandt;

And,

H. B. 2293: Delegates Barach and Hansen.

At 11:15 a.m., the House of Delegates adjourned until 1:00 p.m., Saturday, February 13, 2021.

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

SPECIAL CALENDAR

Saturday, February 13, 2021

4th Day

1:00 P. M.

FIRST READING

- Com. Sub. for H. B. 2001 - Relating generally to creating the West Virginia Jumpstart Savings Program (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2002 - Relating to Broadband (CAPITO) (REGULAR)
- 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. 2005 - Relating to health care costs (J. PACK) (REGULAR)
- Com. Sub. for H. B. 2006 - Relating to the West Virginia Contractor Licensing Act (STEELE) (REGULAR)
- Com. Sub. for H. B. 2012 - Relating to public charter schools (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2014 - Relating to role of the Legislature in appropriating federal funds (HOUSEHOLDER) (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. 2262 - Amend who shall report and review the controlled substance monitoring database (J. PACK) (REGULAR)
- Com. Sub. for H. B. 2264 - Hospital exemptions from certificate of need (J. PACK) (EFFECTIVE FROM PASSAGE)

**WEST VIRGINIA
HOUSE OF DELEGATES**

SATURDAY, FEBRUARY 13, 2021

HOUSE CONVENES AT 1:00 P.M.

**COMMITTEE ON FINANCE
9:00 A.M. – HOUSE CHAMBER**

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

**COMMITTEE ON EDUCATION
11:00 A.M. – HOUSE CHAMBER**

**COMMITTEE ON HEALTH & HUMAN RESOURCES
11:00 A.M. – ROOM 215 E**

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