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April 5, 2021
FIFTY-FIFTH DAY

Monday, April 5, 2021

FIFTY-FIFTH DAY

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

The House of Delegates 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 Friday, April 2, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. C. R. 34, H. C. R. 86 and H. C. R. 87, had been moved to the top of Unfinished Business; Com. Sub. for S. B. 585, Com. Sub. for S. B. 634 and Com. Sub. for S. B. 636, on Second reading, Special Calendar, had been transferred to the House Calendar; and S. B. 671, on First reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 2nd day of April, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 2499, Tax reduction for arms and ammo manufacturing.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 2nd day of April, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

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

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

Your Committee on Rules has had under consideration:

H. C. R. 24, Urging Congress to extend federal tax incentives to participants in Jumpstart Savings programs that are similar to those that are currently provided to participants in College Savings plans, pursuant to 26 U.S.C. §529,

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

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented communications from His Excellency, the Governor, advising that on April 1, 2021, he approved **H. B. 2701, H. B. 2788, Com. Sub. for H. B. 2789, Com. Sub. for H. B. 2802, Com. Sub. for H. B. 2803 and H. B. 2804**; and on April 2, 2021, he approved **Com. Sub. for S. B. 9, S. B. 10, S. B. 305 and Com. Sub. for S. B. 517**.

The following communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passed by both houses, was read by the Clerk:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

February 24, 2020

Veto Message

The Honorable Craig Blair
President, West Virginia Senate
Room 229M, Building 1
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 89

Dear President Blair:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 89, but welcome a bill correcting the deficiencies identified below. This bill exempts from licensure requirements certain education programs, including, among others, certain school programs operated under 42 USC S 9801 *et seq.*, the federal Head Start Program.

Although under the current form of the bill the Head Start programs are required to perform initial background checks on employees, the exemption will make access and use of a criminal background check with a rap back system impracticable. A rap back system is a system that continuously checks employees' existing records against incoming arrest or conviction information. Without being regulated, the State is unable to provide Head Start programs access to the rap back system. Without that system, an employee may pass an initial background check but later commit a crime: and the employer would not be made aware. This is a vital part of background checks for programs such as Head Start, which serves thousands of children for long periods of time on an ongoing basis.

For this reason, I disapprove and return Enrolled Committee Substitute for Senate Bill 89, but welcome a bill that would not exempt the Head Start program, thereby retaining the ability to utilize the rap back system for employees of the Head Start program.

Sincerely,

Jim Justice,
Governor.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that, upon reconsideration the Senate had amended and again passed, in an effort to meet the objections of the Governor, and requested the concurrence of the House of Delegates in the same, as to

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

The House of Delegates proceeded to reconsider the bill and, on motion of Delegate Summers, concurred in the following amendment of the bill by the Senate, in an effort to meet the objections of the Governor:

“ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-113. Residential child-care centers; licensure, certification, approval and registration; requirements.

(a) Any person, corporation, or child welfare agency, other than a state agency, which operates a residential child-care center shall obtain a license from the department.

(b) Any residential child-care facility, day-care center, or any child-placing agency operated by the state shall obtain approval of its operations from the secretary.

(c) Any family day-care facility which operates in this state, including family day-care facilities approved by the department for receipt of funding, shall obtain a statement of certification from the department.

(d) Every family day-care home which operates in this state, including family day-care homes approved by the department for receipt of funding, shall obtain a certificate of registration from the department. The facilities and placing agencies shall maintain the same standards of care applicable to licensed facilities, centers, or placing agencies of the same category.

(e) This section does not apply to:

(1) A kindergarten, preschool, or school education program which is operated by a public school or which is accredited by the West Virginia Department of Education or any other kindergarten, preschool, or school programs which operate with sessions not exceeding four hours per day for any child;

(2) An individual or facility which offers occasional care of children for brief periods while parents are shopping, engaging in recreational activities, attending religious services, or engaging in other business or personal affairs;

(3) Summer recreation camps operated for children attending sessions for periods not exceeding 30 days;

(4) Hospitals or other medical facilities which are primarily used for temporary residential care of children for treatment, convalescence, or testing;

(5) Persons providing family day care solely for children related to them;

(6) Any juvenile detention facility or juvenile correctional facility operated by or under contract with the Division of Corrections and Rehabilitation for the secure housing or holding of juveniles committed to its custody;

(7) Any out-of-school time program that has been awarded a grant by the West Virginia Department of Education to provide out-of-school time programs to kindergarten through 12th grade students when the program is monitored by the West Virginia Department of Education;

(8) Any out-of-school time program serving children six years of age or older and meets all of the following requirements, or is an out-of-school time program that is affiliated and in good standing with a national congressionally chartered organization or is an out-of-school time, summer recreation camp, or day camp program operated by a county parks and recreation commission, boards, and municipalities and meets all of the following requirements:

(A) The program is located in a facility that meets all fire and health codes;

(B) The program performs state and federal background checks on all volunteers and staff;

(C) The program's primary source of funding is not from fees for service except for programs operated by county parks and recreation commissions, boards, and municipalities; and

(D) The program has a formalized monitoring system in place; or

(9) Any kindergarten, preschool, or school education program which is operated by a private, parochial, or church school that is recognized by the West Virginia Department of Education under Policy 2330.

(f) The secretary is authorized to issue an emergency rule relating to conducting a survey of existing facilities in this state in which children reside on a temporary basis in order to ascertain whether they should be subject to licensing under this article or applicable licensing provisions relating to behavioral health treatment providers.

(g) Any informal family child-care home or relative family child-care home may voluntarily register and obtain a certificate of registration from the department.

(h) All facilities or programs that provide out-of-school time care shall register with the department upon commencement of operations and on an annual basis thereafter. The department shall obtain information such as the name of the facility or program, the description of the services provided, and any other information relevant to the determination by the

department as to whether the facility or program meets the criteria for exemption under this section.

(i) Any child-care service that is licensed or receives a certificate of registration shall have a written plan for evacuation in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to the children in the child-care service.

(1) The plan shall include, but not be limited to:

(A) A designated relocation site and evacuation;

(B) Procedures for notifying parents of the relocation and ensuring family reunification;

(C) Procedures to address the needs of individual children including children with special needs;

(D) Instructions relating to the training of staff or the reassignment of staff duties, as appropriate;

(E) Coordination with local emergency management officials; and

(F) A program to ensure that appropriate staff are familiar with the components of the plan.

(2) A child-care service shall update the evacuation plan by December 31 of each year. If a child-care service fails to update the plan, no action shall be taken against the child-care services license or registration until notice is provided and the child-care service is given 30 days after the receipt of notice to provide an updated plan.

(3) A child-care service shall retain an updated copy of the plan for evacuation and shall provide notice of the plan and notification that a copy of the plan will be provided upon request to any parent, custodian, or guardian of each child at the time of the child's enrollment in the child-care service and when the plan is updated.

(4) All child-care centers and family child-care facilities shall provide the plan and each updated copy of the plan to the Director of the Office of Emergency Services in the county where the center or facility is located.

(j) A residential child care center which has entered into a contract with the department to provide services to a certain number of foster children, shall accept any foster child who meets the residential child care center's program criteria, if the residential child care center has not met its maximum capacity as provided for in the contract. Any residential child-care center who has entered into a contract with the department may not discharge any child in its program, except as provided in the contract, including that if the youth does not meet the residential treatment level and target population, the provider shall request a MDT and work toward an alternative placement."

And,

By amending the title of the bill to read as follows:

Enr. S. B. 89 – “AN ACT to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to clarifying what programs operated by a county parks and recreation commission, boards, and municipalities can be exempt from licensure requirements; and exempting from licensure requirements certain education programs operated by nonpublic schools recognized as accredited by the West Virginia Department of Education.”

On the question of passage of the bill, as amended in an effort to meet the objections of the Governor, the yeas and nays were taken (**Roll No. 426**), and there were—yeas 98, nays none, absent and not voting 2, with the yeas, nays, and absent and not voting being as follows:

Yeas: Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Bridges, Brown, Bruce, Burkhammer, Capito, Clark, Conley, Cooper, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Evans, Fast, Ferrell, Fleischauer, Fluharty, Forsht, Foster, Garcia, Gearheart, Graves, Griffith, Hamrick, Hanna, Hansen, Hardy, Haynes, Higginbotham, Holstein, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Lovejoy, Malow, Mandt, Martin, Maynard, Mazzocchi, McGeehan, Miller, Nestor, J. Pack, L. Pack, Paynter, Pethtel, Phillips, Pinson, Pritt, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Smith, Statler, Steele, Storch, Summers, Sypolt, Thompson, Toney, Tully, Walker, Wamsley, B. Ward, G. Ward, Westfall, Williams, Worrell, Young, Zatezalo, Zukoff and Hanshaw (Mr. Speaker).

Nays: None.

Absent and Not Voting: Hornbuckle and J. Kelly.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. S. B. 89) passed.

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

A message from the Senate, by

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

H. B. 2253, Relating to forgery and other crimes concerning lottery tickets.

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

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 22. STATE LOTTERY ACT.

§29-22-12. Crimes; forgery, counterfeiting, etc. of lottery tickets; penalties.

Any person who, with intent to defraud, falsely makes, alters, forges, utters, passes, or counterfeits a lottery ticket is guilty of a ~~felony~~ misdemeanor, and, upon conviction thereof, shall be fined not more than \$1,000, or be ~~imprisoned~~ confined in the penitentiary a state correctional facility for ~~not less~~ not more than one year, or both fined and ~~imprisoned~~ confined.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 427**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Fleischauer, Hanna, Kimes, Martin and Pushkin.

Absent and Not Voting: Hornbuckle and J. Kelly.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2253) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 2888, Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 3081, Updating the West Virginia Business Corporations Act.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

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

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the resolution by the Senate:

On page one, in the third Whereas clause, line thirteen, by striking out “66” and inserting in lieu thereof “63”.

The resolution, as amended by the Senate, was then adopted.

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 adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

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

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the resolution by the Senate:

On page one, in the first Whereas clause, line fourteen, after the word “nominations” by striking out the comma and inserting in lieu thereof the word “and”.

On page two, in the first Whereas clause, line two, by striking out the words “on April 3” and inserting in lieu thereof the words “away on March 30”.

On page two, in the Resolved clause, line seven, by striking out the words “along County State Route 34”.

And,

By striking out the title and substituting therefor a new title, to read as follows:

H. C. R. 20 – “Requesting the Division of Highways to name Slab Fork Road, beginning near the Lester Highway and proceeding to its end at the Coalfield Expressway in Raleigh County, the ‘Bill Withers Memorial Road’.”

The resolution, as amended by the Senate, was then adopted.

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 adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

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

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the resolution by the Senate:

On page one, in the third Whereas clause, lines nineteen and twenty, after the word “there” by striking out the period and the words “there’s a closeness and friendliness”.

The resolution, as amended by the Senate, was then adopted.

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 adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

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

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the resolution by the Senate:

On page one, in the first Whereas clause, line five, by striking out the word “identity” and inserting in lieu thereof the word “identify”.

On page one, in the fourth Whereas clause, line fourteen, by striking out the word “for” and inserting in lieu thereof the word “from”.

On page two, in the fourth Whereas clause, line sixteen, by striking out the word “and”.

And,

On page two, in the fourth Whereas clause, line seventeen, after the word “care”, by inserting the words “and other workforce issues”.

The resolution, as amended by the Senate, was then adopted.

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 adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

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

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the resolution by the Senate:

On page two, in the *Resolved* clause, line twenty-seven, by striking out the words “county, the “U. S. Marine” and inserting in lieu thereof the words “County, the “U.S. Marine Corps”.

On page two, in the first *Further Resolved* clause, line thirty, by striking out the words “U. S. Marine Corps Sgt. David A.” and inserting in lieu thereof the words “U.S. Marine Corps Sergeant David Andrew”.

And,

By striking out the title and substituting therefor a new title, to read as follows:

H. C. R. 38 – “Requesting the Division of Highways to name bridge number: 26-001/01-000.01 (26A080), (40.02115, -80.73147) locally known as 4th Street Overpass, carrying CR 1/1 over US 250 & WV 2 in Marshall County, the ‘U.S. Marine Corps Sergeant David Andrew Green Memorial Bridge’.”

The resolution, as amended by the Senate, was then adopted.

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 adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

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

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the resolution by the Senate:

On page one, in the sixth Whereas clause, line fifteen, by striking out "17" and inserting in lieu thereof "24".

The resolution, as amended by the Senate, was then adopted.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 490 - "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 Veterans' Assistance, Department of Veterans' Assistance, fund 0456, fiscal year 2021, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; which was referred to the Committee on Finance.

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 Finance then Rules as follows:

S. C. R. 59 - "Requesting the Joint Committee on Government and Finance study the benefits of creating a third tier within the PERS retirement program for public safety employees, including 911 operators; determine the most appropriate and fair method of implementing this new tier; consider any potential unintended consequences of this creation of the tier; determine how the new tier should be used to provide enhanced benefits to public safety employees within PERS; determine whether return to work provisions should be modified for any or all retirement systems administered by the West Virginia Consolidated Public Retirement Board (CPRB); and determine whether employer contribution caps for certain retirement plans administered by the CPRB should be modified or eliminated."

Whereas, Public safety employees within PERS are at greater risk due to the inherent danger of the duty obligations required by their occupations; and

Whereas, The open positions for correctional officers, police officers, firefighters, and 911 operators may be more easily filled if such occupations were entitled to participate in a separate tier of the PERS system with enhanced benefits; and

Whereas, The CPRB would have a greater administrative burden if a new tier is created within PERS, and this resolution will aid in quantifying that burden; and

Whereas, Certain retirement systems administered by the CPRB have employer contributions that are capped at certain levels and could have a detrimental impact on the actuarial funding of the system; and

Whereas, Certain return to work provisions for retirants of the retirement systems administered by the CPRB may be outdated and no longer sustainable for retirants who return to work on a part-time or temporary basis; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the benefits of creating a third tier within the PERS retirement program for public safety employees, including 911 operators; determine the most appropriate and fair method of implementing this new tier; consider any potential unintended consequences of this creation of the tier; determine how the new tier should be used to provide enhanced benefits to public safety employees within PERS; determine whether return to work provisions should be modified for any or all retirement systems administered by the West Virginia Consolidated Public Retirement Board (CPRB); and determine whether employer contribution caps for certain retirement plans administered by the CPRB should be modified or eliminated; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the potential necessity of altering or amending certain outdated return to work provisions for retirants of the retirement systems administered by the CPRB; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the potential benefits and detriments that would be involved in eliminating the employer contribution cap in certain retirement systems administered by the CPRB; and, be it

Further Resolved, That the Joint Committee on Government and Finance enlist the assistance of all ranks, organizations, groups, and departments of the CPRB as is necessary to conduct the study; and, be it

Further Resolved, That the Joint Committee on Government and Finance conclude its study and final report on its findings, conclusions, and recommendations on or before December 1, 2021; and, be it

Further Resolved, That the Joint Committee on Government and Finance 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; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance"; which was referred to the Committee on Finance then Rules.

Resolutions Introduced

Delegate Phillips offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 91 - "Requesting the Joint Committee on Government and Finance study the possible methods of retaining native businesses in West Virginia through the establishment of a 'Business Retention Task Force.'"

Whereas, The Legislature recognizes the important role in considering methods of retaining native businesses, including, but not limited to the following:

Founders House: Establishing 'Entrepreneur in Residence' program to allow entrepreneurs to have housing and an environment to found startup businesses;

Student Loan Forgiveness: Granting student loan forgiveness for state school graduates who start a new business in the state within five years of graduation;

CRA Tax Credit: Extending tax credits for CRA eligible activity;

State guaranteed loans: Loans targeted at sole proprietorships and LLCs;

West Virginia Produced Bidding Credit: Tighten regulations to actual West Virginia produced or value-added products and add points for bidding contracts;

Business & Inventory Tax: Defer capital investments from BIT tax for one year to allow generation of income before taxation; and

Business and Operating Tax: Assess B&O tax on net income through startup years to establish new businesses; and

Whereas, All of these initiatives may create the retention of native businesses in West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the possible methods of retaining native businesses in West Virginia through the establishment of a "Business Retention Task Force;" and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts of any legislation or resolutions necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from the legislative appropriations to the Joint Committee on Government and Finance.

Delegate Rowan offered the following resolution, which was read by its title and referred to the Committee on Senior, Children, and Family Issues then Rules:

H. C. R. 92 - "Requesting the Joint Committee on Government and Finance to study the incidences of elder abuse in nursing facilities and among in-home care providers."

Whereas, Allegations of elder abuse in nursing facilities and among in-home care providers have been brought to the attention of members of the House Committee on Seniors, Children and Families; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the incidences of elder abuse in nursing facilities and among in-home care providers; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Legislature, no later than 30 days prior to the first day of the regular session, 2022, on its findings, conclusions and recommendations together with drafts of any legislation to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Health and Human Resources Accountability.

Delegate Rowan offered the following resolution, which was read by its title and referred to the Committee on Senior, Children, and Family Issues then Rules:

H. C. R. 93 - "Requesting the Joint Committee on Government and Finance study ongoing issues relating to providing resources and processes to support and assist 'Grandfamilies' caring for minor children in West Virginia."

Whereas, Approximately 35,000 West Virginian children under the age of 18 live with grandparents; and

Whereas, Approximately 21,000 grandparents are householders responsible for their grandchildren who live with them; and

Whereas, Approximately 46.5% of these grandparents are in the workforce; and

Whereas, Approximately 20.9% of these grandparents are in poverty; and

Whereas, Federal and state public benefits programs can help with income, food, healthcare, home energy, and other needs for eligible grandfamilies; and

Whereas, Application for federal financial aid for college education continues to be a challenge for minors living with grandfamilies; and

Whereas, There should be multiple processes for grandparents in grandfamily arrangements to easily obtain financial and emotional support, respective forms for assistance programs, and leadership tools for grandfamilies; therefore, be it

Resolved by the Legislature of West Virginia:

That the Committee on Government and Finance is hereby requested to study ongoing issues relating to providing resources and processes to support and assist "Grandfamilies" caring for minor children in West Virginia; and, be it

Further Resolved, That the Committee on Government and Finance is hereby requested to research the feasibility of revisions to state law that could help facilitate minors living with grandfamilies in their applications for federal financial aid for college education; and, be it

Further Resolved, That not later than sixty days prior to the beginning of the 2022 regular session of the Legislature, the Joint Committee on Government and Finance report on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct a study, prepare reports, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

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

H. C. R. 94 - "Requesting the Joint Committee on Government and Finance study and analyze the continued impact of human trafficking in West Virginia and improved methods to minimize, deter, and prevent human trafficking and facilitate effective treatment for victims of human trafficking."

Whereas, Human trafficking is an under-reported crime in West Virginia that affects hundreds of children and families throughout the state; and

Whereas, Victims of human trafficking may be exploited by a broad spectrum of sources and methods which may otherwise appear legitimate; and

Whereas, Minimizing, deterring, and preventing the sources and methods of human and sex trafficking is important to reducing the physical and emotional damage inflicted by perpetrators upon victims which in turn has impacts the state economy and cost of government services; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study and analyze the continued impact of human trafficking in West Virginia and improved methods to minimize, deter, and prevent human trafficking and facilitate effective treatment for victims of human trafficking; and, be it

Further Resolved, That the study include an examination of the highest risk sources and methods of human trafficking of the children and youth of West Virginia; and, be it

Further Resolved, That the study consider that with the rise in grand-families, many elder guardians are not well versed in the hazards of technology and social media, and thus may not be aware of the victimization and grooming of children and adolescents that takes place by perpetrators of human trafficking and sexual abuse; and, be it

Further Resolved, That the study seek best practices related to train and educate service providers and community resources, especially those who are mandated reporters, to recognize the risk factors of human trafficking and appropriately report and potentially intervene on behalf of young victims; and, be it

Further Resolved, That the study determine best practices in prevention through age-appropriate education of children and teens related to avoiding high risk behavior and locations; and, be it

Further Resolved, That not later than sixty days prior to the beginning of the 2022 regular session of the Legislature, the Joint Committee on Government and Finance report on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct a study, prepare reports, and draft necessary legislation be paid from legislative appropriates to the Joint Committee on Government and Finance.

Delegates Howell, Espinosa, Kessinger, Hamrick, Paynter, Steele, Martin, Pritt, Hott, Foster and Smith offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 95 - "Requesting the Joint Committee on Government and Finance study the effects of congressional redistricting, particularly identifying effects of the loss of a congressional district on board and commission membership."

Whereas, Upon completion of the 2020 census data, the United States will undergo congressional redistricting; and

Whereas, It is expected that West Virginia will lose a congressional district upon completion of the redistricting process; and

Whereas, Many boards, commissions, and other entities rely on the state congressional district map for membership; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance undertake a study of the effects of congressional redistricting that identifies effected boards, commissions, or other entities effected by congressional redistricting; and, be it

Further Resolved, That the study develops a plan to resolve state committee, board, etc. membership discrepancies where needed; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts of any legislation or resolutions necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from the legislative appropriations to the Joint Committee on Government and Finance.

Bills Introduced

A bill was introduced, pursuant to House Rule 92, and referred as follows:

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

H. B. 3317 – “A Bill expiring funds to the balance of the Department of Transportation, State Rail Authority - West Virginia Commuter Rail Access Fund, fund 8402, fiscal year 2021, organization 0804 in the amount of \$750,000 from the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2021, organization 0704, and making a supplementary appropriation of public moneys out of the Treasury for the fiscal year ending June 30, 2021”; to the Committee on Finance.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

H. C. R. 34, Declaring the “pepperoni roll” to be the official state food of West Virginia,

H. C. R. 86, Study the recruitment and retention of Health Care Workers in West Virginia,

And,

H. C. R. 87, Study resolution regarding Courtesy Patrol submitting billing for reimbursement in certain instances.

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

The following resolutions, coming up in regular order as unfinished business, were, by unanimous consent, considered en masse, and adopted:

H. C. R. 4, Private First Class Herman Harold Lucas Memorial Bridge,

H. C. R. 10, James “Big Jim” Shaffer Memorial Bridge,

H. C. R. 11, Thomas Brothers Memorial Bridge,

H. C. R. 18, Daniel Okey Cunningham Memorial Bridge,

H. C. R. 19, U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge,

H. C. R. 28, Paul J. Hofe Memorial Bridge,

H. C. R. 40, Guy Maywood Edwards Memorial Bridge,

H. C. R. 41, Halstead Brothers WWII Veterans Memorial Bridge,

H. C. R. 44, Timothy Wayne Farley Memorial Bridge,

H. C. R. 46, U. S. Navy BM1 Farris Burton Memorial Bridge,

H. C. R. 47, SP5 Terry Lee McClanahan Memorial Bridge,

- H. C. R. 51**, U.S. Army Private Elmo Davis Memorial Road,
H. C. R. 52, World War II Veterans Toothman Brothers Memorial Bridge,
H. C. R. 58, Kohlton Red Haney Memorial Bridge,
H. C. R. 60, Cpl. Billy F. Mann Memorial Bridge,
H. C. R. 66, Officer Cassie Johnson - Fallen Heroes Memorial Bridge,
H. C. R. 67, Roy E. Givens Memorial Road,
H. C. R. 71, Doctor Enrique Aguilar Memorial Bridge,
H. C. R. 75, U.S. Army Corporal Charles William "Bill" Knight Memorial Bridge,
H. C. R. 76, U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge⁶⁴⁴,
H. C. R. 77, Elmer Galford Memorial Road,
And,
H. C. R. 85, World War II Veterans Toothman Brothers Memorial Bridge.

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

Third Reading

S. B. 78, Relating to rehabilitative spousal support; 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. 428**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries and Steele.

Absent and Not Voting: J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 78) passed.

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

S. B. 359, Informing landowners when fencing that may contain livestock is damaged due to accident; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Griffith asked and obtained unanimous consent to amend the bill on third reading and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Griffith the bill was amended, on page 1, section 17, line 4, following the words “to contact”, by inserting the word “either” and, on lines 4 and 5, by striking out the words “that owns the fence.” and inserting in lieu thereof, the words “or any known lessee of the land by immediately reporting the fence damage to dispatch to initiate an attempt to alert the landowner or lessee of the fence damage.”

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 429**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 359) passed.

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

S. B. 359 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-4-17, relating to law enforcement making reasonable attempt to contact a landowner or lessee when an accident occurs that damages a fence that could contain livestock.”

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. 377, Relating to extension for boil water advisories by water utility or public service district; 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. 430**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barrett, Hardy, J. Jeffries, Kessinger, Linville, Martin, Pushkin, Steele and Young.

Absent and Not Voting: J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 377) passed.

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

S. B. 437, Extending contingent increase of tax rate on certain eligible acute care hospitals; 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. 431**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Kimes, Linville, Martin, Pritt and Steele.

Absent and Not Voting: J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 437) passed.

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

On this question, the yeas and nays were taken (**Roll No. 432**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: J. Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 437) takes effect from its passage.

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

Com. Sub. for S. B. 514, Providing criteria for Natural Resource Commission appointment and compensation; 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. 433**), and there were—yeas 52, nays 47, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Booth, Brown, Bruce, Clark, Conley, Dean, Diserio, Doyle, Ferrell, Fluharty, Gearheart, Griffith, Hardy, Holstein, Hornbuckle, Horst, J. Jeffries, Linville, Longanacre, Lovejoy, Mallow, Mandt, Maynard, Mazzocchi, McGeehan, Miller, Nestor, Paynter, Phillips, Pritt, Pushkin, Rowan, Smith, Steele, Storch, Thompson, Toney, Tully, B. Ward, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 514) passed.

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

Com. Sub. for S. B. 518, Relating to grounds for administrative dissolution of certain companies, corporations, and partnerships; 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. 434**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 518) passed.

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

S. B. 644, Exempting certain persons pursuing degree in speech pathology and audiology from license requirements; 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. 435**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 644) passed.

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

S. B. 644 - "A Bill to amend and reenact §30-26-2 of the Code of West Virginia, 1931, as amended, relating to providing an exemption to the hearing-aid dealer license."

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

Second Reading

S. J. R. 4, Incorporation of Churches or Religious Denominations Amendment; 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 S. B. 263, Permitting online raffles to benefit charitable and public service organizations; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Barrett, the bill was amended on page 4, immediately following line 77, by inserting a new section, to read as follows:

"§47-20-15. Payment of reasonable expenses from proceeds; net proceeds disbursement.

(a) The reasonable, necessary and actual expenses incurred in connection with the conduct of bingo occasions, not to exceed ~~twenty-five~~ forty percent of the gross proceeds collected during a license period, may be paid out of the gross proceeds of the conduct of bingo, including, but not limited to:

(1) Rent paid for the use of the premises: *Provided*, That a copy of the rental agreement was filed with the bingo license application and any changes to the rental agreement were filed within ten days of being made: *Provided, however*, That in no event may the rent paid for the use of any premises exceed the fair market value of rent for the premises;

(2) The cost of custodial services;

(3) The cost to the licensee organization for equipment and supplies used to conduct the bingo occasion;

(4) The cost to the licensee organization for advertising the bingo occasion;

(5) The cost of hiring security personnel, licensed pursuant to the provisions of article eighteen, chapter thirty of this code; and

(6) The cost of providing child care services to the raffle patrons: *Provided*, That any proceeds received from the provision of child care services shall be handled the same as raffle proceeds.

(b) The actual cost to the licensee for prizes, not to exceed the amounts as specified in section ten of this article, may be paid out of the gross proceeds of the conduct of bingo.

(c) The cost of any refreshments, souvenirs or any other item sold or otherwise provided through any concession to the patrons may not be paid for out of the gross proceeds from the bingo occasion. The licensee shall expend all net bingo proceeds and any interest earned on the proceeds for the charitable or public service purposes stated in the application within one year after the expiration of the license under which the bingo occasions were conducted. A licensee which does not qualify as a qualified recipient organization may apply to the commissioner at the time it applies for a bingo license or as provided in subsection (e) of this section for permission to apply any or all of its net proceeds to directly support a charitable or public service activity or endeavor which it sponsors.

(d) No gross proceeds from any bingo operation may be devoted or in any manner used by any licensee or qualified recipient organization for the construction or acquisition of real or personal property except that which is used exclusively for one or more charitable or public service purposes or as provided in subdivision (3), subsection (a) of this section.

(e) The Tax Commissioner has the authority to disapprove any contract for sale of goods or services to any charitable bingo licensee for use in or with relation to any charitable bingo operation or occasion, or any lease of real or tangible personal property to any charitable bingo licensee for use in or with relation to any charitable bingo operation or occasion, if the contract or lease is unreasonable or not representative of fair market value. Contracts or leases which are disapproved shall be considered to be in contravention of this article, and are void. Any attempt by any charitable bingo licensee to engage in transactions under the terms of any lease or contract that has been disapproved is grounds for revocation or suspension of the charitable bingo license and for refusal by the Tax Commissioner to renew the charitable bingo license.

(f) If a property owner or lessee, including his or her agent, has entered into a rental contract to hold super bingo occasions on his or her premises, the premises shall be rented, for super bingo occasions, to not more than four super bingo licensees during any period of four consecutive calendar weeks: *Provided*, That each of the charitable or public service organizations desiring to hold a super bingo occasion must possess its own super bingo license. Subject to this limitation, the premises may be used for super bingo occasions during two consecutive days during a conventional weekend. For purposes of this subsection, the term "conventional weekend" means Saturday and Sunday: *Provided, however*, That the super bingo occasions may occur at the same facility no more often than alternating weekends during a calendar month.

(g) Any licensee which, in good faith, finds itself unable to comply with the requirements of this provision shall apply to the commissioner for permission to expend its net proceeds for one or more charitable or public service purposes other than that stated in its license application or for permission to expend its net proceeds later than the one-year time period specified in this section. The application shall be on a form furnished by the commissioner and shall include the particulars of the requested changes and the reasons for the changes. The application shall be filed no later than sixty days before the end of the one-year period specified in this section. In the case of an application to extend the time in which the net proceeds are to be expended for a charitable or public service purpose, the licensee shall file such periodic reports with the commissioner as the commissioner directs until the proceeds are expended."

And,

On page 7, immediately following line 89, by inserting a new section, to read as follows:

"§47-21-15. Payment of reasonable expenses from proceeds; net proceeds disbursement.

(a) The reasonable, necessary and actual expenses incurred in connection with the conduct of raffle occasions, not to exceed twenty-five percent of the gross proceeds collected during a license period, may be paid out of the gross proceeds of the conduct of the raffle, including, but not limited to:

(1) Rent paid for the use of the premises: *Provided*, That a copy of the rental agreement was filed with the raffle license application with any modifications to the rental agreement to be filed within ten days of being made: *Provided, however*, That in no event may the rent paid for the use of any premises exceed the fair market value of rent for the premises;

(2) The cost of custodial services;

(3) The cost to the licensee organization for equipment and supplies used to conduct the raffle occasion;

(4) The cost to the licensee organization for advertising the raffle occasion;

(5) The cost of hiring security personnel, licensed pursuant to the provisions of article eighteen, chapter thirty of this code; and

(6) The cost of providing child care services to the raffle patrons: *Provided*, That any proceeds received from the provision of child care services shall be handled the same as raffle proceeds.

(b) The actual cost to the licensee for prizes, not to exceed the amounts as specified in section eleven of this article, may be paid out of the gross proceeds of the conduct of raffle.

(c) The cost of any refreshments, souvenirs or any other item sold or otherwise provided through any concession to the patrons may not be paid for out of the gross proceeds from the raffle occasion. The licensee shall expend all net raffle proceeds and any interest earned on the net raffle proceeds for the charitable or public service purposes stated in the application within one year after the expiration of the license under which the raffle occasions were conducted. A licensee which does not qualify as a qualified recipient organization may apply to the commissioner at the time it applies for a raffle license or as provided in subsection (e) of this

section for permission to apply any or all of its net proceeds to directly support a charitable or public service activity or endeavor which it sponsors.

(d) No gross proceeds from any raffle operation may be devoted or in any manner used by any licensee or qualified recipient organization for the construction, acquisition, or improvement, of real or personal property except that which is used exclusively for one or more charitable or public service purposes or as provided in subdivision (3), subsection (a) of this section.

(e) The Tax Commissioner has the authority to disapprove any contract for sale of goods or services to any charitable raffle licensee for use in or with relation to any charitable raffle operation or occasion, or any lease of real or tangible personal property to any charitable raffle licensee for use in or with relation to any charitable raffle operation or occasion, if the contract or lease is unreasonable or not representative of fair market value. Disapproved contracts or leases shall be considered to be in contravention of this article, and are void. Any attempt by any charitable raffle licensee to engage in transactions under the terms of any disapproved lease or contract is grounds for revocation or suspension of the charitable raffle license and for refusal by the Tax Commissioner to renew the charitable raffle license.

(f) Any licensee which, in good faith, finds itself unable to comply with the requirements of the subsections (a) through (e) of this section shall apply to the commissioner for permission to expend its net proceeds for one or more charitable or public service purposes other than that stated in its license application or for permission to expend its net proceeds later than the one-year time period specified in this section. The application shall be on a form furnished by the commissioner and shall include the particulars of the requested changes and the reasons for the changes. The application shall be filed no later than sixty days before the end of the one-year period specified in this section. In the case of an application to extend the time in which the net proceeds are to be expended for a charitable or public service purpose, the licensee shall file such periodic reports with the commissioner as the commissioner directs until the proceeds are expended.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 294, Relating generally to savings and investment programs offered by state; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page nine, section six, line ninety-five, following the words “issued and said”, by striking out the word “units” and inserting in lieu thereof the word “checks”.

And,

On page nine, section six, line one hundred four, following the words “arising after the”, by striking out the word “fund’s” and inserting in lieu thereof the word “plan’s”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 297, Relating generally to modernizing Board of Treasury Investments; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 307, Relating generally to in-state tuition rates for certain persons; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 318, Relating generally to public notice of unclaimed property held by State Treasurer; on second reading, coming up in regular order, was read a second time.

An amendment, from the Committee on Government Organization, was explained by Delegate Foster and adopted, amending the bill on page 1, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 8. UNIFORM UNCLAIMED PROPERTY ACT.

§36-8-9. Notice and publication of lists of abandoned property.

(a) Publication of Bulletin. —

~~(1) The administrator shall publish a notice not a bulletin no later than November 30 of the year next following the year in which abandoned property has been paid or delivered to the administrator of each year, listing the names of the apparent owners of up to 15,000 properties recently paid or delivered to the administrator. The notice bulletin must be published in a newspaper of general circulation in the each county of this state in which is located the last known address of any person named in the notice. If a holder does not report an address for the apparent owner, or the address is outside this state, the notice must be published in the county in which the holder has its principal place of business within this state or another county that the administrator reasonably selects. The advertisement bulletin must be in a form that, in the judgment of the administrator, is likely to attract the attention of the apparent owner of the unclaimed property. The form bulletin must contain:~~

~~(1) (A) The name of each person appearing to be the owner of the property listed, as set forth in the report filed by the holder;~~

~~(2) (B) The municipality in which the last known address or location of each person appearing to be the owner of the listed property is located, if an address or location is set forth in the report filed by the holder;~~

~~(3) (C) A statement explaining that property of the owner is presumed to be abandoned and has been taken into the protective custody of the administrator; and~~

~~(4) (D) A statement that information about the unclaimed property and its return to the owner is available to a person having a legal or beneficial interest in the property, upon request to the administrator.~~

~~(b)(2) The administrator is not required to advertise the name and address or location of an owner of property having include any property in the bulletin described in this subsection that has a total value of less than \$50 or information concerning any property that is a traveler's check, money order, or similar instrument.~~

(b) Exception to Bulletin Requirement. —

~~(1) The administrator is not required to publish the bulletin described in subsection (a) of this section in a county, if the administrator makes a determination that the bulletin is not a cost-~~

effective method of promoting awareness of unclaimed property in that county. The determination shall be based on the cost to publish the bulletin in the county and the following criteria:

(A) The population of the county;

(B) Relevant geographic or demographic characteristics of the county;

(C) Residents' access to Internet within the county;

(D) Available data on the circulation and readership of newspapers within the county;

(E) The existence of alternative media outlets to newspapers in the county, through which the administrator may more effectively promote awareness of unclaimed property; and

(F) County-specific data collected by the administrator in previous years concerning the most effective methods of promoting awareness of unclaimed property within the county.

(2) During each year in which the administrator does not publish the bulletin described in subsection (a) of this subsection in a county, pursuant to subdivision (1) of this subsection, the administrator shall publish an advertisement in a newspaper of general circulation in the county by November 30 of that year. The advertisement must be in a form that, in the judgment of the administrator, is likely to attract the attention of the apparent owner of the unclaimed property and must contain:

(A) A statement notifying the reader that the administrator holds unclaimed property and that the reader might be entitled to claim unclaimed property in the administrator's custody;

(B) A brief description of the types of property that are commonly held by the administrator;

(C) Instructions for accessing the searchable database of unclaimed property on the administrator's website; and

(D) Instructions for requesting information regarding unclaimed property from the administrator by telephone or by mail.

(c) *Online Database.* — The administrator shall maintain a database on the administrator's website that is accessible by the public and electronically searchable which contains the names reported to the administrator of all apparent owners for whom property is being held by the administrator: *Provided*, That the administrator is not required to include in the database the name or location of an owner of property having a total value less than \$50 or information concerning a traveler's check, money order, or similar instrument."

(Note: April 1 Committee Report erroneously only noted a title amendment.)

The bill was then ordered to third reading.

Com. Sub. for S. B. 343, Authorizing DMV to process online driver's license or identification card change of address; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 361, Extending supervision for conviction of soliciting minor and using obscene matter with intent to seduce minor; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 376, Removing obsolete provisions regarding DOH standards for studded tires and chains; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 392, Creating penalty for impersonating law-enforcement officer or official; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

S. B. 397, Relating to health care provider tax; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 401, Relating to WV Consumer Credit and Protection Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 434, Requiring training for law-enforcement officers responsible for investigating crimes of sexual assault; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 460, Relating to Deputy Sheriff Retirement System Act; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page 1, section 2, line 8, by striking “§7-14D-9(a)” and inserting in lieu thereof “§7-14D-9a”.

On page 5, section 2, line 112, after the word “subdivision”, by striking the “(t)” and inserting in lieu thereof “(u)”.

On page 13, following line 31, by inserting the following:

“§7-14D-24. Service as sheriff.

(a) Any member who after the effective date of this article is elected sheriff of a county in West Virginia may elect to continue as a member in this plan by paying the amounts required by §7-14D-7 of this code. Upon the election, service as a sheriff shall be treated as covered employment and the sheriff is not entitled to any credit for that service under any other retirement system of the state.

(b) Any member retired as a deputy sheriff under this plan who, after the effective date of this article, is elected or appointed sheriff of a county in West Virginia, may elect to suspend the payment of his or her annuity from this system and again become a contributing member of this plan by paying the amounts required by §7-14D-7 of this code. Upon such election, service as a sheriff shall be treated as covered employment, and the sheriff is not entitled to any credit for that period of elected service under any other retirement system of the state. At the end of his or her term as sheriff, the member making such election shall have his or her annuity recalculated and shall be granted an adjustment to his or her previous annuity to include the period of elected service.

(c) Any person, who before the effective date of this article was elected sheriff of a county in West Virginia, and who, immediately prior to being so elected sheriff, was a deputy sheriff with at least 20 years of credited service under the Public Employees Retirement System, with at least 16 of those 20 years having been earned as a deputy sheriff, may elect to become a member of this plan by paying the amounts required by §7-14D-7 of this code. Upon such election, service shall be transferred from the Public Employees Retirement System pursuant to §7-14D-8 of this code: *Provided*, That any service as a sheriff shall be treated as covered employment under this article and the sheriff is not entitled to any credit for that service as a sheriff or the prior service as a deputy sheriff under any other retirement system of the state. Persons making the election provided for in this subsection shall do so within 10 days of taking office as sheriff or within 10 days of the effective date of this provision.

(d) Any person who, before the effective date of this article, was elected sheriff of a county of West Virginia, and who, prior to being elected sheriff, was a deputy sheriff and also a previously elected sheriff, with credited service under the Public Employees Retirement System, with at least 16 of those years having been earned as combined service as a deputy sheriff and a previously elected sheriff, may elect to become a member of this plan by paying the amounts required by §7-14D-7 of this code. Upon such election, service shall be transferred from the Public Employees Retirement System pursuant to §7-14D-8 of this code: *Provided*, That a person's service as a sheriff shall be treated as covered employment under this article, and that person is not entitled to any credit for that service as a sheriff or deputy sheriff under any other retirement system of this state. A person making the election provided in this subsection shall do so within 30 days of taking office as a sheriff or within 30 days of the effective date of this provision.

(e) Notwithstanding any other provision of the code to the contrary, any member who was elected sheriff of a county of West Virginia to serve on or after January 1, 2013, and who has not commenced retirement in the Deputy Sheriff Retirement System or the Public Employees Retirement System, must notify the board in writing by July 31, 2020, of his or her intent to pay the difference in the employee contribution between the Public Employees Retirement System and the Deputy Sheriff Retirement System in order to transfer all service credit earned as a sheriff or purchased in accordance with Section 414(u) of the Internal Revenue Code and the federal Uniformed Services Employment and Reemployment Rights Act from the Public Employees Retirement System to the Deputy Sheriff Retirement System. The board shall compute the difference in employee contributions owed up through September 30, 2020, on the total compensation for which assets are being transferred and notify the sheriff of the amount owed in writing by letter mailed no later than August 21, 2020. This difference in employee contributions must be paid in full by the sheriff to the Deputy Sheriff Retirement System no later than September 30, 2020. If timely paid, employee and employer contributions to the Deputy Sheriff Retirement System shall commence October 1, 2020.

(1) The board shall transfer assets from the Public Employees Retirement System into the Deputy Sheriff Retirement System no later than November 30, 2020.

(2) The amount of assets to be transferred for each transferring sheriff shall be computed as of July 1, 2019, using the actuarial valuation assumptions in effect for the July 1, 2019, actuarial valuation of the Public Employees Retirement System, and updated with seven and one-half percent annual interest to the date of the actual asset transfer. The market value of the assets of the transferring sheriff in the Public Employees Retirement System shall be determined as of the end of the month preceding the actual transfer. To determine the computation of the asset share to be transferred the board shall:

- (A) Compute the market value of the Public Employees Retirement System assets;
- (B) Compute the accrued liability for all Public Employees Retirement System retirees, beneficiaries, disabled retirees, and terminated inactive members;
- (C) Reduce the market value of Public Employees Retirement System assets by the accrued liability determined in paragraph (B) of this subdivision;
- (D) Compute the entry age method accrued liability for all active Public Employees Retirement System members;
- (E) Compute the share of accrued liability as determined pursuant to paragraph (D) of this subdivision, that is attributable to those sheriffs in the Public Employees Retirement System who have elected to transfer to the plan;
- (F) Compute the percentage of active member's accrued liability computed to the sheriffs by dividing paragraph (E) by paragraph (D) of this subdivision; and
- (G) Determine the asset share to be transferred from Public Employees Retirement System to the plan by multiplying paragraph (C) times paragraph (F) of this subdivision.

(f) Any member who was appointed sheriff of a county in West Virginia in which retirement contributions were not made to the Deputy Sheriff Retirement System or the Public Employees Retirement System may purchase service credit for the period he or she served as appointed sheriff by the member remitting the required employee contribution and any interest thereon, and the participating public employer remitting the required employer contribution and any interest thereon. Interest shall accumulate at a rate of 7.5% per annum. Payments for the purchase of service credit authorized by this section must be made in full on or before September 30, 2021.

The bill was then ordered to third reading.

Com. Sub. for S. B. 466, Relating generally to appraisal management companies; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 479, Relating to WV veterans service decoration and WV Service Cross; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page 1 by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 1. DEPARTMENT OF VETERANS’ ASSISTANCE.

§9A-1-16. West Virginia veterans service decoration; West Virginia Service Cross.

(a) A West Virginia veterans service decoration may be awarded to any resident of West Virginia who served in any of the federally recognized military services for a period at a time during which there was armed conflict.

(b) A West Virginia Service Cross and ribbon bar, along with a certificate signed by the Governor, may be awarded to any veteran who meets the criteria set forth in subsection (a) of

this section, and who also was awarded a federal achievement medal, commendation medal, meritorious service medal, or a medal for valor by one of the federally recognized military services.

(c) West Virginia National Guard members may also be authorized to receive and wear the medals and ribbons authorized under the provisions of this section in an order of precedence determined by the Adjutant General.

(d) The secretary may propose rules pursuant to §29A-3-1 et seq. of this code to implement the provisions of this section.

ARTICLE 1G. SERVICE MEDALS.

§15-1G-10. West Virginia veterans service decoration; West Virginia Service Cross.

[Repealed.]”

The bill was then ordered to third reading.

Com. Sub. for S. B. 483, Allowing oaths be taken before any person authorized to administer oaths; coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

S. B. 494, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 496, Relating to punishment for second or third degree felony; 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 S. B. 562, Relating to juvenile competency proceedings; coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

S. B. 577, Exempting certain fire departments from licensure requirements for providing rapid response services; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 626, Updating regulation for purchase of automobile catalytic converters; on second reading, coming up in regular order, was read a second time.

An amendment, from the Committee on Government Organization, was explained by Delegate Foster and adopted, amending the bill on page 1, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-49. Purchase of scrap metal by scrap metal purchasing businesses, salvage yards, or recycling facilities; certificates, records, and reports of such purchases; criminal penalties.

(a) For the purposes of this section, the following terms have the following meanings:

(1) 'Business registration certificate' has the same meaning ascribed to it in §11-12-2 of this code.

(2) 'Purchaser' means any person in the business of purchasing scrap metal or used auto parts, any salvage yard owner or operator, or any public or commercial recycling facility owner or operator, or any agent or employee thereof, who purchases any form of scrap metal or used auto parts.

(3) 'Scrap metal' means any form of copper, aluminum, brass, lead, or other nonferrous metal of any kind, a catalytic converter, or any materials derived from a catalytic converter, or steel railroad track and track material.

(b) In addition to any requirement necessary to do business in this state, a scrap metal dealer shall:

(1) Have a current valid business registration certificate from the Tax Commissioner;

(2) Register any scales used for weighing scrap metal with the Division of Labor Weights and Measures office;

(3) Provide a notice of recycling activity to the Department of Environmental Protection; and

(4) Register as a scrap metal dealer with the Secretary of State, who ~~is hereby directed to~~ shall maintain a list of scrap metal dealers and make it ~~publically~~ publicly available. The list shall include the dealer's business address, hours of operation, physical address, phone number, facsimile number, if any, and the name of the owners or principal officers of the business.

(c) Any purchaser of scrap metal shall make a record of such purchase that shall contain the following information for each transaction:

(1) The full name, permanent home and business addresses, and telephone number, if available, of the seller;

(2) A description and the motor vehicle license number of any vehicle used to transport the purchased scrap metal to the place of purchase;

(3) The time and date of the transaction;

(4) A complete description of the kind, character, and weight of the scrap metal purchased; and

(5) A statement of whether the scrap metal was purchased, taken as collateral for a loan, or taken on consignment.

(d) A purchaser also shall require and retain from the seller of the scrap metal the following:

(1) A signed certificate of ownership of the scrap metal being sold or a signed authorization from the owner of the scrap metal to sell ~~said the~~ scrap metal; and

(2) A photocopy of a valid driver's license or identification card issued by the West Virginia Division of Motor Vehicles of the person delivering the scrap metal, or in lieu thereof, any other valid photo identification of the seller issued by any other state or the federal government:

Provided, That, if the purchaser has a copy of the seller's valid photo identification on file, the purchaser may reference the identification that is on file, without making a separate photocopy for each transaction.

(e) It is unlawful for any purchaser to purchase any scrap metal without obtaining and recording the information required under subsections (c) and (d) of this section. The provisions of this subsection do not apply to purchases made at wholesale under contract or as a result of a bidding process: *Provided*, That the purchaser retains and makes available for review consistent with subsection (g) of this section the contract, bill of sale, or similar documentation of the purchase made at wholesale under contract or as a result of a bidding process: *Provided, however*, That the purchaser may redact any pricing or other commercially sensitive information from ~~said~~ the contract, bill of sale, or similar documentation before making it available for inspection.

(f) ~~No~~ A purchaser of scrap metal may not knowingly purchase or possess a stainless steel or aluminum beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, for the intended purpose of reselling as scrap metal unless the purchaser receives the keg or keg parts from the beer manufacturer or its authorized representative.

(g) Using a form provided by the West Virginia State Police, or his or her own form, a purchaser of scrap metal shall retain the records required by this section at his or her place of business for not less than three years after the date of the purchase. Upon completion of a purchase, the records required to be retained at a purchaser's place of business shall be available for inspection by any law-enforcement officer or, upon written request and during the purchaser's regular business hours, by any investigator employed by a public utility or railroad to investigate the theft of public utility or railroad property: *Provided*, That in lieu of the purchaser keeping the records at ~~their~~ his or her place of business, the purchaser shall file the records with the local detachment of the State Police and with the chief of police of the municipality or the sheriff of the county ~~wherein~~ he or she is transacting business within ~~seventy-two~~ 72 hours of completion of the purchase. The records shall be retained by the State Police and the chief of police of the municipality or the sheriff for a period of not less than three years.

(h) To the extent otherwise permitted by law, any investigator employed by a public utility or railroad to investigate the theft of public utility or railroad property may accompany a law-enforcement officer upon the premises of a purchaser in the execution of a valid warrant or assist law enforcement in the review of records required to be retained pursuant to this section.

(i) Upon the entry of a final determination and order by a court of competent jurisdiction, scrap metal found to have been misappropriated, stolen, or taken under false pretenses may be returned to the proper owner of ~~such~~ the material.

(j) Nothing in this section applies to scrap purchases by manufacturing facilities that melt, or otherwise alter, the form of scrap metal and transform it into a new product or to the purchase or transportation of food and beverage containers or other nonindustrial materials having a marginal value per individual unit.

(k)(1) Nothing in this section applies to a purchaser of a motor vehicle on which a catalytic converter is installed, a scrap metal dealer purchasing a detached catalytic converter or converters accompanying the motor vehicle from which it or they were removed, a purchaser of a catalytic converter intended for installation on a vehicle owned or leased by the purchaser, or any person who purchases, other than for purposes of resale, a catalytic converter, or a motor

vehicle on which a catalytic converter is installed, for personal, family, household, or business use.

(2) In transactions not exempted by subdivision (1) of this subsection, any person delivering ~~five~~ one or more automobile catalytic converters to a scrap metal dealer shall, in addition to the requirements set forth in subsection (c) of this section, execute a document ~~stating~~ containing the name of the person or entity from whom or which the catalytic converter or converters being delivered was received and affirming that he or she is the lawful owner of the catalytic converters or is authorized by the lawful owner to sell the catalytic converters. Next to his or her signature ~~the person delivering the catalytic converter or converters~~ he or she shall place a clear impression of his or her index finger or thumb that is in ink and free of smearing, ~~or the scrap metal dealer may elect to obtain the fingerprint electronically.~~ This documentation shall be maintained consistent with subsection (c) of this section. Payment shall be made by check payable to the seller. No scrap metal dealer may process, sell, or remove a catalytic converter from its premises for at least 14 days after its acquisition: *Provided*, That the 14-day retention requirement may be reduced to five days if, within the first consecutive five-day period, the scrap dealer provides all documentation required under this section to the local detachment of the State Police and: A) the chief of police of the municipality or, B) the sheriff of the county in which he or she is transacting business. A scrap metal dealer shall make a good faith effort to record any identifying information on a catalytic converter received or purchased and shall not purchase or take possession of a catalytic converter if the identifying information on it has been manually altered.

(l) Any person who knowingly or with fraudulent intent violates any provision of this section for which no penalty is specifically set forth, including the knowing failure to make a report or the knowing falsification of any required information, is guilty of a misdemeanor and, upon conviction of a first offense ~~thereof~~, shall be fined not less than \$1,000 nor more than \$3,000; upon conviction of a second offense ~~thereof~~, shall be fined not less than \$2,000 and not more than \$4,000 and, notwithstanding the provisions of §11-12-5 of this code, the court in which the conviction occurred shall issue an order directing the Tax Commissioner to suspend for a period of six months any business registration certificate held by that person; and upon conviction of a third or subsequent offense, ~~thereof~~ shall be fined not less than \$3,000 and not more than \$5,000 and, notwithstanding the provisions of §11-12-5 of this code, the court in which the conviction occurred shall issue an order directing the Tax Commissioner to cancel any business registration certificate held by that person and state the date ~~said~~ the cancellation shall take takes effect.

(m) ~~No~~ A person may not have or take possession of any scrap metal that he or she knows, or has reason to know, has been stolen or unlawfully obtained. Any person violating this subsection is guilty of larceny.

(n) ~~No~~ A scrap metal dealer may not purchase, possess, or receive scrap metal that the scrap metal dealer knows, or has reason to know, has been stolen or unlawfully obtained by the seller. Any person violating this subsection is guilty of larceny.

(o) No A scrap metal dealer may not purchase, possess, or receive any of the following items of scrap metal, or any reasonably recognizable part thereof, without obtaining written documentation which reflects that the seller is authorized to possess and sell the item or items and that the seller is in lawful possession of the item of scrap metal:

(1) Utility access covers;

(2) Street light poles or fixtures;

- (3) Road or bridge guard rails;
 - (4) Water meter covers;
 - (5) Highway or street signs;
 - (6) Traffic directional or traffic control signs;
 - (7) Traffic light signals;
 - (8) Any metal marked with any form of the name or initials of a governmental entity;
 - (9) Property marked as or readily identifiable as owned by a telephone, cable, electric, water, or other utility provider;
 - (10) Property owned and marked by a railroad;
 - (11) Cemetery markers or vases;
 - (12) Historical markers;
 - (13) Utility manhole covers and storm water grates; ~~and~~
 - (14) Fire hydrant or fire hydrant caps; or
 - (15) Twisted pair copper telecommunications wiring of 25 pair or greater in 19, 22, 24, or 26 gauge.
- (p) Nothing in this section prohibits a scrap dealer from purchasing or taking possession of scrap metal knowing or ~~have~~ having reason to know, that it is stolen or obtained illegally if it is done pursuant to a written agreement with law-enforcement officials.

§61-3-49c. Possession of a catalytic converter without documentation of ownership or authority to possess; advertising the sale or purchase of a catalytic converter.

(a) As used in this section, catalytic converter means a motor vehicle exhaust emission control that reduces toxic gases and pollutants from an internal combustion engine.

(b) Any person in possession of a catalytic converter which had previously been installed on a motor vehicle, or parts, thereof shall have in his or her possession written documentation of ownership or authorization to possess the catalytic converter. Any person who violates this subsection is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000 or confined in jail not more than one year or both fined and confined.

(1) Each catalytic converter possessed in violation of subsection (b) of this section shall constitute a separate offense.

(2) Any catalytic converter possessed in violation of subsection (b) of this section is subject to seizure at the time of arrest.

(3) A person possessing a single catalytic converter in violation of subsection (b) of this section shall for the offense be charged by citation and not subject to arrest for that offense.

(4) Notwithstanding the provisions of subsection (b) of this section, presentation to the court in which charges alleging a violation of said subsection are pending sufficient evidence to show lawful ownership or authority to possess constitutes an absolute defense to the charge or charges.

(c) Any person placing an advertisement on an internet-based platform, including but not limited to Facebook or Twitter, soliciting the sale or purchase of a catalytic converter must have completed the requirements to be considered a scrap metal recycler in §61-3-49(b) of this code, including any other business requirements. Any person who violates this subsection shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000 or confined in jail not more than one year or both fined and confined.

(1) Each catalytic converter possessed in violation of subsection (c) of this section shall constitute a separate offense.

(2) Any catalytic converter possessed in violation of subsection (c) of this section is subject to seizure at the time of arrest.

(3) Notwithstanding the provisions of subsection (c) of this section, presentation to the court in which charges alleging a violation of said subsection are pending sufficient evidence to show lawful ownership or authority to possess constitutes an absolute defense to the charge or charges.”

(Note: April 1 Committee Report erroneously only noted a title amendment.)

The bill was then ordered to third reading.

S. B. 651, Allowing county boards of education to publish financial statements on website; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Education, was reported by the Clerk and adopted, amending the bill on page one, section §18-9-3a, line 1, by striking out the words “90 days” and inserting in lieu thereof the words “120 days”.

On page one, section §18-9-3a, line 2, by striking the words “State Tax Commissioner” and inserting in lieu thereof the words “State Auditor”.

On page two, section §18-9-3a, line 33, after the word “shall” by inserting the words “in addition to the information required in subsection (a) of this section”.

On page two, section §18-9-3a, line 43, after the word “year” and the comma by inserting the words “but no later than 90 days after the end of the fiscal year” and a comma.

And,

On page 2, section §18-9-3a, line 44, by striking the words “State Tax Commissioner” and inserting in lieu thereof the words “State Auditor”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 673, Relating to venue for bringing civil action or arbitration proceedings under construction contracts; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 680, Allowing State Superintendent of Schools define classroom teachers certified in special education; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 710, Requiring impact statement in certain instances of school closing or consolidation; coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

S. B. 713, Relating generally to inmate good time; on second reading, coming up in regular order, was read a second time and ordered to third reading.

H. B. 2895, Supplementing and amending the appropriations of public moneys to the Department of Veterans' Assistance; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2900, Expiring funds to the balance of the Department of Education – State Board of Education – School Building Authority – School Construction Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3313, Making supplemental appropriation to the Division of Motor Vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3314, Making supplemental appropriation to West Virginia State Police; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3315, Making supplemental appropriation to Division of Environmental Protection - Oil and Gas Reclamation Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3316, Supplemental appropriation to the Department of Education, State Board of Education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

Com. Sub. for S. B. 387, Relating to drug screening of applicants for cash assistance, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for S. B. 492, Establishing program for bonding to reclaim abandoned wind and solar generation facilities; one first reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

Com. Sub. for S. B. 668, Creating Psychology Interjurisdictional Compact; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate J. Kelly.

At 12:15 p.m., on motion of Delegate Summers, the House of Delegates recessed until 6:00 p.m.

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Evening Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

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

Committee Reports

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

Your Committee on Rules has had under consideration:

H. C. R. 84, Requesting the Joint Committee on Government and Finance to study the declining population of military service veterans in West Virginia,

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

Com. Sub. for H. C. R. 84 - "Requesting That the Joint Committee on Government and Finance study the declining population of military service veterans in West Virginia, and the policies, programs and other factors present in states with increasing populations of military service members and veterans that could potentially be emulated in West Virginia,"

With the recommendation that the committee substitute be adopted.

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 335, Relating to WV Invests Grant Program for students at accredited community and technical college,

And reports the same back with the recommendation that it 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:

S. B. 714, Relating to physician assistant practice act,

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

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:

S. B. 486, Relating to powers and duties of Chief Technology Officer,

S. B. 488, Relating to distributing hotel occupancy tax to convention and visitor's bureaus,

S. B. 521, Extending licensure renewal term of certain private investigators, security guards, and associated firms,

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

And,

Com. Sub. for S. B. 655, Eliminating sunset and legislative audit provisions for certain PSC rules,

And reports the same back with the recommendation that they 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:

Com. Sub. for S. B. 684, Adding Curator of Division of Arts, Culture, and History as ex officio voting member to Library Commission,

And,

Com. Sub. for S. B. 695, Providing procedures for decreasing or increasing corporate limits by annexation,

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

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 5th day of April, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 2024, Expand use of telemedicine to all medical personnel,

Com. Sub. for H. B. 2026, Relating to the modernization of the collection of income taxes by adopting uniform provisions relating to the mobile workforce,

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

And,

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

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. 314, Regulating pawnbrokers,

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

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. 458, Relating to possession of firearms by individuals during state of emergency,

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

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. 419, Redefining "firearm" to match federal code,

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

On motion for leave the following resolutions were introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules), which were read by their titles, as follows:

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

H. C. R. 98 – "For West Virginia's Public Employees Insurance Agency (PEIA) Finance Board to examine how they can enhance reimbursement rates to providers,"

Whereas, PEIA Finance Board members are appointed by the governor and The State Department of Administration cabinet secretary serves as chairman of the board; and

Whereas, The PEIA Finance Board creates a financial plan, including reimbursement rates, financial statements, and Legislative Session updates; and

Whereas, Reimbursement rates refer to the amount of money that PEIA pays to doctors and other healthcare providers when they provide medical services to a PEIA beneficiary; and

Whereas, Healthcare provider is a person or company that provides a healthcare service to you, and medical providers don't just include doctors and nurses, but also pharmacies, hospitals, labs, clinics, and many other entities; and

Whereas, The rate at which PEIA reimburses providers is generally less than the amount billed or the amount that a private insurance company might pay; and

Whereas, PEIA provides health insurance coverage for over 200,000 West Virginians, it covers state employees, higher education employees and their retirees, plus some county and city governments; and

Whereas, Enhanced reimbursement rates could potentially increase availability of providers for these PEIA enrollees; and

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study how local health departments are funded and supported; and, be it

Further Resolved, That the Joint Committee on Government and Finance report back its findings to the full legislature by the first day of the 2022 Regular Session; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

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

H. C. R. 99 – “Requesting the Joint Committee on Government and Finance study childcare in the state of West Virginia, specifically looking to examine the costs and availability of childcare across the state,”

Whereas, Childcare is defined as the care and supervision of a child or children; and

Whereas, West Virginia is ranked 48th in the nation for economic stability and 38th in the cost of childcare; and

Whereas, The median household income for a family of four in West Virginia is \$44,061 per year and the average cost of childcare is \$8,736, equating to almost 20% of the median income; and

Whereas, West Virginia's average full-time minimum wage salary is \$18,200 per year and infant care costs as a share of minimum wage earnings is 48%; and

Whereas, There are six childcare resource facilities across the state that cover all fifty-five counties; and

Whereas, These facilities offer childcare assistance that have different income caps depending on location and family size; and

Whereas, Families who meet the income guidelines for assistance only pay a portion, if any, of the childcare tuition costs based on their income and family size; and

Whereas, Childcare availability in rural areas across West Virginia is less accessible than in more urban areas; and

Whereas, The COVID-19 pandemic has negatively impacted childcare in the state of West Virginia; and

Whereas, Temporary closures due to COVID-19 exposure at open childcare centers have become a burden on the finances and wellbeing of childcare centers and parents/guardians alike; and

Whereas, The COVID-19 pandemic has caused a shortage of childcare workers, forcing childcare centers to accept less children in order to maintain teacher to student licensing ratios; and

Whereas, With childcare centers now acting as virtual schooling hubs, the increased enrollment of school age children has caused even more stress on childcare worker shortages; and

Whereas, Childcare center employees are requesting hire wages and benefits to offset the risks of working during a public health crisis; and

Whereas, Childcare centers have struggled with increased health crisis related costs to run their businesses including purchasing personal protective equipment, cleaning supplies, and costly technological upgrades to accommodate children completing virtual schooling via the internet; and

Whereas, The overall ramifications of the COVID-19 pandemic will certainly exacerbate the already existing childcare woes facing the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study childcare in the state of West Virginia, specifically looking to examine the costs and availability of childcare across the state; and, be it

Further Resolved, That the Joint Committee on Government and Finance report back its findings to the full legislature by the first day of the 2022 Regular Session; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

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

H. C. R. 100 – “Requesting a study on how Local Health Departments are funded and supported.”

Whereas, Local health departments promote and protect the health of the people and the communities where they live and work; and

Whereas, Local health departments assist the community with needs such as; tobacco control, immunizations, food safety, infectious disease control, chronic diseases, injury and violence prevention, environmental health, maternal and child health, and emergency preparedness; and

Whereas, West Virginia’s 55 counties are served by 49 local boards of health charged with protecting the health and safety, and promoting the interest of the citizens of West Virginia and local boards of health provide services through local health departments located in all 55 counties; and

Whereas, Support to local health departments and local boards of health has traditionally been focused on core public health functions such as the prevention and control of infectious disease, preventing and responding to environmental health hazards in our food, air and water and promoting health and wellness; and

Whereas, Funding for county health departments comes from several sources, including federal funds state funds, and local appropriations from the county; and

Whereas, Many health departments receive grant or contract funding from public or private sources and a county health department may also generate revenue from fees for services; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study how local health departments are funded and supported; and, be it

Further Resolved, That the Joint Committee on Government and Finance report back its findings to the full legislature by the first day of the 2022 Regular Session; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

And,

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

H. C. R. 101 - "Requesting a study of the state's laboratory needs and the utilization of private laboratories."

Whereas, Several state agencies, including the Department of Health and Human Resources, Department of Agriculture and State Police utilize laboratories to perform testing and other functions; and

Whereas, The COVID-19 pandemic taught us the critical impact that efficient testing can have on disease spread; and

Whereas, State laboratories were unable to support West Virginia's testing needs relating to the COVID-19 pandemic, resulting in substantial delays in testing results; and

Whereas, The use of private laboratories proved essential in supporting the state's testing needs; and

Whereas, Other functions performed by state laboratories, such as drug testing and medical examinations, are delayed significantly due to inefficiencies at the state laboratories; and

Whereas, Regular use of private laboratories to complement state laboratories could improve the health and well-being of West Virginians and enhance the functions and efficiency of state agencies; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the increased use of private laboratory services to supplement state laboratories; and, be it

Further Resolved, That the Joint Committee on Government and Finance report back its findings to the full legislature by the first day of the 2022 Regular Session; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

The Speaker referred the resolutions (H. C. R. 98, H. C. R. 99, H. C. R. 100 and H. C. R. 101) to the Committee on Rules.

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 613, Adding classification and base salaries of certain civilian employees of State Police Forensic Laboratory,

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 502, Providing lifetime hunting, fishing, and trapping license to residents, adopted, and foster children under 15,

S. B. 717, Supplemental appropriation from General Revenue to WV Community and Technical College Education, Control Account,

And,

S. B. 718, Relating generally to Coal Severance Tax Rebate,

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 34, Creating exemption to state sales and use tax for rental and leasing of equipment,

Com. Sub. for S. B. 368, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program,

Com. Sub. for S. B. 534, Permitting Economic Development Authority to make working capital loans from revolving loan fund capitalized with federal grant funds,

And,

Com. Sub. for S. B. 610, Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV,

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 2028, Exempting veterinarians from the requirements of controlled substance monitoring.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 2366, Requiring agencies who have approved a proposed rule that affects fees or other special revenues to provide to the committee a fiscal note.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 2791, Relating to enrollment and costs of homeschooled or private school students at vocational schools.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2877, Expand direct health care agreements beyond primary care to include more medical care services.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 2957, Relating to the repeal of outdated code sections.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 2958, Relating to repealing outdated sections of state code.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 3045, Relating to firefighter disability claims.

A message from the Senate, by

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

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

A message from the Senate, by

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

Com. Sub. for S. B. 472, Updating criteria for regulating certain occupations and professions.

A message from the Senate, by

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

Com. Sub. for S. C. R. 45 “Requesting the Department of Veterans’ Assistance to name the new veterans’ nursing home, to be built in Beckley, the ‘Dennis E. Davis Veterans Nursing Home’.”

Whereas, Dennis Davis began his association with the United States military in 1959 when he entered the Reserve Officer Training Corps (ROTC) program at West Virginia State University; and

Whereas, Dennis Davis served stints with the U.S. Army at Fort Knox in Kentucky and Fort Sill in Oklahoma. In 1965, he graduated from the Army’s Non-Commissioned Officer Academy and received an honorable discharge in 1970; and

Whereas, In 1968, Dennis Davis received a Bachelor of Science degree in the field of education from West Virginia State University and subsequently began a career with the Kanawha County schools as a teacher, counselor, and administrator. In 1970, he received a Master of Science degree from Marshall University; and

Whereas, Dennis Davis ultimately took on the role of Assistant Superintendent of Kanawha County Schools for Vocational, Technical, and Adult Education; and

Whereas, In 1996, Governor Cecil Underwood appointed Dennis Davis as Executive Director of Workforce Development for West Virginia, in which position he served for four years; and

Whereas, Dennis Davis briefly returned to Kanawha County schools in 2013 as a member of the Kanawha County Board of Education, serving out the unexpired term of a previous member; and

Whereas, In January, 2017, Governor Jim Justice appointed Dennis Davis as Cabinet Secretary for the West Virginia Department of Veterans Assistance. He was responsible for the administration of claims for assistance across the state, plus the WV Veterans Nursing Facility, the West Virginia Veterans Home, and the Donel C. Kinnard Memorial State Veterans Cemetery, where he was also a member of the honor guard; and

Whereas, Dennis Davis passed away on January 18, 2021, at his home in Institute, West Virginia, in the presence of his loving wife and son. Dennis Davis was subsequently interred in the Donel C. Kinnard Memorial State Veterans Cemetery; and

Whereas, It is fitting that an enduring memorial be established to commemorate the achievements and contributions of Dennis Davis to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Department of Veterans Assistance name the new veterans’ nursing home, to be built in Beckley, the “Dennis E. Davis Veterans Nursing Home”; and, be it

Further Resolved, That the Department of Veterans’ Assistance is hereby requested to have made and be placed signs identifying the facility as the “Dennis E. Davis Veterans Nursing Home”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the acting Secretary of the Department of Veterans’ Assistance and the Commissioner of the Division of Highways.

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Bates regarding the Upper Big Branch Mine Disaster
- Delegate Holstein prayer during morning session

At 6:33 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, April 6, 2021.

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

SPECIAL CALENDAR

Tuesday, April 6, 2021

56th Day

11:00 A. M.

UNFINISHED BUSINESS

- H. C. R. 24 - Urging Congress to extend federal tax incentives to participants in Jumpstart Savings programs that are similar to those that are currently provided to participants in College Savings plans, pursuant to 26 U.S.C. §529
- Com. Sub. for H. C. R. 84 - Requesting the Joint Committee on Government and Finance to study the declining population of military service veterans in West Virginia

THIRD READING

- Com. Sub. for S. B. 263 - Permitting online raffles to benefit charitable and public service organizations (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 294 - Relating generally to savings and investment programs offered by state (LINVILLE) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 297 - Relating generally to modernizing Board of Treasury Investments (LINVILLE) (REGULAR) [FINANCE COMMITTEE TITLE AMENDMENT PENDING]
- S. B. 307 - Relating generally to in-state tuition rates for certain persons (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 318 - Relating generally to public notice of unclaimed property held by State Treasurer (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE TITLE AMENDMENT PENDING]
- Com. Sub. for S. B. 343 - Authorizing DMV to process online driver's license or identification card change of address (STEELE) (REGULAR)
- Com. Sub. for S. B. 361 - Extending supervision for conviction of soliciting minor and using obscene matter with intent to seduce minor (CAPITO) (REGULAR)
- S. B. 376 - Removing obsolete provisions regarding DOH standards for studded tires and chains (STEELE) (REGULAR)
- S. B. 397 - Relating to health care provider tax (ELLINGTON) (EFFECTIVE FROM PASSAGE) [FINANCE COMMITTEE TITLE AMENDMENT PENDING]
- Com. Sub. for S. B. 401 - Relating to WV Consumer Credit and Protection Act (CAPITO) (REGULAR)

- Com. Sub. for S. B. 434 - Requiring training for law-enforcement officers responsible for investigating crimes of sexual assault (CAPITO) (REGULAR)
- Com. Sub. for S. B. 460 - Relating to Deputy Sheriff Retirement System Act (STORCH) (REGULAR)
- Com. Sub. for S. B. 466 - Relating generally to appraisal management companies (STEELE) (REGULAR)
- Com. Sub. for S. B. 479 - Relating to WV veterans service decoration and WV Service Cross (STEELE) (REGULAR)
- S. B. 494 - Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund (HOUSEHOLDER) (REGULAR)
- S. B. 577 - Exempting certain fire departments from licensure requirements for providing rapid response services (STEELE) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 626 - Updating regulation for purchase of automobile catalytic converters (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE TITLE AMENDMENT PENDING]
- S. B. 651 - Allowing county boards of education to publish financial statements on website (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 673 - Relating to venue for bringing civil action or arbitration proceedings under construction contracts (CAPITO) (JULY 1, 2021)
- S. B. 680 - Allowing State Superintendent of Schools define classroom teachers certified in special education (ELLINGTON) (REGULAR)
- S. B. 713 - Relating generally to inmate good time (CAPITO) (REGULAR)
- H. B. 2895 - Supplementing and amending the appropriations of public moneys to the Department of Veterans' Assistance (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 2900 - Expiring funds to the balance of the Department of Education – State Board of Education – School Building Authority – School Construction Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 3313 - Making supplemental appropriation to the Division of Motor Vehicles (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3314 - Making supplemental appropriation to West Virginia State Police (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3315 - Making supplemental appropriation to Division of Environmental Protection - Oil and Gas Reclamation Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3316 - Supplemental appropriation to the Department of Education, State Board of Education (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

SECOND READING

- S. J. R. 4 - Incorporation of Churches or Religious Denominations Amendment (CAPITO) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 387 - Relating to drug screening of applicants for cash assistance (J. PACK) (REGULAR) [HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 392 - Creating penalty for impersonating law-enforcement officer or official (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 483 - Allowing oaths be taken before any person authorized to administer oaths (CAPITO) (REGULAR)
- S. B. 496 - Relating to punishment for second or third degree felony (CAPITO) (REGULAR)
- Com. Sub. for S. B. 562 - Relating to juvenile competency proceedings (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 668 - Creating Psychology Interjurisdictional Compact (J. PACK) (REGULAR)
- S. B. 710 - Requiring impact statement in certain instances of school closing or consolidation (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING]

FIRST READING

- Com. Sub. for S. B. 34 - Creating exemption to state sales and use tax for rental and leasing of equipment (HOUSEHOLDER) (JULY 1, 2021) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 314 - Regulating pawnbrokers (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 335 - Relating to WV Invests Grant Program for students at accredited community and technical college (ELLINGTON) (JULY 1, 2021)
- Com. Sub. for S. B. 368 - Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program (HOUSEHOLDER) (JULY 1, 2021) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 419 - Redefining "firearm" to match federal code (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 458 - Relating to possession of firearms by individuals during state of emergency (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]

- S. B. 486 - Relating to powers and duties of Chief Technology Officer (STEELE) (REGULAR)
- S. B. 488 - Relating to distributing hotel occupancy tax to convention and visitor's bureaus (STEELE) (REGULAR)
- Com. Sub. for S. B. 492 - Establishing program for bonding to reclaim abandoned wind and solar generation facilities
- Com. Sub. for S. B. 502 - Providing lifetime hunting, fishing, and trapping license to residents, adopted, and foster children under 15 (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 521 - Extending licensure renewal term of certain private investigators, security guards, and associated firms (STEELE) (REGULAR)
- S. B. 529 - Correcting improper citation relating to DMV registration (STEELE) (REGULAR)
- Com. Sub. for S. B. 534 - Permitting Economic Development Authority to make working capital loans from revolving loan fund capitalized with federal grant funds (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 610 - Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 613 - Adding classification and base salaries of certain civilian employees of State Police Forensic Laboratory (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE TITLE AMENDMENT PENDING]
- Com. Sub. for S. B. 655 - Eliminating sunset and legislative audit provisions for certain PSC rules (STEELE) (REGULAR)
- Com. Sub. for S. B. 684 - Adding Curator of Division of Arts, Culture, and History as ex officio voting member to Library Commission (STEELE) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 695 - Providing procedures for decreasing or increasing corporate limits by annexation (STEELE) (EFFECTIVE FROM PASSAGE) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- S. B. 714 - Relating to physician assistant practice act (J. PACK) (REGULAR) [HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING]
- S. B. 717 - Supplemental appropriation from General Revenue to WV Community and Technical College Education, Control Account (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

S. B. 718 -

Relating generally to Coal Severance Tax Rebate (HOUSEHOLDER)
(EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Tuesday, April 6, 2021

56th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2224 - Relating to complaints against public agencies to obtain records through the Freedom of Information Act (CAPITO) (REGULAR) [RIGHT TO AMEND]
- H. B. 2741 - Relating to expansion of the alcohol test and lock program to offenders with a drug related offense (CAPITO) (REGULAR)
- H. B. 3306 - Relating to virtual instruction (ELLINGTON) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 585 - Requiring BOE create and provide course in family and consumer sciences in secondary schools (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 634 - Requiring training of certain officers for persons with autism spectrum disorder (CAPITO) (REGULAR)
- Com. Sub. for S. B. 636 - Requiring certain history and civics courses be taught in schools (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING]
- 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)
- Com. Sub. for H. B. 2177 - Permitting the issuance of a state issued identification card without a photo on the card under certain conditions (STEELE) (REGULAR)
- 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)

- H. B. 2721 - Providing electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice (STEELE) (REGULAR)
- Com. Sub. for H. B. 2959 - Relating to the financing of environmental pollution control equipment for coal-fired power plants (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 3009 - Relating to the publication of county board financial statements (ELLINGTON) (REGULAR)
- H. B. 3079 - Relating to exempting recovery residences from certain standards (J. PACK) (REGULAR)
- H. B. 3131 - Relating to correcting internal code references and citations (CAPITO) (REGULAR)
- H. B. 3305 - Relating to required course of study (ELLINGTON) (REGULAR)
- H. B. 3309 - Creating and funding a Video Lottery Terminals Modernization Fund (HOUSEHOLDER) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 671 - Appointing Director of Office of Emergency Medical Services (J. PACK) (REGULAR)
- H. B. 2582 - Relating to creating a third set of conditions for the professional teaching certificate (ELLINGTON) (REGULAR)
- H. B. 2590 - Relating to the West Virginia Employment Law Worker Classification Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2620 - Relating to a departmental study of the child protective services and foster care workforce (J. PACK) (REGULAR)
- H. B. 2719 - Relating to the Division of Motor Vehicles use of electronic means and other alternate means to provide notice (STEELE) (REGULAR)
- H. B. 3059 - Making contract consummation with state more efficient (STEELE) (REGULAR)
- Com. Sub. for H. B. 3102 - Requiring Director of transportation to have experience in transportation department (ELLINGTON) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, APRIL 6, 2021

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON ENERGY AND MANUFACTURING
9:00 A.M. – HOUSE CHAMBER**

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

**COMMITTEE ON FINANCE
9:00 A.M. – ROOM 462 M**

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

**COMMITTEE ON GOVERNMENT ORGANIZATION
2:00 P.M. – HOUSE CHAMBER**

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