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Wednesday, February 24, 2021

FIFTEENTH 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 Tuesday, February 23, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Energy and Manufacturing has had under consideration:

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

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

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 2598) to the Committee on Health and Human Resources.

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

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 2493, Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2493) was referred to the Committee on Finance.

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 Queen, Westfall, Haynes, Phillips, Burkhammer, B. Ward, Fast, Keaton, Pinson and D. Kelly:

H. B. 2590 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, and §21-5I-6, all relating to

the West Virginia Employment Law Worker Classification Act; defining the following terms in the context of the West Virginia Employment Law Worker Classification Act: ‘gig economy’, ‘entrepreneurial economics’, ‘independent worker’, ‘person’, ‘principal’, ‘sharing economy’, ‘worker compensation’, ‘unemployment compensation’, ‘human rights’, and ‘wage payment and collection’; providing findings related to recent developments in the workforce marketplace, noting different standards for classifying workers as employees or independent contractors; concluding reasonable certainty concerning the legal status of workers provides guidance and opportunities; establishing a purpose for the legislation including consistency, clarity, and legal protections for workers and employers; establishing classification criteria and methodology for employment of independent contractors; clarifying there is no requirement to classify workers; establishing that a principal is free to hire any worker; providing for preemption of local laws related to this article; limiting the independent contractor-employee test to the laws of workers compensation, unemployment compensation, human rights and wage payment-collection; and establishing severability for provisions subsequently determined to be invalid.”

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. 2363, Relating to “Best Interests of the Child Protection Act of 2021”,

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

Com. Sub. for H. B. 2363 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto five new sections, designated §48-1-217a, §48-1-239a, §48-1-241a, §48-1-241b, and §48-9-204a; to amend and reenact §48-1-210, §48-1-218, §48-1-219, §48-1-220, §48-1-239, §48-1-241, §48-1-303, §48-9-101, §48-9-102, §48-9-201, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-208, §48-9-209, §48-9-301, §48-9-401, §48-9-402, §48-9-403, §48-9-601, §48-9-602 and §48-9-603 of said code, all relating to ‘Best Interests of the Child Protection Act of 2021’; defining ‘shared legal custody’, ‘shared physical custody’; establishing the presumption that co-equal shared legal and physical custody of children, and the maintaining of sibling, including half-sibling, relationships through co-equal shared legal and physical custody of children in cases of divorce to be in the best interests of the children and families; requiring that temporary parenting plans, parenting plans, modifications to parenting plans and parental relocations consider the presumption of co-equal shared legal and physical custody is in the best interests of a child; to require courts to consider such presumption of co-equal shared legal and physical custody being in the best interests of a child when determining significant parental decision making responsibility, legal and physical custody and parenting time allocation; to establish certain procedural safeguards in the judicial review and allocation of parenting plans; and establish both parents’ rights to school and medical records of their children, all relating generally to the public policy recognition and preservation of the fundamental constitutional rights of all parents to raise their own children and that it is presumptively in the best interest of children to be raised by both of their parents equally,”

With the recommendation that the committee substitute do pass.

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

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

H. B. 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 reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2616 - "A Bill to amend and reenact §16-5N-2 and §16-5N-3 of the Code of West Virginia, 1931, as amended, all relating to residential care communities; updating definitions; requiring a report to be published on a website; requiring specific information to be reported; and making technical changes,"

With the recommendation that the committee substitute do pass.

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

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

H. B. 2620, Relating to a departmental study of the child protective services and foster care workforce,

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

Com. Sub. for H. B. 2620 - "A Bill to amend and reenact §49-2-111b of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Health and Human Resources to conduct a study; requiring the department to evaluate its child protective services; requiring the department to evaluate its foster care workforce; requiring the report to be submitted to the Legislative Oversight Commission on Health and Human Resources Accountability,"

With the recommendation that the committee substitute do pass.

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 23rd day of February, 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. 2358, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act,

And,

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

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. 2267, Establishing an optional bus operator in residence program for school districts,

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

Com. Sub. for H. B. 2267 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-15, relating to authorizing recruitment and training

programs for prospective bus operators; providing required approval, limitations and elements of locally funded recruitment and training programs; establishing no entitlement to employment upon completion of the program; and not permitting seniority to accrue for time spent during completion of the program,”

With the recommendation that the committee substitutes each do pass, and with the recommendation that second reference to the Committee on Finance be dispensed with.

At the request of Delegate Summers, and by unanimous consent, second reference of the bill (Com. Sub. for H. B. 2267) to the Committee on Finance was dispensed with.

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

By Delegates Dean, Phillips, Paynter, Bridges, Evans, Hansen, Longanacre, J. Pack, Sypolt, Westfall and Young:

H. B. 2759 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto §11-13KK-1 through §11-13KK-3; amending §20-2-28 and amending §20-2B-7, all relating to tax credit offered to disabled veterans that have been Honorably Discharged from the military for the cost of their lifetime hunting, trapping and fishing license.”

The Speaker referred the bill (H. B. 2759) to the Committee on Finance.

Messages from the Senate

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. 1 - “A Bill to amend and reenact §5-16-7b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-28; to amend and reenact §30-1-26 of said code; to amend and reenact §30-3-13a of said code; to amend and reenact §30-14-12d of said code; and to amend and reenact §33-57-1 of said code, all relating to telehealth services; defining terms; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to reimburse for telehealth services at a negotiated rate for virtual telehealth encounters; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to provide reimbursement for a telehealth service on the same basis and at the same rate as if the service is provided in-person for established patients; requiring the Department of Health and Human Resources to file a Medicaid waiver; establishing a registration; permitting health care practitioners licensed in other states, in good standing, to practice in West Virginia using telehealth services and providing rule-making authority and emergency rule-making authority; setting forth requirements for registration; permitting a fee for registration; placing a cap on the fee; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; providing restrictions and exceptions on prescriptive authority; adding criteria to the standard of care related to telehealth services; and providing exceptions”; 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

Com. Sub. for S. B. 12 - “A Bill to amend and reenact §16-2-2, §16-2-6, §16-2-7, §16-2-8, §16-2-9, and §16-2-11 of the Code of West Virginia, 1931, as amended, all relating to local health departments; creating definition; permitting members of the appointing authority to serve as nonvoting, ex officio members of the board; providing the nonvoting member shall not be counted against any other criteria for board membership; permitting appointing authority to remove local health department board member; permitting appointing authority of combined board to remove their own appointed members; requiring the commissioner to establish a procedure for adverse determinations by local health department to be appealed, unless otherwise provided; requiring rules adopted, promulgated, and amended by local boards of health have a public comment published in the State Register and the organization’s web page; setting forth requirement for notice; requiring written comments received during comment period be presented to appointing authority for approval or disapproval in whole or in part within specified time frames; providing amendments or modifications not approved may be resubmitted; providing that a rule currently in effect is not subject to approval, unless amended, from the county commission or appointing authority; providing emergency rule approval or disapproval procedures within specified time frames; requiring that approved rules shall be filed with the clerk of the county commission or the clerk or the recorder of the municipality, or both, and shall be kept as public records; and requiring state health officer to develop policies and guidelines that each of the local departments must comply with when a statewide public health emergency is declared.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 12) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 14 - “A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to creating a third set of conditions for which a person may be issued a professional teaching certificate for teaching in the public schools; and providing that teaching certificates granted pursuant to the new set of conditions are equivalent to certificates granted to graduates of teacher preparation programs at public higher education institutions.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 14) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 61 - “A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to expanding the Coyote Control Program by providing for an assessment on breeding cows; providing an option for owners of breeding cows not to participate in the program; requiring notice; and setting forth a purpose”; which was referred to the Committee on Agriculture and Natural Resources 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

Com. Sub. for S. B. 244 - "A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to preventing public water and sewer utilities from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service if certain requirements are met; and specifying requirements and involvement of the Public Service Commission"; which was referred to the Committee on Technology and Infrastructure then the Judiciary.

Resolutions Introduced

Delegates Nestor, B. Ward, Haynes, Pinson, Phillips, Toney, Tully, J. Kelly, Anderson, Hott, Ferrell, Jennings, Barach, Barnhart, Booth, Bruce, Conley, Cooper, Criss, Dean, Diserio, Fast, Forsht, Graves, Hamrick, Hanna, Holstein, Householder, Howell, D. Jeffries, J. Jeffries, Keaton, D. Kelly, Kessinger, Kimble, Kimes, Longanacre, Lovejoy, Mallow, Mandt, Maynard, McGeehan, Miller, L. Pack, Paynter, Pethtel, Pritt, Pushkin, Reed, Reynolds, Riley, Smith, Statler, Storch, Sypolt, Walker, Wamsley, G. Ward, Westfall, Young, Zatezalo and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 10 - "Requesting the Division of Highways name a bridge bearing the milepost 30.96, carrying County Route 38 over the Tygart Valley River in the town of Dailey, located in Randolph County, West Virginia, as the James 'Big Jim' Shaffer Memorial Bridge."

Whereas, James Shaffer, known in his community as "Big Jim," was born on October 5, 1943, in East Dailey, West Virginia, where he was raised by his grandparents, Sterl and Vida Gear; and

Whereas, In 1958, James Shaffer joined the Tygart Valley Fire Company at the age of 15 as a young man; and

Whereas, In 1968, James Shaffer assumed the position of chief of the Tygart Valley Fire Company; and

Whereas, During James Shaffer's time as chief, the Tygart Valley Fire Company built two new stations and purchased updated trucks and equipment to expand their services to the community; and

Whereas, James Shaffer participated in a variety of community activities during his time as a member and chief of the Tygart Valley Fire Company, including aiding the former Valley Water Company with line repairs, searching for line breaks, providing traffic control, assisting the former Coastal Lumber Company with silo fires and brush fires, and putting on safety demonstrations for the children at the former Homestead Elementary School; and

Whereas, James Shaffer, while serving as a member and chief of the Tygart Valley Fire Company, responded to a wide array of calls, including structure fires, motor vehicle accidents, downed trees, CPR, searching for missing individuals, and mutual aid calls; and

Whereas, James Shaffer, both as a member and chief of the Tygart Valley Fire Company, organized many fundraisers to raise money for the department, including "Porch Light Drives," in which community members would turn on their porch lights to alert the fire company to collect their donations as the members walked through the Dailey, East Dailey, and Valley Bend communities; and

Whereas, In 2003 and 2004, James Shaffer wrote two Federal Emergency Management Agency grants that provided over \$165,000 for the Tygart Valley Fire Company, which helped pay for over

30 sets of gold personal protective equipment, including bunker coats, bunker pants, boots, gloves, and Nomex hoods; and

Whereas, James Shaffer retired from the Tygart Valley Fire Company in 2006 after 48 years of volunteer service to his community and beyond; and

Whereas, Sadly, James Shaffer passed away on December 18, 2012, and is survived by his wife and his daughter; and

Whereas, James Shaffer exemplified what it means to be a true community leader and a role model for all those in the community and across West Virginia; and

Whereas, For these reasons it is fitting and proper that this bridge be named in honor of James “Big Jim” Shaffer; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a bridge bearing the milepost 30.96, carrying County Route 38 over the Tygart Valley River in the town of Dailey, located in Randolph County, West Virginia as the “James ‘Big Jim’ Shaffer Memorial Bridge”; and, be it

Further Resolved, That the commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the “James ‘Big Jim’ Shaffer Memorial Bridge”; and, be it

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

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

H. J. R. 22 – “Proposing an amendment to the Constitution of the State of West Virginia, amending section §1b, article X thereof; relating to permitting increase in homestead exemption for persons with yearly income that does not exceed twenty thousand dollars; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on Finance then the Judiciary.

Bills Introduced

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

By Delegates Mallow, Holstein, Nestor, Forsht, Longanacre and Conley:

H. B. 2717 - “A Bill to amend and reenact §24-2A-5 of the Code of West Virginia, 1931, as amended, relating to authorizing reduced rates for residential utility customers who are residents of a small community with fewer than 1000 residents”; to the Committee on Government Organization then the Judiciary.

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

H. B. 2718 - “A Bill to amend and reenact §17D-2A-6a of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-6-31g of said code, all relating to requiring the commissioner of Motor Vehicles to develop and implement an electronic insurance verification program; and requiring the Insurance Commissioner to propose rules necessary to implement

requirements of the electronic insurance verification program”; to the Committee on Banking and Insurance then Government Organization.

By Delegate Linville:

H. B. 2719 - “A Bill to amend and reenact §17A-2-19 of the Code of West Virginia, 1931, as amended, relating to the Division of Motor Vehicles use of electronic means and other alternate means to provide notice”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Criss:

H. B. 2720 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-2-8, 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 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; and setting an implementation date”; to the Committee on Workforce Development then Government Organization.

By Delegate Linville:

H. B. 2721 - “A Bill to amend and reenact §18-8-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Education to provide 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”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Espinosa, Summers, J. Kelly and Statler:

H. B. 2722 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3-5g, relating to prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals; providing definitions; and providing exceptions”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegate Capito:

H. B. 2723 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12m, relating to providing taxpayers a deduction for interest paid on qualified education loans to the extent such amount is not allowable as a deduction when arriving at a taxpayer’s federal adjusted gross income”; to the Committee on Education then Finance.

By Delegates Miller, Rowan, Hott, Howell, Paynter, Mallow, Bruce, Zatezalo, Booth, Reed and Riley:

H. B. 2724 - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to granting the West Virginia State Police an annual salary increase equal to \$1,500”; to the Committee on Finance.

By Delegate Hansen:

H. B. 2725 - “A Bill to amend and reenact §22-6-2 and §22-6-29 of the Code of West Virginia, 1931, as amended, relating to funding of the Office of Oil and Gas of the Department of Environmental Protection and to the plugging of orphaned oil and gas wells by an annual fee on each well that is not plugged”; to the Committee on Energy and Manufacturing then Finance.

By Delegate Capito:

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

By Delegates J. Kelly, Criss, Summers, Maynard, Conley, Anderson, J. Jeffries, Kimes, D. Kelly, Pinson and B. Ward:

H. B. 2727 - "A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to establishing motor vehicle registration plates for official vehicles of emergency management agencies"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Worrell, J. Pack, Steele, D. Jeffries, J. Jeffries, Paynter and Bridges:

H. B. 2728 - "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, clarifying that the commissioner shall not expand the compulsory immunizations for school children unless explicitly authorized by the Legislature"; to the Committee on Education then Health and Human Resources.

By Delegates Worrell, McGeehan, Hardy, Phillips, Steele, Dean, Householder, D. Jeffries, Maynard, J. Jeffries and Paynter:

H. B. 2729 - "A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to crimes against the peace; offenses occurring at State Capitol Complex property; and permitting members of the Legislature, lawfully entitled to possess a firearm, to possess a firearm upon State Capitol Complex property"; to the Committee on the Judiciary.

By Delegates Brown, Lovejoy, Garcia and Zukoff:

H. B. 2730 - "A Bill to amend and reenact §38-10-4 of the Code of West Virginia, 1931, as amended, relating to allowing a debtor in bankruptcy to use the federal law exemptions under 11 U.S.C. § 522(d)"; to the Committee on the Judiciary.

By Delegates Young, Fleischauer, Walker and Zukoff:

H. B. 2731 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, and §47-29-4, all relating to menstrual product labeling; and providing a civil penalty"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hansen, Graves, Skaff and Higginbotham:

H. B. 2732 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-13-9, relating to establishing a penalty for any vehicle that is not a plug-in hybrid vehicle or plug-in electric vehicle for utilizing a parking space that is designated for charging an electric vehicle; defining terms; authorizing designation of electric vehicle charging spaces on private property; allowing localities to create local ordinances for electric parking spaces; authorizing law enforcement and local parking personnel to enforce violations on private property within their jurisdictions; and creating penalties for violations"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Longanacre, Wamsley, Nestor, Mandt, Dean, Phillips, Conley, Mallow, Forsht, Ferrell and Hamrick:

H. B. 2733 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegates Conley, Mandt, J. Kelly, Reynolds, Barnhart, Pinson, Mallow, Bruce, Longanacre and Burkhammer:

H. B. 2734 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-27, relating to requiring, for an official or unofficial school-sanctioned athletic or sporting event, that each athlete's participation in the athletic or sporting event be based on the athlete's biological sex as indicated on the athlete's original birth certificate issued at the time of birth; providing a revised designation for sporting events; and providing a means by which civil actions can be taken"; to the Committee on Education then the Judiciary.

By Delegates Burkhammer, Hanna, Martin, Keaton, B. Ward, Pinson and Wamsley:

H. B. 2735 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, and §11-29-4, all related to creating a tax credit for living and deceased organ donors named the Organ Donation Tax Deduction Act; establishing Act's purpose; establishing the amount of tax credit and eligible taxpayers; and providing for the applicability of the tax credit"; to the Committee on Finance.

By Delegates Burkhammer, Martin, Keaton, B. Ward, Pinson and Wamsley:

H. B. 2736 - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to consumer sales and service tax; and providing an exemption for sales of firearms and firearm ammunition sold in this state to residents of this state"; to the Committee on Finance.

By Delegate Worrell:

H. B. 2737 - "A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8 and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to mandatory state inspections of motor vehicles"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Reynolds, Ferrell, Conley, Longanacre, Wamsley, Steele, B. Ward and Pinson:

H. B. 2738 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-18-1 and §55-18-2, all relating to creating the Bias Motivated Intimidation of Responders Protection Act; and authorizing a law-enforcement officer or first responder to bring a civil suit for damages, either pecuniary or otherwise, suffered during the officer's performance of official duties"; to the Committee on the Judiciary.

By Delegates Reynolds, Haynes, Pritt, Holstein, Steele and Mandt:

H. B. 2739 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, §47-29-4, §47-29-5, and §47-29-6, all relating to making West Virginia a 2nd Amendment 'sanctuary state'; describing legislative findings; ensuring that the right to keep and bear arms is preserved in West Virginia in adherence to the United States Constitution; to ensuring that federal agents and officers are prohibited from bypassing their constitutional oath of office in relation to the 2nd Amendment of West Virginia; creating prohibitions and penalties; and providing an effective date"; to the Committee on the Judiciary.

By Delegates Westfall and Hott:

H. B. 2740 - "A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to distracted driving; increasing the scope of prohibitions on distracted driving by establishing the Distracted Driving Act, prohibiting the use of a stand-alone electronic device or telecommunications devices unless by first responders or utility services as explicitly permitted under the act"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Linville:

H. B. 2741 - "A Bill to amend and reenact §17C-5A-3a of the Code of West Virginia, 1931, as amended, relating to expansion of the alcohol test and lock program to offenders with a drug related offense; authorizing the commissioner to require drug testing; authorizing deferral of the revocation period for a participant with a drug offense; and authorizing an offender of §17B-4-3 to participate in the motor vehicle alcohol and drug test and lock program"; to the Committee on the Judiciary.

By Delegate Linville:

H. B. 2742 - "A Bill to amend and reenact §17B-2-13 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to transact a change of address online for a driver's license or identification card"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Summers, Householder, Westfall, Hott, Horst, Worrell, Reed and Mallow:

H. B. 2743 - "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, §21A-2D-9, and §21A-2D-10, all relating to the Unemployment Insurance Program Integrity Act and enacting the unemployment compensation indexing system; providing definitions; detailing Unemployment Insurance Program Integrity; providing for data sharing; providing action on eligibility determinations; recovering overpayments and preventing fraud; providing a mechanism for an employer to contact Workforce when an employee is offered their job back but refuses to be rehired; reporting to the Legislature; providing for rulemaking; and providing an effective date"; to the Committee on the Judiciary then Finance.

By Delegate Westfall:

H. B. 2744 - "A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to the salaries of certain state officers"; to the Committee on Finance.

By Delegates Fast, Foster, Criss, D. Kelly, Hott, Reynolds and Westfall:

H. B. 2745 - "A Bill to amend and reenact §5A-3-3a of the Code of West Virginia, 1931, as amended; relating to exempting the Division of Emergency Management from the Purchasing Division for purposes of examination and approving contracts of the Division of Emergency Management; authorizing the agency for surplus property to transfer funds generated from the sale of vehicles, other equipment, and commodities belonging to the Division of Emergency Management to a special revenue account; creating a special revenue account entitled the West Virginia Division of Emergency Management surplus transfer account; and authorizing the Division of Emergency Management to expend funds in a special revenue account for Statewide Interoperable Radio Network equipment, maintenance, repair, and construction"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Ellington, Statler, Kessinger, Hanna, Tully, Toney, Horst, Hott, Smith, Jennings and Martin:

H. B. 2746 - "A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to establishing the behavioral health workforce education initiative at the Higher Education Policy Commission"; to the Committee on Education then Finance.

By Delegates Fast, Criss, D. Kelly, Reynolds, Hott and Westfall:

H. B. 2747 - "A Bill to amend and reenact §15A-9-1 and §62-12-12 of the Code of West Virginia, 1931, as amended, relating to transferring the Parole Board to the Office of Administrative Hearings; specifying that the Chief Hearing Examiner be a resident of the State for five years prior to appointment; removing limitations of practice for the Chief Hearing Examiner; requiring that the governor appoint the Chief Hearing Examiner; requiring that the Governor set the salary of the Chief Hearing Examiner; increasing the number of members of the Parole Board to ten; making the Chief Hearing Examiner a member of the Parole Board; removing the political party affiliation requirement; removing the residency requirements pertaining to congressional districts; requiring that the Chief Hearing Officer shall be chair of the Board; clarifying that the remaining nine members of the Board serve at the will and pleasure of the Governor, with the advice and consent of the Senate; specifying the powers and duties of the vice chairperson shall be limited to Parole Board duties; removing the authority of the chair to hire an administrative employee; authorizing the Chief Hearing Officer to sit on parole panels as necessary; clarifying that the qualifications for board members may include being a graduate of a federal or state law enforcement academy; removing the requirement that Parole Board members be appointed for overlapping six year terms; clarifying that temporary members serve at the will and pleasure of the governor; exempting the Board from Open Meetings; and requiring that parole hearings be open to the public"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegates Jennings, Hanna, J. Kelly and Sypolt:

H. B. 2748 - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, all relating to modifying the school calendar to begin not earlier than September 1 and end prior to June 1; and ensuring that the 180-day required threshold may be satisfied by virtual/online classes"; to the Committee on Education then Finance.

By Delegates Lovejoy, Brown, Diserio, Hornbuckle and Williams:

H. B. 2749 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, and §21-5A-9, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring contractors to ascertain rates and to include rates in contract specifications; requiring annual determinations of prevailing wage rates; establishing procedures to file objections to prevailing wage rate determinations; providing for hearings, judicial review, and appeal; requiring mandatory provisions in contracts and sub-contracts; providing for posting of rates and record-keeping; establishing criminal penalties for violations of the act; and limiting the scope of the law to post-enactment contracts"; to the Committee on Political Subdivisions then Government Organization then Finance.

By Delegates Howell and Hott:

H. B. 2750 - "A Bill authorizing the West Virginia Higher Education Policy Commission and the Secretary of Commerce to transfer or sell land for minimum or no consideration for the purpose of creating an event venue"; to the Committee on Government Organization.

By Delegates Westfall and Hott:

H. B. 2751 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9C-1, §6-9C-2, §6-9C-2A, §6-9C-3, §6-9C-4, §6-9C-5, §6-9C-6, §6-9C-7, §6-9C-8, §6-9C-9, §6-9C-10, and §6-9C-11; to amend and reenact §8-35-2 of said code; and to amend said code by adding thereto by adding 4 new sections, designated §8-35-3, §8-35-4, §8-35-5 and §8-35-6, all relating generally to fiscal emergencies of local governments; establishing a system to remediate those emergencies; requiring certain action be taken by the State Auditor or a designee;

and modernizing the process for the dissolution of municipalities”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Holstein:

H. B. 2752 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-20-1, §16-20-2, §16-20-3, and §16-20-4, all relating to prohibiting discrimination, based individual’s mental or physical disability, in access to organ transplantation; and providing enforcement mechanisms”; to the Committee on Health and Human Resources then the Judiciary.

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

H. B. 2753 - “A Bill to amend and reenact §18-2D-1, §18-2D-2, §18-2D-3, and §18-2D-4 of the Code of West Virginia, 1931, as amended, all relating to require the implementation of community education programs throughout the state to facilitate the providing of educational, recreational, cultural, social, health and other community services to all of the people of the community”; to the Committee on Education then Finance.

By Delegates Pushkin and Rohrbach:

H. B. 2754 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-14-16, relating to prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present; penalty”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Pushkin and Higginbotham:

H. B. 2755 - “A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended, relating to suicide prevention awareness training”; to the Committee on Education then Finance.

By Delegates Hansen, Walker, Fleischauer, Barach, Young and Doyle:

H. B. 2756 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-11-22b, relating to allowing increased civil administrative penalties to be promulgated by legislative rules of by the Department of Environmental Protection, for individual or general construction stormwater, West Virginia Department of Environmental Protection National Pollutant Discharge Elimination System permits, and General Water Pollution Control Permits for larger acreage permits; providing for doubling penalties for projects of certain sizes; providing for projects at least 500 acres have larger penalties assessed for violations; providing for rulemaking; providing for additional penalties based on the number of violations; and providing for resolution of code conflict in favor of legislative rules promulgated according to this section”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Hansen, Young, Walker, Lovejoy, Diserio, Williams, Fleischauer, Rowe, Doyle, Pushkin and Zukoff:

H. B. 2757 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9g; and to amend said code by adding four new sections, designated §22-11-31, §22-11-32, §22-11-33, and §22-11-34, all relating to creating the Clean Drinking Water Act of 2021; directing the Secretary of the Department of Public Health to propose maximum contaminant levels or treatment techniques for certain PFAS pollutants; creating the West Virginia PFAS Action Response Team to act as an advisory body within the Department of Environmental Protection; setting forth the team’s responsibilities and powers; requiring facilities using certain PFAS chemicals to report their use; setting forth other duties of those facilities; requiring the Secretary of the Department of Environmental Protection to propose updates to the numeric Public Water Supply

human health criteria; and requiring rule-making”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Barrett:

H. B. 2758 - “A Bill to amend and reenact §51-10-1 and §51-10-8 of the Code of West Virginia, 1931, as amended, all relating to requiring the Insurance Commissioner to regulate professional bondsmen”; to the Committee on Banking and Insurance then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 2094, Relating to the juvenile restorative justice programs; 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. 52**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Hornbuckle.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2094) 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. 2184, Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 53**), and there were—yeas 89, nays 11, absent and not voting none, with the nays being as follows:

Nays: Doyle, Evans, Fleischauer, Hansen, Hornbuckle, McGeehan, Pushkin, Rowe, Walker, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2184) passed.

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

Second Reading

The following bill 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. 2372, Allow pre-candidacy papers to be filed the day after the general election.

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. 11, Declaring work stoppage or strike by public employees to be unlawful,

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

Com. Sub. for H. B. 2290, Initiating a State Employment First Policy to facilitate integrated employment of disabled persons,

And,

Com. Sub. for H. B. 2529, Prohibiting West Virginia institutions of higher education from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing.

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. 2158: Delegates Paynter and Bridges;

H. B. 2257: Delegate Pinson;

H. B. 2327: Delegates Burkhammer, Jennings and Wamsley;

H. B. 2376: Delegate Toney;

H. B. 2529: Delegate L. Pack;

H. B. 2547: Delegate Hansen;

H. B. 2650: Delegate Young;

H. B. 2653: Delegate Young;

H. B. 2663: Delegate Young;

H. B. 2681: Delegates Bates, Espinosa and L. Pack;

H. B. 2682: Delegate Espinosa;

H. B. 2695: Delegates Espinosa and L. Pack;

H. B. 2697: Delegate Young;

H. B. 2698: Delegate Young;

H. B. 2708: Delegate Barach;

H. B. 2723: Delegate Wamsley;

H. B. 2740: Delegate Wamsley;

H. C. R. 9: Delegates Barnhart, Forsht, Rowan, Summers and Sypolt;

And,

H. J. R. 3: Delegate Nestor.

At 11:33 a.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 25, 2021.

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

SPECIAL CALENDAR

Thursday, February 25, 2021

16th Day

11:00 A. M.

THIRD READING

Com. Sub. for H. B. 2372 - Allow pre-candidacy papers to be filed the day after the general election (CAPITO) (REGULAR)

SECOND READING

Com. Sub. for S. B. 11 - Declaring work stoppage or strike by public employees to be unlawful

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

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

H. B. 2265 - Relating to collaborative pharmacy practice and updating rulemaking authority (STEELE) (REGULAR)

Com. Sub. for H. B. 2290 - Initiating a State Employment First Policy to facilitate integrated employment of disabled persons (STEELE) (REGULAR)

Com. Sub. for H. B. 2529 - Prohibiting West Virginia institutions of higher education from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing (ELLINGTON) (REGULAR)

FIRST READING

Com. Sub. for H. B. 2267 - Establishing an optional bus operator in residence program for school districts (ELLINGTON) (REGULAR)

Com. Sub. for H. B. 2363 - Relating to "Best Interests of the Child Protection Act of 2021" (CAPITO) (REGULAR)

H. B. 2590 - Relating to the West Virginia Employment Law Worker Classification Act (CAPITO) (REGULAR)

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 (J. PACK) (REGULAR)

Com. Sub. for H. B. 2620 - Relating to a departmental study of the child protective services and foster care workforce (J. PACK) (REGULAR)

HOUSE CALENDAR

Thursday, February 25, 2021

16th Day

11:00 A. M.

SECOND READING

- Com. Sub. for H. B. 2004 - Permit a licensed health care professional from another state to practice in this state through telehealth when registered with the appropriate West Virginia board (J. PACK) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2015 - Requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency (J. PACK) (EFFECTIVE FROM PASSAGE)
- H. B. 2536 - Relating to expressions of legislative intent regarding equivalent instruction time (ELLINGTON) (REGULAR)

FIRST READING

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, FEBRUARY 25, 2021

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON THE JUDICIARY
9:30 A.M. – ROOM 215 E**

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

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

**COMMITTEE ON HEALTH AND HUMAN RESOURCES
1:00 P.M. – ROOM 215 E**

**COMMITTEE ON GOVERNMENT ORGANIZATION
3:00 P.M. – ROOM 215 E**

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