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TWENTY-NINTH DAY

Wednesday, March 10, 2021

TWENTY-NINTH 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, March 9, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 2702, To require all public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation,

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

Com. Sub. for H. B. 2702 - "A Bill to amend and reenact §18-5G-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-44, all relating to requiring public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. B. 2785, Relating to public school enrollment for students from out of state,

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

Com. Sub. for 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that parent and guardian make determination to remove child from kindergarten program; updating references and removing outdated language; prohibiting further placement testing for first grade placement in certain instances; requiring enrollment in same grade level as state or program from which student transferred; and requiring certain transcripts or credentials to be accepted as record of students previous performance for placement and credit assignment,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2688, Allow county political parties to have building funds in a similar manner that state parties are allowed,

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

Com. Sub. for H. B. 2688 - "A Bill to amend and reenact §3-8-2c of the code of West Virginia, 1931, as amended, relating to allowing county executive committees to create building funds in the same manner as a party headquarters committee,"

And,

H. B. 2972, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption,

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

Com. Sub. for H. B. 2972 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-2a, relating to allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2969, To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 2705, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments,

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

Com. Sub. for H. B. 2705 - "A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2834, Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission,

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

Com. Sub. for H. B. 2834 - "A Bill to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, related to the Commission on the Arts; to add the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission; other technical updates,"

With the recommendation that the committee substitute do pass.

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

By Delegates Foster and Steele:

H. B. 3058 - "A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, all relating to monetary requirements of the boards; reducing the fund balance amounts of the boards to the average annual expenses from the previous five years; creating an Occupational Licensing Legal Fund from existing revenues; providing for transfer of money from excess receipts of occupational licensing boards; specifying authorized uses of the funds; providing that expenditures are subject to appropriation by the Legislature; and requiring a balance transfer to the General Revenue Fund."

The Speaker referred the bill to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

H. B. 2573, Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse,

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. 2573) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 2496, Relating to assessments of real property,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2496) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 2797, Declaring certain claims to be moral obligations of the State,

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

Com. Sub. for H. B. 2797 - "A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2597, Prohibiting county airport authorities from making or adopting rules prohibiting possession of firearms in public,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2597) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2053, Authorizing the DMV to issue certain vital records in the custody of the state registrar,

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. 2053) was referred to the Committee on Finance.

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

By Delegates Linville, Maynard, Hardy, Rohrbach, Pritt, Keaton, Riley, Tully, Booth, Thompson and Evans:

H. B. 3030 – “A Bill to authorize the Commissioner of the Division of Highways to allow an increase of gross weight limitations and dimensional restrictions on certain roads in Greenbrier and Pocahontas Counties; specifying roadway location; and providing for permit application, restrictions, requirements, fees, and limitations.”

The Speaker referred the bill to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2043, Authorizing the West Virginia Tourism Office to enter into an agreement with the Division of Highways to provide staff at the welcome centers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2043) was referred to the Committee on Finance.

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

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. 2581) was referred to the Committee on Finance.

On motion for leave, a resolution was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it be adopted), which was read by its title, as follows:

By Delegates J. Pack, Barach, Barnhart, Bates, Dean, Fleischauer, Forsht, Griffith, D. Jeffries, Jennings, Longanacre, Mallow, Miller, L. Pack, Pushkin, Reed, Rohrbach, Rowan, Summers, Tully, G. Ward, and Walker:

H. C. R. 35 – “Requesting the Department of Health and Human Resources to continuously evaluate the child welfare system.”

Whereas, The implementation of a continuous improvement program with performance measures and outcomes for the child welfare system and for all children with serious emotional disorders served by the department will assist the department to continue to evaluate and identify areas in need of improvement; and

Whereas, Significant amounts of state resources are devoted to the child welfare system and to services for children with serious emotional disorders; and

Whereas, These families and children are the most vulnerable families and children that are served by the Department of Health and Human Resources; and

Whereas, In order to maintain effective child welfare systems and programs, the Department of Health and Human Resources should continuously evaluate: caseworker workforce in the Bureau for Children and Families; child abuse and neglect reporting, screening, and intake process; services provided to families to prevent children being removed from their homes; availability and stability of foster or kinship care placements; permanency for children served by the child welfare system; and services provided to children, including children aging out of foster care; therefore, be it

Resolved by the Legislature of West Virginia:

That, the Department of Health and Human Resource should continuously evaluate the availability and quality of services provided to children in the child welfare system; and, be it

Further Resolved, the Department of Health and Human Resources should establish a continuous evaluation and improvement system that measures outcomes for children and families in the child welfare system and outcomes for children with serious emotional disorders served by the department across the bureaus of the department and other state agencies serving children, in collaboration with existing divisions or units within the department that measure and evaluate performance (e.g., the Bureau for Children and Families' Division of Planning and Quality Improvement); and, be it

Further Resolved, It is recommended that the Department of Health and Human Resources contract with a third party independent expert to evaluate the workload for caseworkers of the Bureau for Children and Families to assess the impact of recent steps taken by the department and the legislature to expand the number of caseworkers available to serve children in the child welfare system and determine whether additional actions should be taken; and, be it

Further Resolved, The Department of Health and Human Resources report to the Legislative Oversight Commission on Health and Human Resources Accountability on the progress of establishing performance and outcome measures by December 1, 2021; and, be it

Further Resolved, That the Department of Health and Human Resources report to the Legislative Oversight Commission on Health and Human Resources Accountability the findings of the workload study by July 1, 2022; and, be it

Further Resolved, That the Legislative Oversight Commission on Health and Human Resources Accountability report to the Regular Session of the Legislature, 2022, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations.

The Speaker referred the resolution to the Committee on Rules.

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. 2965, Requiring PEIA, Medicaid and other health insurance providers to cover treatment of pediatric autoimmune neuropsychiatric disorders,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2965) was referred to the Committee on Finance.

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. 2877, Expand direct health care agreements beyond primary care to include more medical care services,

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

Com. Sub. for H. B. 2877 - "A Bill to amend and reenact §30-3F-1, §30-3F-2, and §30-3F-3 of the Code of West Virginia, 1931, as amended, relating to expanding direct medical care arrangements,"

With the recommendation that the committee substitute do pass.

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

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

H. B. 2631, Provide for WVDNR officers to be able to work "off duty",

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

In accordance with the former direction of the Speaker, the bill (H. B. 2631) was referred to the Committee on the Judiciary.

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

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

H. B. 2823, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2823) was referred to the Committee on Government Organization.

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

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

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

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2773) was referred to the Committee on Government Organization.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, and requested concurrence in the changed effective date, to take effect from passage, of

S. B. 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training.

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

On this question, the yeas and nays were taken (**Roll No. 107**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 372) takes effect from its passage.

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

A message from the Senate, by

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

S. B. 39 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3kk; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to prohibiting insurance coverage from requiring prior authorization for physician prescribed tests to stage cancer"; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 334 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, §16-63-6, §16-63-7, §16-63-8, §16-63-9, §16-63-10, and §16-63-11, all relating to needle exchange programs; defining terms; establishing licensure application process for needle exchange programs; creating program requirements; establishing revocation process; setting forth the reconsideration process; setting forth the administrative due process provision; providing for administrative and

judicial appeal; establishing reporting requirements and renewal provisions; providing for immunity; setting requirements for continuum of care; and establishing civil penalties and injunctive relief”; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 339 - “A Bill to amend and reenact §19-19-2 and §19-19-7 of the Code of West Virginia, 1931, as amended, all relating to the right to farm; defining terms; expanding protection of agricultural operations from nuisance and other legal actions to agricultural and horticultural practices allowed within municipalities, including aquaponics and hydroponics; requiring compliance with local laws, regulations, and ordinances for protection from nuisance and other legal actions; and making technical changes”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 344 - “A Bill to amend and reenact §11-21-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-23a of said code, all relating to the credit for qualified rehabilitated buildings investment; providing for carryback and carryforward provisions for the tax credit; eliminating the termination date of the tax credit; eliminating the maximum allowable amount of the tax credit; and making technical modifications”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 370 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to requiring certain documents that include records of wages be considered confidential; prohibiting governmental entity that requires private company contracting with, or seeking to contract with, a governmental entity for a construction project to submit any document that includes records of actual wages paid to employees from disclosing document or information contained therein to any other entity or person; permitting disclosure of such document or information to state or federal agency; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining ‘governmental entity’; defining contents of certified payroll document; providing that any document containing records of actual wages paid to employees filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any other entity or person other than to a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record”; which was referred to the Committee on Workforce Development then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 383 - "A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempt property from taxation used exclusively for divine worship and the operation of a pre-K school, primary school, middle school, secondary school, daycare center, or church camp for children, which school, daycare center, or church camp is operated by the church which owns the property or is operated by another not-for-profit organization or entity; and providing that motor vehicles subject to a lease for at least one year by the United States, the state, any county, municipality, political subdivision, college or university of this state and used for public purposes is deemed public property and exempt from ad valorem taxation"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 439 - "A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17C-15-49a, all relating generally to operation of vehicles with safety belts; changing the definition of 'passenger vehicle' for purposes of safety belt requirement; providing definitions; prohibiting admissibility of nonuse of a safety belt as evidence of negligence of a driver in a civil action, except for claims against the manufacturer or seller of the vehicle and/or any component or system incorporated into the vehicle; prohibiting admissibility of nonuse of a safety belt as evidence of negligence of an adult passenger in a civil action, except for claims against the manufacturer or seller of the vehicle and/or any component or system incorporated into the vehicle; allowing evidence that a child passenger was not wearing a safety belt at the time of collision as evidence of negligence against a driver in a civil action; allowing admissibility of nonuse of a safety belt as evidence of exacerbation or contribution to the damages of a driver in a civil action if supported by expert testimony, unless a driver at fault was driving under the influence; allowing admissibility of nonuse of a safety belt as evidence of exacerbation or contribution to the damages of an adult passenger in a civil action if supported by expert testimony, unless a driver at fault was driving under the influence; prohibiting admissibility of evidence that a child passenger was not wearing a safety belt at the time of collision as evidence of exacerbation or contribution to the damages of a child passenger; providing that evidence of nonuse of a safety belt constitutes an affirmative defense; requiring a court to instruct the jury as to purposes for which evidence of use or nonuse of a safety belt may be considered; providing that a court may, in its discretion and upon motion of a party, bifurcate questions of liability and damages to prevent prejudice or avoid confusion of a jury; providing that these amendments are not intended to abrogate or modify any immunity recognized by law; providing for an effective date; and providing that these amendments do not alter the requirements of mandatory use of child passenger safety devices"; 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

S. B. 456 - "A Bill to amend and reenact §20-18-2, §20-18-8, §20-18-20, §20-18-23, and §20-18-27 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-18-37, all relating to the Natural Resources Police Officers Retirement System; defining terms; clarifying concurrent employer contribution rate; clarifying preretirement death benefits; amending conflicting statutory provisions; and adding a severability clause"; which was referred to the Committee on Pensions and Retirement 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. 460 - "A Bill to amend and reenact §7-14D-2, §7-14D-11, §7-14D-13, §7-14D-19, and §7-14D-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §7-14D-32, all relating to the Deputy Sheriff Retirement System Act; defining terms; amending and removing conflicting statutory provisions; clarifying preretirement death benefits; and adding a severability clause"; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

S. B. 467 - "A Bill to amend and reenact §8-22A-2, §8-22A-14, §8-22A-16, §8-22A-17, §8-22A-18, and §8-22A-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §8-22A-34 and §8-22A-35, all relating to the West Virginia Municipal Police Officers and Firefighters Retirement System; defining terms; removing conflicting and obsolete statutory provisions; clarifying preretirement death benefits; clarifying commencement date of disability benefits; adding return to covered employment provisions; and adding a severability clause"; which was referred to the Committee on Pensions and Retirement then Finance.

Petitions

Delegates Pushkin, Young, Hansen and Rowe presented a petition signed by 755 residents of West Virginia, urging the Legislature to reject H. B. 2598, Altering the definition of an above ground storage tank; which was referred to the Committee on Energy.

Bills Introduced

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

By Delegates Walker, Hansen, Thompson, Hornbuckle, Young and Pushkin:

H. B. 3031 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to authorizing civil damages for any person who was subject to an intentionally false report made to law enforcement that results in harm to the person subject to the report"; to the Committee on the Judiciary.

By Delegates Walker, Bates, Evans, Hansen, Barach, Zukoff, Fleischauer, Doyle and Hornbuckle:

H. B. 3032 - "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 on 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 Storch, Reed, Higginbotham, Graves, Hansen, Thompson, Doyle and Bates:

H. B. 3033 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5 and §16-63-6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition

for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Steele and Foster:

H. B. 3034 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-23-32, relating to adding a sunset provision to terminate the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners by June 30, 2022”; to the Committee on Government Organization.

By Delegates Steele and Foster:

H. B. 3035 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-35-16, relating to adding a sunset provision to terminate the West Virginia Board of Licensed Dietitians by June 30, 2022”; to the Committee on Government Organization.

By Delegates Steele and Foster:

H. B. 3036 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-17-20, relating to sunsetting the Board of Sanitarians by June 30, 2022”; to the Committee on Government Organization.

By Delegates Young, Thompson, Evans, Zukoff and Rowan:

H. B. 3037 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-60-1, §33-60-2, and §33-60-3, relating to health insurance policy coverage of hearing aids; naming the act; requiring the Insurance Commissioner of West Virginia to set minimum coverage rates; requiring health insurance policy coverage of hearing aids”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Young, Thompson and Higginbotham:

H. B. 3038 - “A Bill to amend and reenact §48-2-301 of the Code of West Virginia, 1931, as amended, relating to establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Young, Graves, Zukoff, Walker, Thompson and Fleischauer:

H. B. 3039 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9t, relating to the exemption of certain hygiene products from sales tax”; to the Committee on Finance.

By Delegates Nestor, D. Kelly, Keaton, Pritt, Pushkin, Zatezalo, Reynolds, Hott, Jennings, Storch and Anderson:

H. B. 3040 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating to ensuring the health, safety, and welfare of homeless citizens of this State, and to assist their entry into the workforce by ensuring compliance with §17B-2-16 of this code”; to the Committee on the Judiciary.

By Delegate Rowe:

H. B. 3041 - “A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum wage in West Virginia to the rate of \$15 per hour, phased in over a six year period”; to the Committee on Workforce Development then Finance.

By Delegates Reed, Mallow, Worrell, Westfall, Longanacre, Riley, Rowan, B. Ward, Hardy, Clark and Nestor:

H. B. 3042 - "A Bill to amend and reenact §17C-16-4 of the Code of West Virginia, 1931, as amended, relating to require the Superintendent of the West Virginia State Police to accept a certificate of inspection and approval issued in another state having an inspection law similar to West Virginia requirements; and providing that upon expiration of the certificate of inspection of the vehicle, it shall be inspected in this state"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Zukoff, Storch, B. Ward, D. Kelly and Fluharty:

H. B. 3043 - "A Bill to amend §27-5-1 and §27-5-10 of the Code of West Virginia, 1931, as amended, relating to transport of persons accused of being mentally ill to mental health related hearings"; to the Committee on the Judiciary.

By Delegates Barrett, Storch, J. Pack and Hardy:

H. B. 3044 - "A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; including rebuttable presumptions for certain injuries and diseases for professional firefighters; setting eligibility criteria for rebuttable presumptions; setting expiration of rebuttable presumption regarding skin, lung, esophageal, colon, testicular, prostate, brain, breast, and cervical cancers, mesothelioma, non-Hodgkin's lymphoma, leukemia, lymphoma, and multiple myeloma, arising out of and in the course of employment as a firefighter on July 1, 2025, absent legislative action to the contrary; allowing coverage to employees for occupational pneumoconiosis or other occupational disease for work performed out of state under certain conditions; and eliminating outdated and obsolete language"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegates Statler, Jennings, J. Jeffries, Queen, Holstein, Storch, Westfall, Lovejoy, Maynard and Pethtel:

H. B. 3045 - "A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to deleting the July 1, 2023 sunset provision that would end a rebuttable presumption for a workers' compensation benefits claim that a professional firefighter developed leukemia, lymphoma, or multiple myeloma arising out of and in the course of employment as a firefighter as a rebuttable presumption"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegate J. Pack:

H. B. 3046 - "A Bill to amend and reenact §17-16A-3 of the code of West Virginia, 1931, as amended, relating to reducing the number of public members of the Parkways Authority; requiring public members to be from each of the four counties contiguous to the Turnpike; and retaining all previous rights and duties of the board members"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Mallow, Longanacre, Kimes and Barnhart:

H. B. 3047 - "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; ensuring that state 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 Delegate Clark:

H. B. 3048 - "A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-7g, all relating to designating the specific grade levels to which the specified physical education requirements are

applicable; allowing a school district to develop or adopt a program in which the subject of nutrition and exercise education is taught instead of the program required to be prescribed by the state board; setting forth requirements for program developed or adopted; allowing the program to be virtual, in-person, or a combination of both; allowing school districts to apply for funding to support the implementation of the program; creating the Nutrition and Exercise Education Fund from which moneys are to be awarded on a competitive basis to eligible school districts; requiring the Department of Education to annually submit a report to the Governor and the Legislative Oversight Commission on Education Accountability; setting forth more specific provisions for a program that would qualify under the aforementioned provisions allowing a school district to develop or adopt an alternate program; setting forth requirements applicable to the program; allowing school districts utilizing the program to be eligible to apply for funding from the Nutrition and Exercise Education Fund; setting forth requirements applicable to each school in a school district electing to participate in the program; allowing school districts to issue a request for proposals to contract with qualified service providers on a per-student rate to provide certain programs and/or products; setting forth certain criteria that providers of programs and products must meet to be considered by school districts; and setting forth required program accountability measures”; to the Committee on Education.

By Delegate Rowe:

H. B. 3049 - “A Bill to amend and reenact §16-5S-9 of the Code of West Virginia, 1931, as amended, relating to establishing reimbursement rates for congregate and in-home meals”; to the Committee on Finance.

By Delegates Rowe and Fleischauer:

H. B. 3050 - “A Bill to amend and reenact §42-1-3 of the Code of West Virginia, 1931, as amended, relating to providing that the intestate share of a decedent’s surviving spouse also includes household goods, appliances and equipment, located at or generally associated with use of the last residence of the decedent if the spouse has been in cohabitation with the decedent in the previous 12 months prior to the death of the decedent; and making an exception”; to the Committee on the Judiciary.

By Delegates Mallow, Longanacre, Kimes and Barnhart:

H. B. 3051 - “A Bill to amend and reenact §22-6-2 the Code of West Virginia, 1931, as amended, relating to requiring the secretary of the Department of Environmental Protection to adopt rules relating to the standardization of leases, deeds or contracts relating to oil and gas, consistent in format with the purpose of making the terms of these documents less confusing to the landowners”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 3052 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-30-1, §29-30-2, §29-30-3, §29-30-4, §29-30-5, §29-30-6, §29-30-7, §29-30-8, §29-30-9, and §29-30-10, all relating to creating the Occupational Board Reform Act; creating the Office of Supervision of Occupational Boards; providing the Attorney General’s Consumer Protection Division with the authority to establish the office; establishing the office’s responsibilities; giving the office the authority to actively supervise state occupational boards; authorizing the office to play a substantial role in the development of an occupational board’s rules and policies, including the approval and disapproval of proposed rules or policies in certain instances; providing for review and oversight by the Attorney General; requiring the Speaker of the House of Delegates and the President of the Senate to establish a position in the nonpartisan research staff to analyze occupational rules; providing for the Legislature’s analysis of occupational rules; providing a short title; establishing its policy; providing for avoidance of liability under federal anti-trust laws; defining terms; providing for statutory interpretation; providing for petitions for review of criminal history;

providing for preemption; and providing an effective date”; to the Committee on Government Organization then the Judiciary.

By Delegates Foster, J. Pack and Steele:

H. B. 3053 - “A Bill to amend and reenact § 30-10-10 and §30-10-11 of the Code of West Virginia, 1931, as amended, relating to veterinary nurse technicians, defining the requirements to become a veterinary nurse technician; and clarifying the scope of practice for veterinary technician nurses”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Steele and Foster:

H. B. 3054 - “A Bill to amend and reenact §48-10-203 of the Code of West Virginia, 1931, relating to persons who may apply for grandparent visitation, providing for an expanded definition of ‘grandparent’”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Barnhart, Holstein, Cooper, Anderson, Ferrell, Keaton, Westfall and Zatezalo:

H. B. 3055 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6, §5-30-7, §5-30-8, §5-30-9, and §5-30-10, all relating to creating the ‘Council on Efficient Government;’ providing a purpose of ensuring that each state agency focuses on its core mission and delivers goods and services effectively and efficiently by leveraging resources and contracting with private sector vendors, if those vendors can more effectively and efficiently provide goods and services and reduce the cost of government; evaluating for feasibility, cost effectiveness, and efficiency business cases to be outsourced before a state agency proceeds with any outsourcing of goods or services; providing for a review process by the Governor’s office; defining applicability; and setting terms”; to the Committee on Government Organization.

By Delegate Rowe:

H. B. 3056 - “A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to incrementally increasing the state minimum wage over a five-year period to \$15 per hour in 2025”; to the Committee on Workforce Development then the Judiciary.

By Delegates Storch, Worrell and Espinosa:

H. B. 3057 - “A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended, all relating to municipal or county taxation of hotel rooms booked through a marketplace facilitator; defining terms; providing for collection and remittance of the tax imposed by any municipality or county; requiring the marketplace facilitator separately state the tax on all bills, invoices, accounts, books of account, and records relating to occupancy or use of a hotel room; and deeming all taxes collected be held in trust by the marketplace facilitator until remitted”; to the Committee on Government Organization then Finance.

Special Calendar

Third Reading

Com. Sub. for S. B. 216, Authorizing Department of Commerce to promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 108**), and there were—yeas 97, nays 3, absent and not voting none, with the nays being as follows:

Nays: Horst, McGeehan and Paynter.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 216) passed.

An amendment to the title of the bill from the Committee on the Judiciary was reported by the Clerk.

Whereupon,

Delegate Capito asked and obtained unanimous consent that the title amendment from the Committee on the Judiciary be withdrawn.

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

Com. Sub. for S. B. 216 – “A Bill to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Commerce to promulgate a legislative rule relating to tourism development districts; authorizing the Division of Labor to promulgate a legislative rule relating to high pressure steam boiler and forced flow steam generator requirements; authorizing the Office of Miners’ Health, Safety, and Training to promulgate a legislative rule relating to rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia; authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest trail system two-year pilot program permitting ATV’s and ORV’s; authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting rule; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting; and authorizing the Division of Rehabilitation Services to promulgate a legislative rule relating to Ron Yost Personal Assistance Services Act Board.”

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

On this question, the yeas and nays were taken (**Roll No. 109**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: McGeehan and Paynter.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 216) takes effect from its passage.

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

In the absence of objection, the House returned to the Seventh Order of Business for the purpose of introducing a resolution.

Resolutions Introduced

Delegates Pushkin, Skaff, Williams, Boggs, Diserio, Zukoff, Young, Barach, Fluharty, Rowe, Lovejoy, Walker, Anderson, Barnhart, Barrett, Bates, Booth, Bridges, Brown, Bruce, Burkhammer, Capito, Clark, Conley, Cooper, Criss, Dean, Doyle, Ellington, Espinosa, Evans, Fast, Ferrell,

Fleischauer, Forsht, Foster, Garcia, Gearheart, Graves, Griffith, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Haynes, Higginbotham, Holstein, Hornbuckle, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Mallow, Mandt, Martin, Maynard, Mazzocchi, McGeehan, Miller, Nestor, J. Pack, L. Pack, Paynter, Pethtel, Phillips, Pinson, Pritt, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Smith, Statler, Steele, Storch, Summers, Sypolt, Thompson, Toney, Tully, Wamsley, B. Ward, G. Ward, Westfall, Worrell and Zatezalo offered the following resolution which was read by the Clerk:

H. R. 8 - "Memorializing the life of Patrolwoman Cassie Marie Johnson, dedicated public servant, sister, daughter, pet mother, and hero to her community."

Whereas, Officer Johnson was a lifelong resident of the City of Charleston, West Virginia, a graduate of Capital High School; and

Whereas, Officer Johnson was a 2019 graduate of the West Virginia State Police Academy; and

Whereas, as a natural continuation of her love for animals, Officer Johnson worked as a humane officer for the Kanawha-Charleston Humane Association, where she would find stray pets and bring them into the Humane Association; and

Whereas, Officer Johnson would help get convictions in animal cruelty cases and help find homes for animals whose cases she was involved in; and

Whereas, Officer Johnson had many pets of her own that she cared for and loved, including Emma, Gus, Tanner, Rascal, and Momma Cat; and

Whereas, Officer Johnson was assigned to the Charleston Police Department, where her love for her community quickly made her one of the most likeable members of the force; and

Whereas, all of Officer Johnson's classmates at the West Virginia State Police Academy remember how much of a positive impact she had on them by her uplifting spirit and encouraging words; and

Whereas, members of the Charleston community remember how Officer Johnson used her love of animals to bond with the community she served and to bring joy to all of those she knew; and

Whereas, Officer Johnson continued her commitment to service and for her gift of life to the people who received her organ donations, and that because of Officer Johnson, a 50-year-old man will live the rest of his life with a healthy heart; a person near death will breathe again because of her two lungs; a man in his 40s will survive because of her liver; and a young woman can live without kidney dialysis; and

Whereas, Officer Johnson will forever be remembered for her commitment to the city of Charleston and to the great state of West Virginia; and

Whereas, Officer Johnson was shot in the line of duty while responding to a routine call in Charleston, West Virginia; and

Whereas, Sadly, Patrolwoman Cassie Marie Johnson passed away on December 3, 2020, after succumbing to her injuries; and

Whereas, Officer Cassie Marie Johnson was given a hero's funeral in the City of Charleston, West Virginia on December 8, 2020, attended by law enforcement from across the state and country; and

Whereas, Cassie Marie Johnson will be sadly missed by her family, friends, colleagues, the community of Charleston, the State of West Virginia, and all those whose lives she touched; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby memorializes the life of Patrolwoman Cassie Marie Johnson, public servant, sister, daughter, pet mother, and hero to her community; and, be it

Further Resolved, That the House of Delegates hereby extends its sincere sympathy at the passing of Officer Cassie Marie Johnson; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the family of Officer Cassie Marie Johnson.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 8) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

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

The yeas and nays having been ordered, they were taken (**Roll No. 110**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. R. 8) adopted.

Special Calendar

Third Reading

- continued -

Com. Sub. for S. B. 272, Relating to WV Employment Law Worker Classification Act; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegate Capito, the bill was amended on page seven, section four, line fifty-eight, after the word “employees;” by striking out the word “or”.

On page seven, section four, line sixty, after the word “the”, by striking out the word “services” and the period, and inserting in lieu thereof the words “services; or”.

And,

On page seven, section four, line sixty, after the words “services; or”, by inserting a new subdivision to read as follows:

“(5) The person satisfies the definition of a direct seller under Section 3508(b)(2) of the Internal Revenue Code of 1986.”

Delegate Brown moved to amend the bill on page 4, section 2, lines 15 and 16, by deleting the words “Human Rights Act rights in §5-11-1 *et seq.* of this code,”.

On page 4, section 2, line 21, by deleting the words: "Human Rights Act rights in §5-11-1 *et seq.* of this code,".

On page 4, section 2, line 26, by deleting the words: "Human Rights Act rights in §5-11-1 *et seq.* of this code,".

On page 4, section 2, lines 31 and 32, by deleting the words: "Human Rights Act rights in §5-11-1 *et seq.* of this code,".

On page 5, section 3, line 4, by deleting the words: "Human Rights Act rights in §5-11-1 *et seq.* of this code,".

On page 5, section 3, lines 7 and 8, by deleting the words: "Human Rights Act rights in §5-11-1 *et seq.* of this code,".

On page 5, section 4, line 4, by deleting the words: "Human Rights Act rights in §5-11-1 *et seq.* of this code,".

On page 7, section 4, lines 63 and 64, by deleting the words: "Human Rights Act rights in §5-11-1 *et seq.* of this code,".

And,

On page 8, section 5, lines 3 and 4, by deleting the words: "Human Rights Act rights in §5-11-1 *et seq.* of this code,".

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 111**), and there were—yeas 26, nays 74, absent and not voting none, with the yeas being as follows:

Yeas: Barach, Bates, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Horst, Lovejoy, Mallow, McGeehan, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

On motion of Delegate Capito, the bill was amended on page seven, section four, line sixty-one, in subsection (b), by striking out the words "All workers who do not satisfy the criteria set forth in subsection (a) of this section shall be classified as employees" and inserting in lieu thereof the words, "The classification of all workers who do not satisfy the criteria set forth in subsection (a) of this section shall be determined by the test set forth in Internal Revenue Service Rev. Ruling 87-41, for purposes of classifying workers under the laws".

Delegate Young moved to amend the bill on page 5, section 4, line 6, by striking out the word "substantial".

On the question of adoption of the amendment, the same was put and was rejected.

Delegate Young moved to amend the bill on page 6, section 4, line 16, by striking out the word "and".

And,

On page 6, section 4, line 20, by striking out the word “and” and inserting in lieu thereof, the following:

“(F) Not entitled to state minimum wage but may be entitled to federal minimum wage;

(G) Not entitled to overtime under state law but may be entitled under federal law;

(H) Not protected against discrimination on the basis of age, religion, color, national origin, ancestry, sex, blindness, disability, or race or familial status under the West Virginia Human Rights Act;

(I) Possibly considered an employee pursuant to federal law, including but not limited to, Fair Labor Standards Act and the National Labor Relations Act; and

(J) Entitled to contact the Federal Department of Labor, the Internal Revenue Service, and the West Virginia Division of Labor concerning their classification as an independent contractor to assure their compliance with those laws as an independent contractor; and”.

On the question of adoption of the amendment, the same was put and was rejected.

On motion of Delegate Capito, the bill was amended on page six, line thirty-two, after the word “work.”, by inserting the following words: “*Provided*, That the required deployment, implementation, or use of any safety improvement by an independent contractor as required by contract or otherwise shall not be considered when evaluating status as an employee or independent contractor under any state law. For purposes of this section, safety improvement shall mean any device, equipment, software, technology, procedure, training, policy, program, or operational practice intended and primarily used to improve or facilitate compliance with state, federal or local safety laws or regulations or general safety concerns.”

There being no further amendments, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 112**), and there were—yeas 77, nays 23, absent and not voting none, with the nays being as follows:

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

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 272) 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 S. B. 277, Creating COVID-19 Jobs Protection Act; on third reading, coming up in regular order, was read a third time.

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

The Speaker replied that the Delegate was a member of a class of five or more possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 113**), and there were—yeas 76, nays 24, absent and not voting none, with the nays being as follows:

Nays: Barach, Boggs, Brown, Bruce, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Longanacre, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Tully, Walker, Williams, Young and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 277) passed.

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

Com. Sub. for S. B. 277 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6, §55-19-7, §55-19-8, and §55-19-9 all relating generally to creating the COVID-19 Jobs Protection Act; designating a short title; making legislative findings; setting forth legislative purposes; defining terms; prohibiting certain claims against persons or entities arising from COVID-19, COVID-19 care, or impacted care; extinguishing liability for death or personal injury related to the design, manufacture, or labeling of supplies or personal protective equipment either sold or donated; creating an exception to the extinguishment of claims for persons having actual knowledge of a product defect acting with conscious, reckless, and outrageous indifference to a substantial and unnecessary risk or with actual malice; providing that, when a claim for workers’ compensation benefits is awarded to an employee pursuant to §23-1-1 *et seq.* of this code for a work-related injury, disease, or death caused by or arising from COVID-19 in the course of and resulting from covered employment, such claim for workers’ compensation benefits shall be the sole and exclusive remedy for such injury, disease, or death; providing that, except for §55-19-5 and §55-19-6, limitations on liability shall not apply to any person, employee or agent, who engaged in intentional conduct with actual malice; providing for severability of provisions; adding retro activity of act to January 1, 2020; clarifying that no new cause of action is created nor defense limited by the act; and clarifying that the article does not affect duties or rights arising from contract.”

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

On this question, the yeas and nays were taken (**Roll No. 114**), and there were—yeas 77, nays 23, absent and not voting none, with the nays being as follows:

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

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 277) takes effect from its passage.

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

S. B. 296, Relating generally to repealing certain rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 115**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 296) passed.

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

S. B. 338, Creating Fire Service Equipment and Training Fund; 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. 116**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Doyle.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 338) passed.

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

On this question, the yeas and nays were taken (**Roll No. 117**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 338) takes effect from its passage.

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

H. B. 2598, Altering the definition of an above ground storage tank; on third reading, coming up in regular order, was read a third time.

Speaker Pro Tempore Howell in the Chair

Delegate Barach was addressing the House when Delegate Foster arose to a point of order, regarding the content of the Gentleman's remarks. The Speaker Pro Tempore ruled that the point was well taken and directed the Member to speak to the bill before the House.

Mr. Speaker, Delegate Hanshaw in the Chair

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 118**), and there were—yeas 74, nays 26, absent and not voting none, with the nays being as follows:

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

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2598) passed.

Com. Sub. for H. B. 2674, Relating to the administration of anesthetics on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegates Tully and J. Pack, the bill was amended on page 1, section 15, line 21, by striking out the period and inserting a colon and the following, "*Provided*, That a dentist who cooperates with a certified registered nurse anesthetist are permitted as required in §30-4A-1 *et seq.*"

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 119**), and there were—yeas 85, nays 14, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barach, Capito, Ellington, Hanna, Higginbotham, Martin, Nestor, Pack, Skaff, Statler, Steele, Storch, Walker and Young.

Absent and Not Voting: Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2674) passed.

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

On this question, the yeas and nays were taken (**Roll No. 120**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Walker and Young.

Absent and Not Voting: Longanacre and Zatezalo.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2674) takes effect from its passage.

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

H. B. 2957, Relating to the repeal of outdated code sections; 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. 121**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2957) 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. 2958, Relating to repealing outdated sections of state code; 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. 122**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Lovejoy.

Absent and Not Voting: Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2958) passed.

Second Reading

Com. Sub. for S. B. 126, Authorizing Department of Administration to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2671, Relating to financial exploitation of elderly persons, protected persons or incapacitated adults; 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. 2722, Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2852, Relating to distribution of the allowance for increased enrollment; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

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

Com. Sub. for S. B. 295, Relating generally to economic development loans and loan insurance issued by state,

Com. Sub. for H. B. 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards,

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

Com. Sub. for H. B. 2758, Requiring the Insurance Commissioner to regulate professional bondsmen,

Com. Sub. for H. B. 2763, Creating WV Cyber Incident Reporting,

Com. Sub. for H. B. 2770, Including home confinement officers in definition of law-enforcement officers,

H. B. 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund,

Com. Sub. for H. B. 2789, Supplementing and amending the appropriations to Public Defender Services,

Com. Sub. for H. B. 2802, 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 Homeland Security, Division of Emergency Management,

Com. Sub. for H. B. 2803, 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 Commerce, Division of Forestry,

H. B. 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021,

Com. Sub. for H. B. 2891, Creating minimum statutory standards for law-enforcement officers,

Com. Sub. for H. B. 2916, Creating the Semiquincentennial Commission for the celebration of the 250th anniversary of the founding of the United States of America,

And,

H. B. 2932, Protections for Charitable Organizations.

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. 2174: Delegate Mandt;

H. B. 2345: Delegates Evans, Kimble, Thompson and Tully;

H. B. 2495: Delegate Keaton;

H. B. 2688: Delegate L. Pack;

H. B. 2702: Delegate Thompson;

H. B. 2776: Delegate L. Pack;

H. B. 2874: Delegate Kimble;

H. B. 2785: Delegate Kimble;

H. B. 2823: Delegate Pinson;

H. B. 3032: Delegate Thompson;

H. B. 3044: Delegate Bates;

H. B. 3047: Delegate Mandt;

H. B. 3049: Delegate Bates;

H. B. 3054: Delegate Mandt;

And,

H. C. R. 31: Delegate Howell.

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

H. B. 2934: Delegate Longanacre.

At 2:13 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 11, 2021.

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

SPECIAL CALENDAR

Thursday, March 11, 2021

30th Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 126 - Authorizing Department of Administration to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2671 - Relating to financial exploitation of elderly persons, protected persons or incapacitated adults (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2722 - Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals (CAPITO) (REGULAR)
- H. B. 2852 - Relating to distribution of the allowance for increased enrollment (ELLINGTON) (REGULAR)

SECOND READING

- S. B. 89 - Exempting certain kindergarten and preschool programs offered by private schools from registration requirements (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 295 - Relating generally to economic development loans and loan insurance issued by state (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for H. B. 2382 - Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2682 - Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements (CAPITO) (REGULAR)

- Com. Sub. for H. B. 2758 - Requiring the Insurance Commissioner to regulate professional bondsmen (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2763 - Creating WV Cyber Incident Reporting (STEELE) (REGULAR)
- Com. Sub. for H. B. 2770 - Including home confinement officers in definition of law-enforcement officers (CAPITO) (REGULAR)
- H. B. 2788 - Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2789 - Supplementing and amending the appropriations to Public Defender Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2802 - 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 Homeland Security, Division of Emergency Management (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2803 - 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 Commerce, Division of Forestry (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 2804 - Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021 (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2891 - Creating minimum statutory standards for law-enforcement officers (CAPITO) (REGULAR)

Com. Sub. for H. B. 2916 - Creating the Semiquincentennial Commission for the celebration of the 250th anniversary of the founding of the United States of America (STEELE) (REGULAR)

H. B. 2932 - Protections for Charitable Organizations (STEELE) (REGULAR)

FIRST READING

Com. Sub. for H. B. 2688 - Allow county political parties to have building funds in a similar manner that state parties are allowed (CAPITO) (REGULAR)

Com. Sub. for H. B. 2702 - To require all public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation (ELLINGTON) (REGULAR)

Com. Sub. for H. B. 2705 - Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments (STEELE) (REGULAR)

Com. Sub. for H. B. 2785 - Relating to public school enrollment for students from out of state (ELLINGTON) (REGULAR)

Com. Sub. for H. B. 2797 - Declaring certain claims to be moral obligations of the State (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 2834 - Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission (STEELE) (REGULAR)

Com. Sub. for H. B. 2877 - Expand direct health care agreements beyond primary care to include more medical care services (J. PACK) (REGULAR)

H. B. 2969 - To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility (STEELE) (REGULAR)

Com. Sub. for H. B. 2972 - Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption (CAPITO) (REGULAR)

HOUSE CALENDAR

Thursday, March 11, 2021

30th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2675 - Relating to costs and interest in eminent domain condemnation proceedings (CAPITO) (REGULAR)
- H. B. 2741 - Relating to expansion of the alcohol test and lock program to offenders with a drug related offense (CAPITO) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2004 - Permit a licensed health care professional from another state to practice in this state through telehealth when registered with the appropriate West Virginia board (J. PACK) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2015 - Requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency (J. PACK) (EFFECTIVE FROM PASSAGE)
- H. B. 2536 - Relating to expressions of legislative intent regarding equivalent instruction time (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2628 - Relating to the removal of the prohibition on having ATMs in the area where racetrack video lottery machines are located (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2792 - Relating to the expansion of direct access to natural gas service for new customers (ANDERSON) (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**

THURSDAY, MARCH 11, 2021

HOUSE CONVENES AT 11:00 A.M.

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

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

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

**COMMITTEE ON ENERGY AND MANUFACTURING
3:00 P.M. – HOUSE CHAMBER**

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