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SEVENTEENTH DAY

Friday, February 26, 2021

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[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 25, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for S. B. 11, on Third reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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. 2024, Expand use of telemedicine to all medical personnel,

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

Com. Sub. for H. B. 2024 - "A Bill to repeal §30-3-13a and §30-14-12d of the Code of West Virginia, 1931, as amended; to amend and reenact §30-1-26 of said code; all relating to telehealth services; defining terms; establishing a registration; permitting health care practitioners licensed in other states, in good standing, to practice in West Virginia using telehealth services; providing emergency rulemaking 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; requiring a registrant to report certain information to the board; and clarifying that a registrant is subject to the laws of this state,"

And,

H. B. 2093, Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes,

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

Com. Sub. for H. B. 2093 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5E-3a; and to amend and reenact §16-49-1 of said code, all relating to the regulation of medical foster homes; defining terms; providing an exemption to

medical foster homes from the requirements for unlicensed health care homes; and requiring an annual report,”

With the recommendation that the committee substitutes each 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. 2368, Mylissa Smith’s Law, creating patient visitation privileges,

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. 2368) was referred to the Committee on the Judiciary.

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:

Com. Sub. for S. B. 277, Creating COVID-19 Jobs Protection Act,

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

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

By Delegates Kessinger, Higginbotham, J. Kelly, Wamsley, Longanacre, Horst, Clark, Griffith, Kimble and Tully:

H. B. 2791 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g, relating to requiring county boards of education to permit students who are homeschooled or attend private schools to enroll and take classes at the county’s vocational school at no additional cost beyond any costs charged to public school students.”

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. 2362, Implementing trauma-informed practices in schools,

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

Com. Sub. for H. B. 2362 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to implementation of trauma-informed practices in schools; providing for an effective date; providing for training and verification of training by county boards; requiring the department of education to maintain a list of training resources and to report noncomplying counties to the Legislative Oversight Commission on Education Accountability; providing definition and parameters of trauma-informed practices; and providing for rulemaking,”

With the recommendation that the committee substitute do pass.

Pursuant to House Rule 80, the Speaker referred the bill (Com. Sub. for H. B. 2362) to the Committee on Finance.

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. 2025, Provide liquor, wine, and beer licensees with some new concepts developed during the State of Emergency utilizing new technology to provide greater freedom to operate in a safe and responsible manner,

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

Com. Sub. for H. B. 2025 - "A Bill to amend and reenact §7-1-3ss of the Code of West Virginia, 1931, as amended, to amend and reenact §11-16-3, §11-16-9, and §11-16-18 of said code; to amend said code by adding thereto two new sections, designated §11-16-6d and §11-16-11c; to amend said code by adding thereto two new sections, designated §19-2-12 and §19-2-13; to amend and reenact §60-1-5a of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-6-8 of said code; to amend and reenact §60-7-2, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto five new sections, designated §60-7-8b, §60-7-8c, §60-7-8d, §60-7-8e, and §60-7-8f; to amend and reenact §60-8-2, §60-8-3, §60-8-4, §60-8-18, §60-8-29 and §60-8-34 of said code; to amend said code by adding thereto four new sections, designated §60-8-6c, §60-8-6d, §60-8-6e, and §60-8-32a; to amend said code by adding thereto a new article, designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, and §60-8A-6; and to amend and reenact §61-8-27 of said code; all relating to nonintoxicating beer, nonintoxicating craft beer, liquor, wine, and hard cider sales in this state; providing for a definition of light alcoholic beverages; providing for the authority and license to deliver nonintoxicating beer or nonintoxicating craft beer with requirements, no additional fee for certain licensees, a license fee for third parties, and a nonintoxicating beer retail transportation permit with requirements; providing certain licensees with the authority for nonintoxicating beer nonintoxicating craft beer outdoor dining and outdoor street dining; authorizing in-person or in-vehicle pick up of purchased food and nonintoxicating beer or nonintoxicating beer orders-to-go; creating an unlicensed brewer or home brewer temporary license for use at fairs and festivals, requirements, and a license fee; providing for changing the beginning time for nonintoxicating beer, nonintoxicating craft beer, liquor, and wine sales to begin at 6:00 a.m. on all days; relating to the manufacture and sale of hard cider and wine by establishing the Agriculture Development Fund; establishing permitted expenditures from the Agriculture Development Fund; creating a new program to develop hard cider; providing for wine definitions; clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of 'nonfortified dessert wine'; creating a private manufacturer club license for distilleries, mini-distilleries, micro-distilleries, wineries, and farm wineries, requirements, and a license fee; authorizing distilleries, mini-distilleries, and micro-distilleries to also operate wineries, farm wineries, brewers, and resident brewers; authorizing wineries and farm wineries to also operate as distilleries, mini-distilleries, micro-distilleries, brewers, and resident brewers; authorizing the ability to pre-mix alcoholic liquors, establishing certain requirements, and creating a permit; creating private caterer license, requirements, and license fee; creating a private club bar license, requirements, and license fee; creating a private club restaurant license, requirements, and license fee; creating a private manufacturer club license, requirements, and license fee; authorizing a distillery, mini-distillery, or micro-distillery to also obtain a winery or farm winery license; authorizing a winery or farm winery to also obtain a distillery, mini-distillery, or micro-distillery license; creating a private tennis club license,

requirements, and license fee; creating a private wedding venue or barn license, requirements, and license fee; creating a one-day charitable rare, antique, or vintage liquor auction license for charitable purposes, requirements, and license fee; creating a private multi-vendor fair and festival license, requirements, and license fee; providing for a reduction of certain fees; creating private outdoor dining and private outdoor street dining areas as legally demarcated areas that are not a public place; authorizing and creating craft cocktail growlers and requirements, and a private cocktail delivery permit; authorizing in-person or in-vehicle pick up of purchased food and craft cocktail growler orders-to-go; clarifying penalties for failure to meet wine licensure requirements; replacing wine bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries, who are acting as either suppliers or distributors in a limited capacity, with an affidavit of compliance; providing penalties for failure to pay taxes and maintain good standing with the state; authorizing wineries and farm wineries to sell wine growlers and establishing requirements; authorizing certain Class A and Class B licensees to sell wine growlers and establishing requirements; creating the authority and license to deliver wine with a private wine delivery license, requirements, no additional fee for certain licensees, a license fee for third parties, and a private wine retail transportation permit and requirements; creating private wine outdoor dining and private wine outdoor street dining areas as legally demarcated areas that are not a public place; authorizing in-person or in-vehicle pick up of purchased food and wine orders-to-go; providing that there is no separate license required to manufacture and sell hard cider under certain conditions; providing for a hard cider distributor's license and permitting other current and valid licensees to distribute hard cider without an additional license fee; providing for hard cider exemptions to the wine liter tax; establishing a hard cider gallon tax; providing for the application of West Virginia Tax Procedures and Administration Act and West Virginia Tax Crimes and Penalties Act to the hard cider gallon tax; providing for an internal effective date; providing for a tax credit against the hard cider tax; providing for applicability of other laws; requiring regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption on the licensed premises; providing for complimentary samples to be offered; establishing requirements for complimentary samples; permitting the sale of wine growlers; establishing wine growler requirements, in certain circumstances; and providing additional exceptions to the criminal penalty for the unlawful admission of children to dance house for certain private clubs with approved age verifications systems,"

With the recommendation that the committee substitute do pass.

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. 7 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6B-4-1, §6B-4-2, §6B-4-3, and §6B-4-4, all relating to a limitation on political activity by public employees and public officials; setting forth legislative purpose and findings; defining terms; providing exceptions; prohibiting political activity by public employees and public officials in certain limited circumstances; and establishing violations and penalties"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 42 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-22, relating to foreclosure actions involving abandoned properties; authorizing a municipality to commence a proceeding in a court of competent jurisdiction in the county in which the property is located to compel a foreclosure; defining “vacant and abandoned property”; designating the Zombie Property Remediation Act of 2021; and requiring conveyance of the deed following foreclosure”; which was referred to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

A message from the Senate, by

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

S. B. 396 - “A Bill to amend and reenact §29-12A-5 of the Code of West Virginia, 1931, as amended, relating to providing limitations on nuisance actions against fire department or emergency medical services fixed sirens”; which was referred to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

A message from the Senate, by

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

S. C. R. 6 - “Requesting the Division of Highways name bridge numbers 16-048/00-028.54 (EB-WB) (16A132, 16A133), locally known as Sauerkraut Run (EB-WB), carrying US 48 over Sauerkraut Run & CR 23/9 in Hardy County, the “U. S. Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn Memorial Bridge.”

Whereas, Wilbur “Webb” Hahn, a native of Hardy County, West Virginia, was born on January 4, 1925, and died on July 5, 2016; and John William Hahn, Wilbur’s brother, was also a native of Hardy County, West Virginia, born on July 6, 1922, and died July 22, 2010; and

Whereas, Wilbur “Webb” Hahn, U.S. Navy Seaman 2nd Class, honorably served our country during World War II. The Hahn brothers compassion and simple life was devoted to the development of Hahn & Hahn Timber Company in Wardensville, West Virginia, creating jobs in Hardy County, West Virginia; and

Whereas, The Hahn Brothers were highly respected role models that fostered many community children during hard times, leaving no one hungry; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge numbers 16-048/00-028.54 (EB-WB) (16A132, 16A133), locally known as Sauerkraut Run (EB-WB), carrying US 48 over Sauerkraut Run & CR 23/9 in Hardy County, the “U. S. Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn Memorial Bridge”; and, be it

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

Resolutions Introduced

Delegates Jennings, Hanna, J. Kelly, L. Pack, B. Ward, D. Jeffries, McGeehan, Smith, Westfall, Mallow, Horst, Anderson, Conley, Foster, Graves, Hott, J. Jeffries, Kimes, Nestor, J. Pack, Phillips, Pritt, Reynolds, Rohrbach, Steele, Storch and Sypolt offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

H. R. 10 - "Expressing the will of the House on the reopening of public schools for in-person learning."

Whereas, Opening schools for daily in-person learning as safely and quickly as possible, and keeping them open, is important given the many known and established benefits of in-person learning; and

Whereas, The lack of daily in-person learning has for many children caused an immeasurable loss of the academic progress, social interaction, emotional stability and structure necessary for healthy mental and physical development; and

Whereas, For many families, economic well-being is largely dependent upon a predictable routine wherein daily in-person learning affords the parents greater opportunities for gainful employment; therefore, be it:

Resolved by the House of Delegates:

That by March 1, 2021, all public schools in West Virginia are to be open for in-person learning, five days per week, and are to resume all interscholastic and intermural sports; and, be it

Further Resolved, That all public schools in West Virginia should take actions to reduce the spread of the virus that causes COVID-19 as recommended by the Centers for Disease Control and Prevention, but that a student may not be sanctioned, restricted, or punished for the failure to wear a face-covering or mask.

Delegate L. Pack offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. R. 11 - "Recognizing pregnancy care centers for their dedication and commitment to assisting women, men, and families facing an unexpected pregnancy."

Whereas, The life-affirming impact of pregnancy care centers on the women, men, children, and communities they serve is considerable and growing; and

Whereas, Pregnancy care centers serve women in West Virginia and across the United States with integrity and compassion; and

Whereas, More than 2,500 pregnancy care centers across the United States provide comprehensive care to women and men facing unplanned pregnancies including resources to meet their physical, psychological, emotional, and spiritual needs; and

Whereas, Pregnancy care centers offer women free, confidential, and compassionate services including pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, referrals to community health care, and other support services; and

Whereas, Many medical pregnancy care centers offer ultrasounds and other medical services; and

Whereas, Many pregnancy care centers provide information on adoption and adoption referrals to pregnant women; and

Whereas, Pregnancy care centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn children; and

Whereas, Pregnancy care centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner regardless of their pregnancy outcomes; and

Whereas, Pregnancy care centers provide important support and resources for women who choose childbirth over abortion; and

Whereas, Pregnancy care centers ensure that women are receiving prenatal information and services that lead to the birth of healthy infants; and

Whereas, Many pregnancy care centers provide grief assistance for women and men who regret the loss of their children from their past choices; and

Whereas, Many pregnancy care centers work to prevent unplanned pregnancies by teaching effective abstinence education in public schools; and

Whereas, Both federal and state governments are increasingly recognizing the valuable services of pregnancy care centers through the designation of public funds for such organizations; and

Whereas, Pregnancy care centers operate primarily through reliance on the voluntary donations and time of individuals who are committed to caring for the needs of women and promoting and protecting life; therefore, be it

Resolved by the House of Delegates:

That the House recognizes pregnancy care centers for their dedication and commitment to assisting women, men, and families facing an unexpected pregnancy; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Pregnancy Center Coalition.

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 12 - "Requesting the Division of Highways name bridge number 07-016/00.006.46, (07A039), (38.70976, -81.09931) locally known as MINNORA BRIDGE (SCTB), carrying WV 16 over WEST FK LITTLE KANAWHA River in Calhoun County, the 'U.S. Army PFC Charles E. Jarvis Memorial Bridge'."

Whereas, PFC Charles E. Jarvis was born December 5, 1931, in Minnora, Calhoun County, West Virginia, the son of Spencer and Dona Jarvis. He was educated in Calhoun County; and at age 19 enlisted in the United States Army during the Korean War; and

Whereas, PFC Charles E. Jarvis was captured by North Korea and survived a 14-day "Death March" during which time he lost 66 pounds. He participated in seven battles and received a Silver Star, Prisoner of War Medal, and Purple Heart; and

Whereas, PFC Charles E. Jarvis returned home, married, and lived most of his life in California, until the 1990s when he returned to West Virginia with his wife, residing at Elkview until his death in 1995 from cancer at the age of 66; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC Charles E. Jarvis and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 07-016/00.006.46, (07A039), (38.70976, -81.09931) locally known as MINNORA BRIDGE (SCTB), carrying WV 16 over WEST FK LITTLE KANAWHA River in Calhoun County, the "U.S. Army PFC Charles E. Jarvis Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army PFC Charles E. Jarvis Memorial Bridge"; and, be it

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

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

H. C. R. 13 - "Requesting the Division of Highways name bridge number 22-037/00-004.35 (22A059), (38.10346, -82.17775) locally known as East Fork Bridge, carrying WV 37 over East Fork in Lincoln County, the 'U. S. Army TEC5 Donald 'Tiny' Lucas Memorial Bridge'."

Whereas, U. S. Army Technician Fifth Grade Donald "Tiny" Lucas was born on October 16, 1923, and passed away on June 4, 2009; and

Whereas, Technician Lucas served in the United States Army, attained the rank of Technician Fifth Grade, and was honorably discharged on January 28, 1946; and

Whereas, Technician Lucas owned a grocery store in Ranger, and after his death it was determined that over the years he had given thousands of dollars' worth of food to residents and customers in Ranger; and

Whereas, It is fitting that an enduring memorial be established to commemorate Technician Lucas and his contributions to his country, state, and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-037/00-004.35 (22A059), (38.10346, -82.17775) locally known as East Fork Bridge, carrying WV 37 over East Fork in Lincoln County, the "U. S. Army TEC5 Donald 'Tiny' Lucas Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold letters identifying the bridge as the “U. S. Army TEC5 Donald ‘Tiny’ Lucas Memorial Bridge”; and, be it

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

Delegates J. Jeffries, Maynard and Phillips offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

H. C. R. 14 - “Proclaiming and making the fiddle the official musical instrument of the State of West Virginia.”

Whereas, The fiddle arrived in Appalachia in the 18th century with immigrants from the British Isles, bringing with them the musical traditions of their countries. These traditions consisted primarily of English and Scottish ballads, which were essentially unaccompanied narratives, and dance music, such as Irish reels which were accompanied by a fiddle. The fiddle soon became a staple of life in West Virginia, being played in churches, in logging and mining camps, at weddings and summer picnics, and in the homes and on porches of many West Virginians. It has remained so ever since, being showcased in music festivals around the state, from the Augusta Festival in Elkins, the Vandalia Gathering held on the grounds at the State Capitol, and the Appalachian String Band Festival at Camp Washington-Carver in Clifftop, just to name a few. West Virginia has also produced some of the finest fiddlers in the nation, and continues to do so; and

Whereas, Fiddler Blind Alfred Reed was born on June 15, 1880, and was one of the artists who recorded at the Bristol Sessions in 1927, along with Jimmie Rogers and the Carter Family, which are the first recordings of traditional country music. He was raised in a very conservative family and acquired a violin at a young age. Later, he began performing at county fairs, in country schoolhouses, for political rallies and in churches. He even played on street corners for tips. He used to sell printed copies of his compositions for ten cents each. After the Bristol Sessions, Mr. Reed recorded his most famous song, that is still being sung today, “How Can a Poor Man Stand Such Times and Live”. After 1929, he stopped recording, but continued to perform locally until 1937 when a law was passed prohibiting blind street musicians. He is buried in Elgood and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Edwin “Edden” Hammons was born in 1874 and is considered by many to have been one of the finest traditional West Virginia fiddlers of all time, and tales of his musical exploits and eccentric lifestyle flourish among the inhabitants of mountainous east central West Virginia. Mr. Hammons was the youngest of four brothers and three sisters, and his musical abilities were soon recognized to be superior to that of his siblings. Family tradition holds that his ability was recognized and encouraged at an early age and that the boy was spared his share of the burdens of frontier living as a result. Mr. Hammons’s first attempt in music was with a fiddle made from a gourd. He soon progressed and he secured a store-bought fiddle and there was no dispute that he could draw out exquisite harmonies from the instrument. Whether because of immaturity or musical passion, Mr. Hammons refused to lay his fiddle down “like most men did” as he grew older and was faced with supporting a family. Mr. Hammons’s three-week marriage to Caroline Riddle in 1892 came to a head when Caroline demanded that Edden either quit playing fiddle and go to work or she would leave. Given the ultimatum, Mr. Hammons chose the fiddle. When he was older, Mr. Hammons participated in five to ten fiddle contests each year, and rarely came away with less than first prize. Perhaps Mr. Hammons’s most distinguished contest adversary was Lewis “Jack” McElwain, regarded by many others at the time to be the premier fiddler in the State of West Virginia. Mr. McElwain’s accomplishments included a first-place finish at the 1893 World’s Fair in Chicago. At a contest in

Marlinton in 1909, Mr. McElwain and Mr. Hammons tied for top honors. Later, there were disagreements about the selection of judges, and Mr. Hammons insisted that the judging be left to the attendees. Mr. Hammons usually won; and

Whereas, Fiddler Melvin Wine was born in Burnsville in 1909. At the age of nine, he began to play his first fiddle tunes by sneaking out his father's prized possession, the fiddle. Mr. Wine eventually gained the courage to inform his mother of the progress he had made with his father's fiddle. One evening his mother bravely shared this with his father. At the time, Mr. Wine believed he might receive a whipping for sneaking out the fiddle. But instead, from this point on, his father supported the young boy's efforts. Mr. Wine's father learned the fiddle tunes that he passed on to Melvin from his father, Nels, Mr. Wine's grandfather. Mr. Wine passed away in 2003; and

Whereas, Mr. Clark Kessinger was born in Lincoln County on July 27, 1896. Mr. Kessinger began playing the banjo when he was five years old and two years later he performed at local saloons with his father. He switched to fiddle and began performing at country dances. After serving in the Navy, Mr. Kessinger's reputation as a fiddler increased and he visited many local fiddling contests. He teamed up with his nephew Luches "Luke" Kessinger performing at various locations. In 1927 Mr. Kessinger and Luches Kessinger had their own radio show at the newly opened station WOBV in Charleston. On February 11, 1928, the Kessingers recorded twelve sides for the Brunswick-Balke-Collender recording company. In the late 1920s, the Kessingers records were best sellers, including "Wednesday Night Waltz", "Turkey in the Straw", "Hell Among Yearlings", "Tugboat" and "Salt River". Mr. Kessinger was also greatly influenced by classical violin players such as Fritz Kreisler, Joseph Szigeti and Jascha Heifetz. Following his last recording session on September 20, 1930, Mr. Kessinger retired as a recording artist. But in 1963 he was rediscovered and soon was competing at several fiddling contests. In August 1964, Mr. Kessinger formed a string band in Galax, Virginia, winning first prize in the string band category. In April 1971, he won the World's Champion Fiddle Prize at the 47th Old-time Fiddler's Convention in Union Grove, North Carolina. Three more albums followed on Kanawha Records. His albums were later reissued on Folkways and Country Roads. In 1971 Mr. Kessinger recorded 12 tracks for the newly formed Rounder Records. The record company had plans to record many albums with Kessinger but before they could initiate what they had planned, Mr. Kessinger had a stroke and collapsed on the scene at a fiddler's convention in Virginia. His left hand became numb, and he was unable to play the fiddle for the remainder of his life. Rounder released his recordings as "Clark Kessinger: Old-time Music with Fiddle and Guitar". He died in 1975 and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Ed Haley was born in 1885 and was one of the best-known fiddlers in his region of Appalachia. He traveled frequently and performed in a variety of venues and played over WLW in Cincinnati. He also made occasional studio recordings for friends, such as for Doc Holbrook in Greenup, Kentucky. He seldom recorded commercially because he was worried that record companies would take advantage of a blind man. Late in life, he made recordings for the family on a Wilcox-Gay disc-cutting machine brought home from the service by his stepson, Ralph. The recording featured Ed, Ella, Ralph (on guitar), and daughter Mona (vocals). Ralph eventually distributed the recordings among his five siblings. Eventually, about one-third to one-half of those recordings were released to Rounder Records, but it is estimated that two-thirds of Mr. Haley's recordings are still missing. Beginning in 1990, legendary bluegrass, folk musician and songwriter John Hartford began researching the story of Mr. Haley's life and music. Generally, Mr. Hartford spent the last years of his life promoting Mr. Haley and his significance in the world of music. He learned a number of Haley's tunes and recorded them on the Grammy-nominated album, "Wild Hog in the Red Brush" and "Speed of the Old Long Bow: A Tribute to Ed Haley". Mr. Hartford and Brandon Kirk, a Harts-area historian and genealogist, collaborated on a Haley book project from 1995 until Hartford's death in 2001. In March 2000, the "Smithsonian" magazine featured a story about their research. In October 2015, Ed Haley was inducted into the West Virginia Music Hall of Fame; and

Whereas, Tim O'Brien was born on March 16, 1954, in Wheeling and plays guitar, fiddle, mandolin, banjo, bouzouki, and mandocello. He has released more than ten studio albums, in addition, to charting a duet with Kathy Mattea entitled, "The Battle Hymn of Love", a No. 9 hit on the Billboard Hot Country charts in 1990. He eventually moved to Boulder, Colorado, in the 1970s and became part of the music scene there. In Colorado, he met guitarist Charles Sawtelle, banjoist Pete Wernick and bassist/vocalist Nick Forster with whom he formed Hot Rize in 1978. Over the next twelve years, the quartet earned recognition as one of America's most innovative and entertaining bluegrass bands. In 2005, O'Brien won a Grammy Award for Best Traditional Folk Album for "Fiddler's Green". In 1993 and 2006, O'Brien was honored with the International Bluegrass Music Association's (IBMA)'s Male Vocalist of the Year award. His band Hot Rize was the IBMA's first Entertainer of the Year in 1990. In November 2013 he was inducted into the West Virginia Music Hall of Fame; and

Whereas, Glenville resident Buddy Griffin was born at Richwood on September 22, 1948, and recalling his Nicholas County childhood has said "Everybody in the family played music. It was never expected, it was never forced on us. Nobody ever handed us an instrument and said, 'You have to play this'. It was just trying to be part of what was going on, 'cause there was always music at the house." Mr. Griffin was a part of his family's music from an early age. "The first instrument I ever touched was a bass fiddle. They kept it leaned up behind the couch. I'd stand up on the couch when I was about five, maybe six. I couldn't note it, but I could play the strings. So if they'd play some old fiddle tune, I'd have all three chords to go with it. I'd stand there and just play the strings." He soon learned to play the guitar, mandolin, fiddle, and banjo. His parents were good singers especially in the style of the Carter Family, and they taught their children the older country music. The Griffin children, however, tended toward the faster, more modern bluegrass. Erma played the guitar and bass and sang harmony. Richard played guitar and fiddle, along with other instruments, and sang the lead. Richard's father, Joe Griffin, born in 1883, played the old claw hammer style of banjo. Joe traveled to logging camps in Roane, Lincoln, and Calhoun counties and played dances on Saturday nights with some of the local fiddlers, mostly Enoch Camp. Parts of Mr. Griffin's family tree can be traced to Revolutionary War times; some of his ancestors reportedly received land grants from General Washington. Mr. Griffin later became a staff musician at WWVA's Jamboree USA in Wheeling, played more than 200 times on the Grand Ole Opry, toured the country for more than 30 years with some of the biggest names in country and bluegrass music, appeared on more than 150 record albums, and established the world's first college degree program in bluegrass music at Glenville State College. In May 2011, he received the coveted Vandalia Award, recognizing his lifetime of devotion to entertainment and education; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature of West Virginia hereby proclaims and makes the fiddle the official musical instrument of the State of West Virginia; and, be it

Further Resolved, That the Legislature of West Virginia recognizes the importance and significance of the fiddle in West Virginia's history, traditions, and culture; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to Buddy Griffin; Tim O'Brien; Clark Kessinger's daughter; Frances Goad; the descendants of West Virginia's other great fiddle players, Blind Alfred Reed, Edwin Hammons, Melvin Wine, and Ed Haley; the West Virginia Music Hall of Fame; the Friends of Old Time Music and Dance (FOOTMAD) and Stan Bumgardner, Editor of "Goldenseal", the official state magazine of West Virginia traditional life.

Delegates J. Pack and Rohrbach offered the following resolution, which was reported by the Clerk:

H. C. R. 15 - "Recognizing the last day of February every year as Rare Disease Day to bring awareness to various rare diseases and the need to continue to fund research and find a treatment."

Whereas, Rare diseases are defined as any disease, disorder, illness or condition affecting fewer than 200,000 Americans; and

Whereas, 80 percent of rare diseases are genetically based; and

Whereas, Families and private foundations provide about three percent of all medical research funding in the United States of America; and

Whereas, 7,000 rare diseases exist, and less than 500 have approved treatments by the Food and Drug Administration; and

Whereas, Only five percent of all rare diseases currently have approved treatments; and

Whereas, 90 percent of health care providers must treat the majority of rare disease patients with non-Food and Drug Administration approved drugs; and

Whereas, One in every 10 Americans has a rare disease and approximately 30 million Americans have a serious, lifelong condition; and

Whereas, Of the 30 million Americans with serious, lifelong conditions and rare diseases, approximately half are found in children; and

Whereas, Many rare diseases result in premature death of infants and young children or are fatal in early adulthood; and

Whereas, If every person with a serious, lifelong condition and rare disease held hand, they would circle the globe one and a half times; therefore, be it

Resolved by the Legislature of West Virginia:

That the last day in February of every year be recognized as Rare Disease Day to bring awareness to the necessity of conducting and funding research for treatments of rare diseases; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Governor.

At the request of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 15) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

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

Having been ordered, the yeas and nays were taken (**Roll No. 56**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hamrick, Hanna, Hardy, Riley, Statler and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 15) adopted.

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

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

By Delegates Haynes, Hardy, Mandt, Hanna, Hamrick, Wamsley, Burkhammer, Tully, Longanacre, J. Pack and Maynard:

H. J. R. 23 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section 1b, article X thereof; relating to permitting an increase in homestead exemption; 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 Young, Queen, Kessinger, Zukoff, Hansen, Fluharty, Capito, Skaff and Garcia:

H. B. 2771 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1-12, relating to providing tuition fees at an institution of higher education for certain persons, who are not yet residents, at the rate for residents of the state; and providing requirements to be met by these persons before qualified for resident tuition rates, based upon employment by a business or organization that is established in this state as part of a program under the Economic Development Act of 1985"; to the Committee on Education then Finance.

By Delegate Jennings:

H. B. 2772 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating generally to transferring the duties of the Purchasing Division to the State Auditor"; to the Committee on Government Organization then Finance.

By Delegate Maynard:

H. B. 2773 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-22, relating to establishing a study conducted by the Division of Natural Resources to allow boats with motors larger than 10 horsepower to idle on the Upper Mud River Lake; requiring the Division of Natural Resources to create special permits for 100 boaters; requiring the Division of Natural Resources to study the habitats of fish and surrounding wildlife; requiring reports to the Legislature; and establishing an effective date and termination date of the study"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Cooper:

H. B. 2774 - "A Bill to amend and reenact §17E-1-18 of the Code of West Virginia, 1931, as amended, relating to commercial driver's license; and requiring that a state employee with a commercial driver's license have a current medical evaluation certification and may not have a medical waiver"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Cooper:

H. B. 2775 - "A Bill to amend and reenact §20-2-35 of the Code of West Virginia, 1931, as amended, relating to the beginning and expiration of hunting and fishing licenses"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Westfall:

H. B. 2776 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-11B-1, §33-11B-2, §33-11B-3, §33-11B-4, §33-11B-5, §33-11B-6, and §33-11B-7, relating to the creation of the Air Ambulance Patient Protection Act, declaring that an air ambulance service provider who solicits air ambulance membership subscriptions, accepts membership applications, or charges membership fees, is an insurer and shall be regulated by the commissioner, including an air ambulance patient bill of rights, providing for certain patient disclosures and consumer protections regarding existing coverage for air ambulance services, out-of-pocket costs or cost-sharing, advising patients of his or her rights pursuant to Section 105 of the federal No Surprises Act, providing for rulemaking by the commissioner, and providing for severability and internal effective dates"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Foster, Steele, D. Jeffries, Kimes, J. Pack and Linville:

H. B. 2777 - "A Bill to repeal §8-13-6 of the Code of West Virginia, 1931, as amended, relating to the repeal of the municipal amusement tax"; to the Committee on Finance.

By Delegates Foster, Steele, D. Jeffries, Smith, Linville, G. Ward, Burkhammer, Hardy, Jennings and Hanna:

H. B. 2778 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-31-1 and §18-31-2, all relating to creating the Education Tax Credit, against taxes actually owed, for qualifying expenses of parents or guardians of children in grade levels K through 12"; to the Committee on Education then Finance.

By Delegates Haynes, G. Ward, Hardy, Mandt, Hanna, Hamrick, Wamsley, Longanacre, J. Pack, Kessinger and Riley:

H. B. 2779 - "A Bill to amend and reenact §15-2-18 of the Code of West Virginia, 1931, as amended, relating to allowing compensation paid to State Police personnel by virtue of contracts to be included in any formulation used to calculate an employee's benefits"; to the Committee on Finance.

By Delegates Foster, Steele, D. Jeffries, Smith, Kimes, J. Pack, Linville and Jennings:

H. B. 2780 - "A Bill to repeal §8-13-4 of the Code of West Virginia, 1931, as amended, relating to municipal licensing and taxes therefor"; to the Committee on Political Subdivisions then Government Organization.

By Delegates Foster, Steele, D. Jeffries, Summers, Kimes, J. Pack, Linville, Hardy and Jennings:

H. B. 2781 - "A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to establishing an Occupational Licensing Legal Fund from existing revenue; creating special revenue fund; providing for transfer of money from excess receipts of occupational licensing boards; specifying authorized uses of fund; providing that expenditures are subject to appropriation by Legislature; requiring transfer of balance excess to General Revenue Fund; and providing for notification to the Legislative Auditor"; to the Committee on the Judiciary then Finance.

By Delegates Foster, Steele, D. Jeffries, Kimes and J. Pack:

H. B. 2782 - "A Bill to repeal §8-13-10 of the Code of West Virginia, 1931, as amended, relating to domestic animal tax"; to the Committee on Finance.

By Delegates Steele, Foster, Summers, J. Pack, Toney, J. Jeffries, McGeehan, Gearheart, Jennings, Sybolt and Kimble:

H. B. 2783 - "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to permitting a licensed physician to grant a medical exemption from the required

immunizations for a child to enter a school or a state-regulated child care center; removing the Commissioner of the Bureau for Public Health from the responsibility of granting immunization certificates and medical exemptions from immunization; providing for written statements of medical exemption; and providing for the statewide acceptance of the medical exemption”; to the Committee on Health and Human Resources then Education.

By Delegates Bates, J. Pack, Steele and Evans:

H. B. 2784 - “A Bill to amend and reenact §8-22-25 of the Code of West Virginia, 1931, as amended, relating to including ‘fractional years’ into annual pension retirement plans”; to the Committee on Pensions and Retirement then Finance.

By Delegates Worrell, D. Jeffries, Burkhammer, Fast, Pinson and Ellington:

H. B. 2785 - “A Bill to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, relating to requirements for compulsory school attendance; providing that parent and guardian make determination to remove child from kindergarten program; allowing enforcement of compulsory school attendance against anyone required to attend school; allowing students who attend certain Montessori programs enroll in first grade without further placement testing; and requiring out of state students be placed in the grade from which they transferred”; to the Committee on Education.

By Delegate Linville:

H. B. 2786 - “A Bill to amend and reenact §5A-6-2, §5A-6-3, §5A-6-4, §5A-6-4b, §5A-6-4c, §5A-6-5, §5A-6-6, §5A-6-7, and §5A-6-8 of the Code of West Virginia, 1931, as amended, all relating to the Office of Technology; renaming the Chief Technology Officer; updating definitions; updating authority of the Chief Technology Officer; continuing special fund; providing an information technology governance structure for executive agencies; authorizing the Chief Technology Officer to provide training; authorizing the Project Management Office to review agency proposals for technology investment; providing criteria to evaluate proposals; authorizing the Project Management Office to maintain an enterprise technology portfolio; authorizing the Project Management Office to collect necessary data develop a technology portfolio; authorizing the Chief Technology Officer to establish an advisory committee; and authorizing the Chief Technology Officer to request resources and support from the federal government for cybersecurity and technology initiatives”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Linville:

H. B. 2787 - “A Bill to amend and reenact §5A-3-10 and §5A-3-11 of the Code of West Virginia, 1931, as amended, relating to updating state procurement procedures and spending thresholds; authorizing the Director of the Division of Purchasing to delegate bid solicitations and commodity procurement to spending units within thresholds to be determined by the Director; authorizing the Director to increase or decrease the dollar limit of agency-delegated procurements based upon inspection; providing a process for an agency to cure inspection findings; establishing method for calculation of total procurement by commodity; providing that agency-delegated procurements must follow the same process as procurements under the supervision of the Purchasing Division; providing access to agency-delegated procurement records as public records; and defining monetary ranges for different means of collecting competitive bids”; to the Committee on Government Organization then Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2788 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021, in the amount of \$6,497,548 from the

balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2789 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2021, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 2790 - “A Bill supplementing, amending, decreasing, and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2021, organization 0803, for the fiscal year ending June 30, 2021”; to the Committee on Finance.

Special Calendar

Third Reading

Com. Sub. for S. B. 12, Relating to local health department accountability; on third reading, coming up in regular order, was read a third time.

Delegate Fleischauer was addressing the House when Delegate J. Kelly arose to a point of order, regarding the content of the Member’s remarks not being directed to the question before the House, to which point the Speaker replied that he would allow some latitude and allowed the Delegate to finish her remarks.

Delegate Fluharty arose to a point of order regarding Delegate Gearheart and the mask requirements in House Resolution 5. The Speaker replied that the point was well taken.

Delegate Gearheart later arose to inquire of the Chair regarding an exception to the mask requirement when speaking or when actively eating or drinking. The Speaker confirmed that such an exception is provided.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 57**), and there were, including pairs—yeas 63, nays 33, absent and not voting 4, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Hardy

Nay: Barrett

Yea: Haynes

Nay: Hanna

Nays: Barach, Bates, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Higginbotham, Hornbuckle, L. Pack, Lovejoy, Miller, Nestor, Paynter, Pethtel, Pushkin, Reed, Reynolds, Rowan, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Ellington, Riley, Statler and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 12) passed.

On motion of Delegate J. Pack, the title of the bill was amended to read as follows:

Com. Sub. for S. B. 12 - "A Bill to amend and reenact §16-2-2, §16-2-9, and §16-2-11 of the Code of West Virginia, 1931, as amended, all relating to local health departments; defining terms; permitting an appointing entity to remove a board member; creating an appeal process for adverse determinations; requiring rules by a local board of health to be published; requiring rules to be approved, disapproved or amended and approved by an appointing entity; providing that a rule currently in effect is not subject to approval, unless amended; providing an emergency rule process; requiring that an approved rule shall be filed with the appropriate entity; clarifying that a rule is only effective in the jurisdiction where the appointing entity grants approval; requiring rules shall be kept as public records; establishing an emergency health rule process; and permitting the state health officer to develop policies that each of the local departments must comply with when a statewide public health emergency is declared."

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

Com. Sub. for S. B. 14, Providing for additional options for alternative certification for teachers; 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. 58**), and there were, including pairs—yeas 68, nays 27, absent and not voting 5, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Hanna

Nay: Doyle

Nays: Barach, Barrett, Bates, Boggs, Brown, Dean, Diserio, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Holstein, Hornbuckle, Lovejoy, Nestor, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Ellington, Hardy, Riley, Statler and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 14) passed.

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

H. B. 2265, Relating to collaborative pharmacy practice and updating rulemaking authority; 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. 59**), and there were—yeas 93, nays none, absent and not voting 7, with absent and not voting being as follows:

Absent and Not Voting: Ellington, Hanna, Hardy, Longanacre, Riley, Statler and Westfall

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2265) passed.

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

H. B. 2265 - "A Bill to amend and reenact §30-5-7 and §30-5-19 of the Code of West Virginia, 1931, as amended, all relating to collaborative pharmacy practice; and updating rulemaking authority."

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

Com. Sub. for H. B. 2290, Initiating a State Employment First Policy to facilitate integrated employment of disabled persons; 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. 60**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Ellington, Hanna, Hardy, Riley, Statler and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2290) passed.

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

Com. Sub. for H. B. 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; 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. 61**), and there were, including pairs—yeas 94, nays 1, absent and not voting 5, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Hanna

Nay: Doyle

Absent and Not Voting: Ellington, Hardy, Riley, Statler and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2529) passed.

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

Second Reading

Com. Sub. for S. B. 272, Relating to WV Employment Law Worker Classification Act; on second reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

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; 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. 2267, Establishing an optional bus operator in residence program for school districts; 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. 2363, Relating to “Best Interests of the Child Protection Act of 2021”; on second reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

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; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2628, Relating to the removal of the prohibition on having ATMs in the area where racetrack video lottery machines are located.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Hanna, Hardy, Riley, Statler and Westfall.

Miscellaneous Business

At the request of Delegate Criss, the House of Delegates observed a moment of silence on the forty-ninth anniversary of the Buffalo Creek disaster.

Delegate Longanacre noted to the Clerk that he was absent when the vote was taken on H. B. 2265, and had he been present, he would have voted “Yea” thereon.

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

H. B. 2023: Delegate Forsht;

H. B. 2156: Delegate Keaton;

H. B. 2303: Delegate Wamsley;

H. B. 2741: Delegate L. Pack;

H. B. 2743: Delegate Wamsley;

H. B. 2770: Delegate Brown;

And,

H. J. R. 17: Delegate Forsht.

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

H. B. 2629: Delegate Longanacre;

H. B. 2693: Delegate L. Pack;

H. B. 2717: Delegate Longanacre;

H. B. 2718: Delegate Longanacre;

H. B. 2743: Delegates Forsht and Worrell;

And,

H. B. 2753: Delegate Longanacre.

At 12:35 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 1, 2021.

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

SPECIAL CALENDAR

Monday, March 1, 2021

20th Day

11:00 A. M.

THIRD 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)

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

SECOND READING

Com. Sub. for S. B. 272 - Relating to WV Employment Law Worker Classification Act

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

Com. Sub. for H. B. 2628 - Relating to the removal of the prohibition on having ATMs in the area where racetrack video lottery machines are located (CAPITO) (REGULAR)

FIRST READING

Com. Sub. for S. B. 277 - Creating COVID-19 Jobs Protection Act (CAPITO) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 2024 - Expand use of telemedicine to all medical personnel (J. PACK) (REGULAR)

Com. Sub. for H. B. 2025 - Provide liquor, wine, and beer licensees with some new concepts developed during the State of Emergency utilizing new technology to provide greater freedom to operate in a safe and responsible manner (STEELE) (REGULAR)

Com. Sub. for H. B. 2093 - Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes (J. PACK) (REGULAR)

H. B. 2791 - Relating to enrollment and costs of homeschooled or private school students at vocational schools (ELLINGTON) (REGULAR)

HOUSE CALENDAR

Monday, March 1, 2021

20th Day

11:00 A. M.

THIRD READING

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

SECOND READING

Com. Sub. for H. B. 2004 - Permit a licensed health care professional from another state to practice in this state through telehealth when registered with the appropriate West Virginia board (J. PACK) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 2015 - Requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency (J. PACK) (EFFECTIVE FROM PASSAGE)

H. B. 2536 - Relating to expressions of legislative intent regarding equivalent instruction time (ELLINGTON) (REGULAR)

FIRST READING

H. B. 2582 - Relating to creating a third set of conditions for the professional teaching certificate (ELLINGTON) (REGULAR)

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

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, MARCH 1, 2021

HOUSE CONVENES AT 11:00 A.M.

**PUBLIC HEARING
COMMITTEE ON THE JUDICIARY**

9:00 A.M. – ROOM 215 E

(ELECTRONIC ACCESS INFORMATION:

www.wvlegislature.gov/legisdocs/committee/house/judiciary/HJUD-Announcement-for-Public-Hearing.pdf)

**H. B. 2389, AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION TO PROMULGATE A LEGISLATIVE RULE RELATING TO
REQUIREMENTS GOVERNING WATER QUALITY STANDARDS.**

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

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

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