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March 3, 2021  
TWENTY-SECOND DAY



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Wednesday, March 3, 2021

**TWENTY-SECOND DAY**

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

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

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

The Clerk proceeded to read the Journal of Tuesday, March 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 Com. Sub. for H. B. 2363, on Second reading, House Calendar, had been transferred to the Special Calendar.

**Committee Reports**

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

**By Delegates Rohrbach, L. Pack, Barnhart and Forsht:**

**H. B. 2905** - "A Bill to repeal §61-10-21 of the Code of West Virginia, 1931, as amended, relating to repealing the prohibition against the use of certain words."

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

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:

**H. B. 2221**, Relating to the establishment of an insurance innovation process,

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

**Com. Sub. for H. B. 2221** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-60-1, §33-60-2, §33-60-3, §33-60-4, §33-60-5, §33-60-6, §33-60-7, §33-60-8, §33-60-9, and §33-60-10 all relating to the establishment of an insurance innovation process; defining terms; setting forth application requirements; prohibiting certain persons from applying; providing for the acceptance or rejection of the application by the Insurance Commissioner; requiring that the Insurance Commissioner set forth certain terms and conditions that will govern a proposed insurance innovation; providing that the Insurance Commissioner issue a limited no-action letter that establishes a safe harbor under which the commissioner will not take administrative or regulatory action against a participant or client of the participant; establishing the time period of the safe harbor and for the extension thereof; setting forth the requirements that a participant must adhere to during the safe harbor period; providing for penalties regarding violations of the terms contained in a limited no-action letter; providing the right to an administrative hearing; setting forth the criteria for the Insurance Commissioner to issue an extended no-action letter; providing for what the extended no-action letter must contain; requiring that documents and other information submitted to the Insurance Commissioner in relation to the insurance innovation be confidential and privileged; allowing the Insurance Commissioner to disclose in the extended no-action letter any information necessary to clearly establish the safe harbor; requiring the Insurance Commissioner to provide reports to the Joint Committee on Banking and Insurance regarding the activities pertaining to insurance innovation applications; allowing the Insurance Commissioner to enter into reciprocity agreements with state, federal, or foreign regulatory agencies; and allowing for rulemaking,"

**H. B. 2335**, Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor,

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

**Com. Sub. for H. B. 2335** - "A Bill to amend and reenact §17C-5-1 and §17C-5-2 of the Code of West Virginia, 1931, as amended relating to increasing the penalty for DUI causing death when a child is present in the vehicle at the time of the accident and relating to increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor,"

And,

**H. B. 2765**, Relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights,

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

**Com. Sub. for H. B. 2765** - "A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**Com. Sub. for S. B. 216**, Authorizing Department of Commerce to promulgate legislative rules,

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:

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

**H. B. 2709**, Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond,

And,

**H. B. 2764**, Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program,

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. 280**, Relating to e-commerce modernization,

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

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

Your Committee on Government Organization has had under consideration:

**H. B. 2701**, Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license,

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

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

Your Committee on Government Organization has had under consideration:

**H. C. R. 9**, Urging Congress to call a convention of states to limit terms of office of the US House of Representatives,

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

Pursuant to House Rule 88, Delegate Hansen submitted the following report:

Delegate Hansen, Minority Member of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. C. R. 9**, Urging Congress to call a convention of states to limit terms of office of the US House of Representatives,

And reports the same back with the recommendation that it be recommitted to the Committee on Government Organization to allow committee debate before it is again reported to the floor.

On the question of "Shall the Minority Report be substituted for the committee report?", the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 67**), and there were—yeas 22, nays 77, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Hornbuckle.

So, a majority of the members present not having voted in the affirmative, the Speaker declared the motion lost.

The report from the Committee on Government Organization was then received.

The Speaker later announced that the committee report omitted the second reference of the resolution and, in accordance with the former direction of the Speaker, the resolution (H. C. R. 9) was referred to the Committee on Rules.

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

Your Committee on Education has had under consideration:

**H. B. 2746**, Establishing the behavioral health workforce education initiative at the Higher Education Policy Commission,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2746) was referred to the Committee on Finance.

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 2<sup>nd</sup> day of March, 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:

**H. B. 2019**, Elevating Economic Development and Tourism Departments.

**Messages from the Senate**

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:

**Com. Sub. for H. B. 2012**, Relating to public charter schools.

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

“On page three, section one, line forty-three, by striking out the word “Legislator” and inserting in lieu thereof the word “Legislative”;

On page five, section two, line forty-seven, by striking out the word “an” and inserting in lieu thereof the words “a public or private nonprofit or for-profit”;

On page ten, section five, line thirty-four, after the word “purposes” by striking out the period and inserting the words “except as needed under the provisions of the Public School Support Plan for funding purposes.”;

On page ten, section five, line thirty-nine, after the word “foundation” by inserting the word “allowance”;

On page thirteen, section six, lines fifty-six and fifty-seven by changing the colon to a period and striking out the proviso;

On page fifteen, section nine, line twenty-seven, by striking out the words “that set forth”;

On page sixteen, section nine, line fifty-seven by striking out the word “not”;

On page eighteen, section ten, line ten after the word “of” by inserting the words “the school year before”;

On page twenty, section ten, line sixty-eight, after the words “an authorizer” by inserting the words “revokes or”;

On page twenty, section ten, line sixty-nine, after the word “is” by inserting the words “revoked or”;

On page twenty, section ten, line seventy-six, after the word “threatened” by inserting a comma and the words “an administrator employed by or member of the governing board over the charter school is convicted of fraud or misappropriation of funds, there is a failure to meet generally accepted standards of financial management, there is a material breach of the charter contract, there is a substantial violation of any provision of law from which the public charter school is not exempted, or there are dire and chronic academic deficiencies”;

On page twenty-six, section fourteen, line four, by striking out the word “one” and inserting in lieu thereof the word “two”;

On page twenty-six, section fourteen, line six, by striking out “10” and inserting in lieu thereof the word “five”;

On page twenty-six, section fourteen, line seventeen after the words "Virtual public charter school" by inserting the word "funding";

On page twenty-six, section fourteen, lines nineteen through twenty-two, by striking out all of subdivision (5) and inserting in lieu thereof a new subdivision (5) to read as follows:

(5) When enrolling a student who may require special education services, the same obligations apply to a virtual public charter school as applies to all other public charter schools. Enrollment shall not be denied or delayed on the basis of a disability and the charter school shall convene an Individualized Education Program (IEP) meeting after admission to ensure that the school develops an appropriate IEP in accordance with all of the requirements set forth in the Individuals with Disabilities Education Act (IDEA).;

On page twenty-eight, section fourteen, line seventy-two, by striking out the word "the" and inserting in lieu thereof the word "this";

And,

On pages thirty-one and thirty-two, section fifteen, lines sixty-six through seventy-four, by striking out all of subsection (k) and inserting in lieu thereof a new subsection (k), to read as follows:

(k) The Professional Charter School Board shall investigate official complaints submitted to it that allege serious impairments in the quality of education in a public charter school or virtual public charter school it has authorized pursuant to this article, or that allege such schools are in violation of the policies or laws applicable to them. The Professional Charter School Board also may at its own discretion conduct or cause to be conducted audits of the education and operation of public charter schools or virtual public charter schools it has authorized pursuant to this article that it determines necessary to achieve its mission of authorizing high-quality public charter schools. Upon a determination that serious impairments or violations exist, the Professional Charter School Board shall promptly notify in writing the public charter school governing board of the perceived serious impairments or violations and provide reasonable opportunity for the school to remedy the serious impairments or violations. The Professional Charter School Board shall take corrective actions or exercise sanctions in response to apparent serious impairments or violations. If warranted, the actions or sanctions may include requiring a charter school to develop and execute a corrective action plan within a specified time frame."

And,

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

**Com. Sub. for H. B. 2012** - "A Bill to amend and reenact §18-5G-1, §18-5G-2, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-9, §18-5G-10, and §18-5G-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §18-5G-13, §18-5G-14, and §18-5G-15, all relating to public charter schools; amending provisions pertaining to the number of public charter schools that may be authorized; requiring the Legislative Auditor to conduct an audit of the public charter school program two years after the first public charter school commences operations; amending process applicable when an applicant applies to two or more county boards to authorize a public charter school; allowing the West Virginia Professional Charter School Board to authorize public charter schools; clarifying that an education service provider can be public or private and nonprofit or for-profit; defining 'full-time virtual public charter school' and 'West Virginia Professional Charter School Board'; amending provisions pertaining to revocation of a charter contract; amending timeline for charter school application and beginning operations; requiring public charter schools to be treated and act as their own local education agency for all purposes;



specifying exception; prohibiting anything in certain State Board of Education rule from conflicting with code; setting deadline for certain State Board of Education rules; amending provisions pertaining to the charter contract; amending provisions pertaining to the renewal of a charter contract; creating a process by which to appeal certain authorizer decisions to the West Virginia Board of Education; setting forth parameters under which the Professional Charter School board and county boards may authorize a limited number of virtual public charter schools; addressing virtual public charter school enrollment limits, charter term, funding, enrollment of students who may require special education services, governing body training, student absence, instructional time requirements, requirements that are applicable to the traditional deliver of instruction, student orientation, data demonstrating progress toward graduation, requirements relating to student engagement and teacher responsiveness, a policy regarding failure to participate in instructional activities, educational placement upon student transfer, virtual charter schools enrolling students in grades six and below, and application of requirements to certain other virtual instructional program; establishing the West Virginia Professional Charter School Board; providing for members, appointments, removal, immunity from civil liability in certain instances, appointment of executive director, employment of staff, and reimbursement of certain expenses; limiting how official actions of nonvoting ex officio members may be construed; requiring the Professional Charter School Board to investigate certain complaints and allowing it to conduct or cause to be conducted certain audits; and making technical improvements and corrections.”

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. 68**), and there were—yeas 68, nays 31, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Boggs, Booth, Bridges, Brown, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Lovejoy, Maynard, Miller, Paynter, Pethtel, Pushkin, Rohrbach, Rowan, Rowe, Skaff, Thompson, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Hornbuckle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2012) 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 the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 5** - “A Bill to amend and reenact §46A-5-104 and §46A-5-108 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §46A-5-109; to amend and reenact §46A-6-106 of said code; and to amend and reenact §46A-8-101 of said code, all relating generally to the West Virginia Consumer Credit and Protection Act and claims arising thereunder; providing criteria for the court to evaluate reasonable attorney’s fees and expense awards to the consumer in an action under the act; providing a unified mechanism for pre-suit notices of violation and offers to cure; providing that a cure offer is not admissible at trial of an action under the act, except that a timely delivered cure offer may be presented in a proceeding before the court, after entry of judgment, to determine attorney’s fees, if any; providing that either party in a private action under the act may serve upon the other an offer to settle or for judgment to be entered,

establishing a process therefor, and providing that if the offer is rejected, the circumstances under which parties may or may not recover attorney's fees; providing for the award of attorney's fees and expenses in actions under the act upon a judicial determination that a claim or defense presented in the case is frivolous; and providing for an effective date"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 160** - "A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; directing the amendment of a legislative-exempt rule by the Legislature; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to distilleries, mini-distilleries, and micro-distilleries; relating to authorizing the Financial Institutions Division to promulgate a legislative rule relating to a rule pertaining to the Fintech Regulatory Sandbox; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to fingerprinting requirements for applicants for insurance producer and insurance adjuster license; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance adjusters; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance continuing education for individual insurance producers and individual insurance adjusters; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to mental health parity; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to health benefit plan network access and adequacy; relating to authorizing the Municipal Pensions Oversight Board to promulgate a legislative rule relating to exempt purchasing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to greyhound racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to advance deposit account wagering; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery interactive wagering rule; relating to directing the State Tax Department to amend a legislative-exempt rule relating to valuation of farmland and structures situated thereon for ad valorem property tax purposes; relating to authorizing the State Tax Department to promulgate a legislative rule relating to a tax credit for providing vehicles to low-income workers; relating to authorizing the State Tax Department to promulgate a legislative rule relating to the downstream natural gas manufacturing investment tax credit; and relating to authorizing the State Tax Department to promulgate a legislative rule relating to the high-wage growth business tax credit"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 248** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-8-2a, relating to requiring the Department of Health and Human Resources to collaborate with the Workforce Development Board, the West Virginia Division of Personnel, and the West Virginia Department of Education for purposes of job placement"; which was referred to the Committee on Workforce Development then Government Organization.

A message from the Senate, by

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

**S. B. 311** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-18-30, relating to the acquisition and disposition of certain real property by an urban development authority; prohibition on acquisition; and ability to exercise the right of first refusal of tax-delinquent properties"; which was referred to the Committee on Political Subdivisions then the Judiciary.

A message from the Senate, by

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

**S. B. 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 landowner when an accident occurs that damages a fence that could contain livestock"; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 389** - "A Bill to amend and reenact §29-31-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that State Resiliency Office is responsible to plan for emergency and disaster response, recovery, and resiliency; clarifying that the State Resiliency Officer is a member of the State Resiliency Office Board; placing Secretary of the Department of Health and Human Resources on board; requiring that State Resiliency Officer vote only in the event of a tie vote of board; requiring that board elect a vice chair from its membership; establishing duties and responsibilities of the vice chair; and eliminating notice requirement for board meetings"; which was referred to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 392** - "A Bill to amend §61-1-9 of the Code of West Virginia, 1931, as amended, relating to modifying the penalty for impersonation of a law-enforcement officer or official by adding a period of possible incarceration as a criminal penalty"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. J. R. 4** - "Proposing an amendment to the Constitution of the State of West Virginia, amending section 47, article VI thereof, relating to authorizing the incorporation of religious denominations; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment."

### Resolutions Introduced

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

**H. R. 12** - "Support the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan), celebrating the 41<sup>st</sup> anniversary of the sister-state ties between the State of West Virginia and Taiwan, reaffirming support for Taiwan's meaningful participation and contributions in international organizations, and for strengthening and expanding sister-state ties between the State of West Virginia and Taiwan."

Whereas, The Republic of China (Taiwan) and the United States have enjoyed a longstanding partnership and share the common values of freedom, democracy and human rights. In 2020, Taiwan ranked as the 2<sup>nd</sup> freest country in Asia by Freedom House, and ranked 11<sup>th</sup> among 180 world economies in terms of economic freedom by the Heritage Foundation, demonstrating the strength and vitality of its democratic system and showcasing Taiwan as a beacon of democracy in East Asia; and

Whereas, The State of West Virginia is proud of the sister-state relationship it has enjoyed with Taiwan since August 4, 1980, marked by strong bilateral trade, education and cultural exchanges. In 2021, the State of West Virginia celebrates the 41<sup>st</sup> anniversary of the sisterhood relationship with Taiwan and looks forward to an even closer relationship between West Virginia and Taiwan in the future; and

Whereas, Taiwan has effectively contained the spread of COVID-19 through advanced deployment and the provision of open and transparent information. The Taiwan model of COVID-19 prevention has become an internationally recognized paradigm for effectively containing the spread of the pandemic. In 2020, Taiwan donated 30,000 surgical face masks to the State of West Virginia to protect frontline health workers, demonstrating that Taiwan stands strong with the Mountain State in the face of difficult times; and

Whereas, In 2019, the bilateral trade between West Virginia and Taiwan amounted to nearly \$94.5 million and Taiwan is our seventh-largest export market in Asia, demonstrating that Taiwan is an important trading partner of West Virginia; and

Whereas, West Virginia welcomes all opportunities for an even closer economic partnership to increase trade and investment, supports Taiwan's effort to secure the signing of a U.S.-Taiwan Bilateral Trade Agreement (BTA) to boost greater West Virginia exports to Taiwan and considers it recommendable to re-open a trade office in Taiwan to bring in more Taiwanese investment such as the \$34 million project which Far Eastern New Century Corporation introduced in 2018; and

Whereas, The United States and Taiwan have forged ever stronger economic and security relations over the last four decades based on their shared commitment to democracy, the rule of law and free market principles; with the United States now Taiwan's second-largest trading partner and second-largest destination of Taiwan outward investment; and with Taiwan now the 9<sup>th</sup> largest trading partner of the United States and a key destination for United States agricultural exports; and

Whereas, In the 2019/20 academic year, 23,724 students from Taiwan studied in the U.S., making Taiwan the seventh-leading place of origin for students coming to the U.S. and contributed more than \$991 million to the U.S. economy, through their spending on tuition, accommodation and living expenses; and

Whereas, Taiwan has been proven to be a very valuable contributor in a broad range of global issues, and it is necessary for Taiwan to be granted access to meaningfully participate in various international organizations including the World Health Organization (WHO), International Civil Aviation Organization (ICAO), United Nations Framework Convention on Climate Change (UNFCCC), and International Criminal Police Organization (INTERPOL); therefore, be it

*Resolved by the House of Delegates:*

To endorse Taiwan's efforts to secure the signing of a Bilateral Trade Agreement with the United States; recognizes the Taiwan model of COVID-19 prevention; commends Taiwan's vibrant full-fledged democracy; reaffirms its commitment to the strengthening and deepening of the sister-state relationship with Taiwan; and continues to support Taiwan's meaningful participation and contributions in the above-mentioned and other international organizations which impact the health, safety, and well-being of its people, and supports its aspiration to make more contributions in the international community; and, be it

*Further Resolved,* That a copy of this legislative citation be sent to Governor James C. Justice, II of West Virginia, and another sent to Ms. Bi-khim Hsiao, Representative of the Taipei Economic and Cultural Representative Office in the United States.

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

**H. R. 13** - "Demanding that President Biden keep the United States Embassy in Israel in Jerusalem."

Whereas, On February 5, 2021, the United States Senate voted 97 to 3 to keep the United States Embassy in Israel in Jerusalem; and

Whereas, Congress has made the following findings in regards to the embassy being in Jerusalem:

- (1) Each sovereign nation, under international law and custom, may designate its own capital.
- (2) Since 1950, the city of Jerusalem has been the capital of the State of Israel.
- (3) The city of Jerusalem is the seat of Israel's President, Parliament, and Supreme Court, and the site of numerous government ministries and social and cultural institutions.
- (4) The city of Jerusalem is the spiritual center of Judaism, and is also considered a holy city by the members of other religious faiths.
- (5) From 1948–1967, Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan.
- (6) In 1967, the city of Jerusalem was reunited during the conflict known as the Six Day War.
- (7) Since 1967, Jerusalem has been a united city administered by Israel, and persons of all religious faiths have been guaranteed full access to holy sites within the city.
- (8) This year marks the 28<sup>th</sup> consecutive year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected.

(9) In 1990, the Congress unanimously adopted Senate Concurrent Resolution 106, which declares that the Congress “strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected”.

(10) In 1992, the United States Senate and House of Representatives unanimously adopted Senate Concurrent Resolution 113 of the One Hundred Second Congress to commemorate the 25<sup>th</sup> anniversary of the reunification of Jerusalem, and reaffirming congressional sentiment that Jerusalem must remain an undivided city; therefore be it

*Resolved by the House of Delegates:*

That the House of Delegates demand that President Biden keep the United States Embassy in Israel in Jerusalem; and, be it

*Further Resolved,* That the Clerk forward a copy of this resolution to the President of the United States.

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

**H. C. R. 22** - “Requesting the Division of Highways name bridge number: 51-022/00-000.16 (51A094), (38.51804, -80.44792) locally known as GRASSY CREEK BX BM, carrying CR 22 over GRASSY CREEK in Webster county, the ‘U. S. Army PVT E- Bill O’Dell Memorial Bridge’.”

Whereas, William Richard O’Dell was born August 4, 1937, in Osage, West Virginia; and

Whereas, He served in the United States Army during the Korean Conflict in the rocket launcher section and guarded the Czechoslovakian border; and

Whereas, After his return from the military, Bill married the love of his life. Sondra Fae Tracy, on November 1, 1954, and together they raised five daughters in a home on Orndorff Road. beside the Orndorff Church on Big Grassy Creek Road; and

Whereas, Bill was a humble and true man of God who enjoyed going to church and teaching the Holy Bible in church throughout Webster and Nicholas Counties; and

Whereas, Bill developed severe depression when his wife and two daughters died, which led to dementia and ultimately, Alzheimer’s. He passed away at his home on October 21, 2015, with his family by his side.; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army PVT E- Bill O’Dell and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number: 51-022/00-000.16 (51A094), (38.51804, -80.44792) locally known as GRASSY CREEK BX BM, carrying CR 22 over GRASSY CREEK in Webster county, the “U. S. Army PVT E- Bill O’Dell Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PVT E- Bill O’Dell Memorial Bridge”; and, be it

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

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

**By Delegate Howell:**

**H. J. R. 24** - "Proposing an amendment to the Constitution of the State of West Virginia by adding thereto a new section, designated section fifty-eight, article VI thereto, relating to excluding implied powers of authority"; to the Committee on the Judiciary.

**Bills Introduced**

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

**By Delegate Holstein:**

**H. B. 2863** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, §19-38-5, §19-38-6, §19-38-7, and §19-38-8, all relating to establishing a Livestock Branding Act; defining terms; creating registry of brands; providing for reregistration of brands; requiring bill of sale for branded livestock; authorizing rulemaking; and providing for criminal penalties of violations of act"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Young:**

**H. B. 2864** - "A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to eligibility of voters; removing the prohibition voter registration for persons convicted of certain felonies who have fully served their sentence; requiring the Division of Corrections to notify persons of their renewed eligibility to vote upon release; and requiring the Division of Probation to notify persons of their renewed voter eligibility upon discharge"; to the Committee on Government Organization then the Judiciary.

**By Delegates Mallow, Longanacre, Forsht and Horst:**

**H. B. 2865** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29B-1-1, §29B-1-2, §29B-1-3, §29B-1-4, §29B-1-5, §29B-1-6, §29B-1-7, §29B-1-8, §29B-1-9, §29B-1-10, §29B-1-11, §29B-1-12, and §29B-1-13, all relating to creating a Law-Enforcement Officers' Bill of Rights; providing definitions; general rights of officers; general procedure in investigation or interrogation by a law-enforcement agency of a law-enforcement officer; right to hearing by a hearing board; disposition of administrative action; judicial review expungement of record of formal complaint; summary punishment; emergency suspension; and misdemeanor offense for false statement, report, or complaint, with penalty"; to the Committee on the Judiciary.

**By Delegates Foster, Steele, Kimes, Ferrell, Gearheart, Paynter and Toney:**

**H. B. 2866** - "A Bill to amend and reenact §8-1-5A of the Code of West Virginia, 1931, as amended, relating to removing the authority of municipalities participating in the Municipal Home Rule Program to impose a municipal sales tax"; to the Committee on Government Organization then Finance.

**By Delegates Martin, Summers, Criss, Burkhammer and Queen:**

**H. B. 2867** - "A Bill to amend and reenact §20-1-16 of the Code of West Virginia, 1931, as amended relating to the Natural Resources Commission; providing for the composition and membership of the commission; providing criteria and qualifications for the appointment of commissioners; and providing for reimbursement of expenses for commissioners"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Storch, Gearheart, Pethtel, Evans, Anderson and J. Pack:**

**H. B. 2868** - "A Bill to amend and reenact §8-22-26 of the Code of West Virginia, 1931, as amended, relating to providing that member contributions and interest exceeding authorized payments of death benefits be paid to the member's heirs"; to the Committee on Pensions and Retirement then Finance.

**By Delegates J. Jeffries, Longanacre, Kimes, Graves, Jennings, Burkhammer, McGeehan, Horst, Martin, J. Pack and Householder:**

**H. B. 2869** - "A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-22, relating to providing limitations on mask wearing requirements"; to the Committee on the Judiciary.

**By Delegates J. Pack, Steele and Graves:**

**H. B. 2870** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2B-9, relating to vocation program enrollment"; to the Committee on Education.

**By Delegate Steele:**

**H. B. 2871** - "A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to compensation; providing for removal of certain directors; and providing for compensation for a new commissioner"; to the Committee on Health and Human Resources then Finance.

**By Delegate Young:**

**H. B. 2872** - "A Bill to amend and reenact §5-11-3 and §5-11-10 of the Code of West Virginia, 1931, as amended, all relating to the Human Rights Commission; amending the definition of employer and the number of persons employed to qualify as an employer; and extending the period of the statute of limitations to file a complaint for an alleged unlawful discriminatory practice"; to the Committee on Workforce Development then the Judiciary.

**By Delegates Young, Graves, Zukoff, Summers, Fleischauer, Walker and Brown:**

**H. B. 2873** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21A-6-18, relating to allowing waiver of repayment of overpaid unemployment insurance; providing factors to consider by the Commissioner of Bureau of Employment Programs' to waive repayments; prohibiting of a waiver if the insured commits fraud or is otherwise responsible for the over payment; providing criteria for eligibility for waiver; placing burden on insured to prove eligibility for waiver; providing procedures for review of claims; providing for discontinuance of further governmental payments until repayment is satisfied, and providing for a retroactivity clause"; to the Committee on Workforce Development then Finance.

**By Delegates Young, Wamsley, Cooper, Doyle, Longanacre, Steele, J. Kelly, McGeehan and Worrell:**

**H. B. 2874** - "A Bill to amend and reenact §59-1-2 and §59-1-2a of the Code of West Virginia, 1931, as amended, relating to extending waiver of veterans' initial business registration fees and annual business fees to active-duty military members, their spouses, and immediate family"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegate Bates:**

**H. B. 2875** - "A Bill to amend and reenact §16-2L-3 and §33-45-2 of the Code of West Virginia, 1931, as amended, relating to changes to provider contracts with health benefit plans and Medicaid managed care plans; providing a notice and negotiation process for changes to provider and Medicaid managed provider contracts providing a notice and negotiation process for changes to health benefit



insurer and provider contracts”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Westfall and Summers:**

**H. B. 2876** - “A Bill to amend and reenact §33-16-1a and §33-16-2 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §33-16-2a, all relating to modify group accident and sickness insurance requirements”; to the Committee on Health and Human Resources.

**By Delegates Westfall and Summers:**

**H. B. 2877** - “A Bill to amend and reenact §30-3F-1, §30-3F-2, and §30-3F-3 of the Code of West Virginia, 1931, as amended, relating to expanding direct primary care arrangements to include other directed health care arrangements”; to the Committee on Health and Human Resources.

**By Delegate Young:**

**H. B. 2878** - “A Bill to amend the Code of West Virginia, 1939, as amended, by adding thereto a new article, designated as §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6, and §5-30-7, all relating to establishing a task force to study and develop reparations for African Americans; legislative findings; composition and authority; requiring report to the Legislature; and providing that state level reparation actions that are undertaken as a result of this article are not a replacement for any reparations enacted at the federal level”; to the Committee on the Judiciary then Finance.

**By Delegate Young:**

**H. B. 2879** - “A Bill to amend and reenact §5-11-3 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of ‘employee’ under the Human Rights Commission”; to the Committee on Workforce Development then the Judiciary.

**By Delegate Young:**

**H. B. 2880** - “A Bill to amend and reenact §33-57-1 of the Code of West Virginia, 1931, as amended, relating accessibility of telehealth and telemedicine by persons with disabilities”; to the Committee on Health and Human Resources.

**By Delegates Steele and Sypolt:**

**H. B. 2881** - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to removing Hepatitis B vaccine from the list of compulsory immunizations”; to the Committee on Health and Human Resources then Education.

**By Delegates Steele and Foster:**

**H. B. 2882** - “A Bill to repeal §16-27A-1 and §16-27A-2 of the Code of West Virginia, 1931, as amended, relating to a ban on construction of nuclear power plants”; to the Committee on Energy and Manufacturing then Government Organization.

**By Delegate Foster:**

**H. B. 2883** - “A Bill to repeal §48-9-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-302 of said code, relating to removing the discretion of the court to issue a written investigation for proceedings under this article; to ensuring that the West Virginia judiciary remains neutral and detached in all matters pending before any court of this state; to ensuring that the West Virginia judiciary does not in any way initiate or participate in investigations or other activities properly reserved to the executive consistent with the separation of powers required under Article V, Section 1, of the Constitution of the State of West Virginia; to ensuring that the West Virginia judiciary at all times in the performance of its duties acts in a manner consistent with West Virginia Judicial Code of Conduct Rule 2.9, which states that ‘[a] judge shall not initiate, permit, or consider ex parte

communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter;’ and to ensuring that courts are abiding by the foundational principle of Anglo-American jurisprudence rooted in the Magna Carta and the Due Process clauses of the United States Constitution that no person may have their rights curtailed or stripped from them without the right to confront any witnesses and to rebut any evidence against them, as well as to present their own witnesses and evidence to the court”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegates Conley, J. Kelly, Mallow, Miller and Barnhart:**

**H. B. 2884** - “A Bill to amend and reenact §29B-1-2 and §29B-1-4 of the Code of West Virginia, as amended, all relating to exempting customer records of publicly-administered utility enterprises from production under the Freedom of Information Act; defining ‘publicly-administered utility enterprise’; establishing exemption from production; and allowing certain uses and disclosures of information”; to the Committee on the Judiciary.

**By Delegate Higginbotham:**

**H. B. 2885** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-110a, relating to the occurrence of the death of a child in foster care; requiring persons having custody of the child to immediately notify the Department of Health and Human Resources of the death; requiring that the department notify the parents and legal guardians of the death; and providing exceptions”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Higginbotham:**

**H. B. 2886** - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to replacing minimum minutes of instructional time required per day with a flexible requirement based upon the completion of classroom or other equivalent work or assessments meeting defined levels of proficiency or mastery; providing legislative findings; establishing options for meeting minimal instructional time requirements; eliminating requirement related to instructional minutes and the use of equivalent time for days lost; providing that county school boards utilizing flexible instructional options shall submit for approval plans for assessing student competency and demonstrated proficiency; and providing the state board with rule-making authority to develop any evaluation criteria or guidelines necessary for county boards to utilize flexible instruction time options”; to the Committee on Education then Finance.

**By Delegate Higginbotham:**

**H. B. 2887** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to providing guidelines for school systems regarding their legal liability for exposure to COVID-19; and providing for immunity to school systems from lawsuits in certain circumstances”; to the Committee on the Judiciary.

**By Delegate Higginbotham:**

**H. B. 2888** - “A Bill to amend and reenact §53-4A-1 of the West Virginia Code, 1931, as amended, relating to clarifying when a contention is adjudicated; defining forensic scientific evidence; and providing that no additional liabilities are created”; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2889** - “A Bill to amend and reenact §5-11-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-5-1 of said code; to amend said code by adding thereto a new article designated §21-11B-1, §21-11B-2, §21-11B-3, §21-11B-4, §21-11B-5, §21-11B-6, and §21-11B-7; to amend and reenact §21A-1A-17 of said code; to amend and reenact §23-2-1 of said code; all relating to West Virginia Employment Law Worker Classification Act; providing for excluding

independent contractors from the definition of employee in the Human Rights Act; providing for excluding independent contractors from the definition of employee or employees relating to the wage payment and collections act; providing for a short title; providing for legislative findings; providing for superseding consideration when hearing or considering conflicting state law; providing for criteria for employers to determine if a person working for the employer is in an employer-independent contractor relationship or an employer-employee relationship; providing for a written contract to establish the employer-independent contractor relationship; providing for certain conditions to be contained in the written contract establishing the employer-independent contractor relationship; providing for certain conditions required of an independent contractor; providing for the independent contractor to have the ability to control and direct the manner of the work regardless of other certain circumstances; providing for other conditions that may be considered to determine independent contractor status; providing for the principal's decision to hire a person as an employee when the person would otherwise meet criteria to be an independent contractor; providing for limitations for an independent contractor to receive certain benefits and legal protections offered to employees; providing for preemption of local laws; providing for a limited scope to certain benefits and legal protections offered to employees and not independent contractors; providing for severability; providing for an exclusion from the definition of employee or employment relating to unemployment compensation benefits; and providing for an exclusion relating to employers that establish an independent contractor relationship with a person relating to worker's compensation"; to the Committee on Workforce Development then the Judiciary.

**By Delegates Steele, Foster and J. Pack:**

**H. B. 2890** - "A Bill to amend and reenact §24A-1-2 and §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the Public Service Commission of West Virginia over luxury limousine services; and creating an exemption from certain contract and common carrier laws for luxury limousine services"; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates D. Kelly, B. Ward, Hott, Capito, Steele, Pinson, Queen and Westfall:**

**H. B. 2891** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-14, relating to creating minimum standards for law-enforcement officers; providing for the disqualification for entry into the basic law-enforcement academy or from certification in certain instances; providing for the direct supervision of officers who are not certified; providing for the maintenance and the transfer of certain records; and setting a limitation on the disclosure of certain records"; to the Committee on the Judiciary.

**By Delegate Howell:**

**H. B. 2892** - "A Bill to amend and reenact §15-4-1, §15-4-2, §15-4-3, §15-4-4, §15-4-5, §15-4-6, §15-4-10, and §15-4-11 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia State Guard and the organization thereof; to adding additional directives for the West Virginia State Guard; adding a minimum age requirement; providing a federal clause for when there are potentially conflicting directives; modifying the oath; and modifying terms of enlistment"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

**By Delegate Riley:**

**H. B. 2893** - "A Bill to amend and reenact §11-13Q-5 and §11-13Q-10 of the Code of West Virginia, 1931, as amended, relating to modifying the Economic Opportunity Tax Credit allowed for locating corporate headquarters in this state and the credit for small business"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegate Statler:**

**H. B. 2894** - "A Bill to amend and reenact §61-8-14 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of desecration of graves and vandalizing cemeteries and mandating that persons convicted thereof shall be required to perform 250 hours of community service to and for the cemetery involved"; to the Committee on the Judiciary.

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

**H. B. 2895** - "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"; to the Committee on Finance.

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

**H. B. 2896** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

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

**H. B. 2897** - "A Bill expiring funds to the balance of the Department of Commerce, West Virginia Development Office, Marketing and Communications Operating Fund, fund 3002, fiscal year 2021, organization 0307, in the amount of \$222,563, from the Department of Commerce, West Virginia Development Office, Synthetic Fuel – Producing County Fund, fund 3165, fiscal year 2021, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

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

**H. B. 2898** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to WorkForce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2021, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

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

**H. B. 2899** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Commerce, Division of Labor - Elevator Safety Fund, fund 3188, fiscal year 2021, organization 0308; the Department of Commerce, Division of Labor - Bedding and Upholstery Fund, fund 3198, fiscal year 2021, organization 0308; and that Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill, be supplemented and amended by adding to Title II a new item of appropriation to the Department of Commerce, Division of Natural Resources – West Virginia Parks and Recreation Endowment Fund, fund 3211, fiscal year 2021, organization 0310 by supplementing, amending and adding appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

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

**H. B. 2900** - "A Bill expiring funds to the balance of the Department of Education – State Board of Education – School Building Authority – School Construction Fund, fund 3952, fiscal year 2021, organization 0404, in the amount of \$2,766,137, from the State Department of Education – School Building Authority – Debt Service Fund, fund 3963, organization 0404, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

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

**H. B. 2901** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

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

**H. B. 2902** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Public Service Commission, fund 8623, fiscal year 2021, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

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

**H. B. 2903** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Homeland Security, West Virginia State Police, fund 8741, fiscal year 2021, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

**By Delegate Hansen:**

**H. B. 2904** - "A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to the Robin W. Ames Memorial Act which revises current law for unlawfully using electronic communication devices while driving; creating new penalties, including community service, misdemeanor jail time and creating a felony for serious injury or death; revising what constitutes a violation of unlawful use of an electronic communication device; and authorizing seizure of electronic communication devices in certain circumstances"; to the Committee on Technology and Infrastructure then the Judiciary.

**Special Calendar****Third Reading**

**Com. Sub. for H. B. 2002**, Relating to Broadband; on third reading, coming up in regular order, was reported by the Clerk.

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

On motion of Delegate Linville, the bill was amended on page 5, section 5, line 2, immediately following the word "way", by striking out "as set forth in §17-2E-3(d) of this code".

And,

On page 32, section 3, line 49 immediately following the words “pursuant to”, by striking out “§17-2E-3(d)” and inserting in lieu thereof “§17-2E-3”.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 69**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Hornbuckle.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2002) passed.

An amendment to the title of the bill, recommended by the Committee on Technology and Infrastructure, was reported by the Clerk and adopted, amending the title of the bill to read as follows:

**Com. Sub. for H. B. 2002** – “A Bill to repeal §17-2E-6 of the Code of West Virginia, 1931, as amended; to repeal §31G-1-6, §31G-1-9, and §31G-1-12 of said code; to amend and reenact §17-2E-2, §17-2E-3, §17-2E-5, §17-2E-7, §17-2E-8, and §17-2E-9 of said code; to amend and reenact §24D-1-1, §24D-1-2, §24D-1-9, §24D-1-15, §24D-1-16, §24D-1-21, and §24D-1-26 of said code; to amend and reenact §31G-1-2 and §31G-1-4 of said code; to amend and reenact §31G-4-1 and §31G-4-2 of said code; to amend said code by adding thereto a new article, designated §31G-1A-1, §31G-1A-2, §31G-1A-3, §31G-1A-4, §31G-1A-5, §31G-1A-6, §31G-1A-7, §31G-1A-8, §31G-1A-9, and §31G-1A-10; to amend said code by adding thereto a new section, designated §31G-3-3; and to amend said code by adding thereto a new article, designated §31G-6-1, §31G-6-2, and §31G-6-3 of said code, all relating to providing statutory framework to support, encourage, and expedite the expansion of broadband throughout the state of West Virginia; modifying the definition of ‘permit’; establishing requirements for agreements between the Division of Highways and an entity seeking to install telecommunications facilities; providing that if such installation can be accommodated as a utility pursuant to federal and state law, the division will issue a permit for access to, and occupation of, division’s right-of-way consistent with this section and applicable division policy; requiring that, the division will, within sixty business days, advise applicant in writing of any major deficiencies with the planned project; providing the applicant may correct any deficiencies and resubmit the application, which shall be reviewed by the division and either approved or denied within thirty days of the resubmittal; providing that if the division approves a permit application, the division shall issue a specific district level construction authorization for the approved project within ten business days; requiring that compliance with applicable environmental laws shall at all times be the responsibility of the applicant; providing that division will create and make available for potential applicants an informational notice specific to in-ground telecommunications facility construction and installation that explains routine issues for such projects including legal, regulatory and division requirements; requiring notice to the Office of Broadband of a telecommunication entity’s intent to seek construction in division’s right-of way; providing the Office of Broadband is responsible for ensuring compliance with certain terms and will provide the Division of Highways and the applicant with certification of such compliance; allowing a utility to apply to share trench with telecommunications carrier; providing for dispute resolution by informal complaint process by the Public Service Commission; providing the Office of Broadband the authority to issue certificates of compliance to the Division of Highways and applicant; providing Division of Highways the authority to allow carriers the use of excess

telecommunications facilities; allowing Division of Highways to transfer or assign ownership of excess telecommunications facilities to another state agency upon approval by Governor; providing rulemaking authority to Division of Highways; adding broadband telecommunications to Chapter on cable television and cable television system act for certain purposes; defining 'broadband' or 'broadband service' and 'broadband operator'; establishing requirements for broadband operators related to installation and construction; requiring broadband operators to indemnify the state for installation, operation, and maintenance; establishing requirements for broadband operator related to easement; providing installations in railroad rights of way and trackways do not have any greater or lesser requirement to comply with stated railroad safety requirements; providing requirements for broadband operators to restore interrupted service; providing electric utilities that lease fiber to broadband providers shall not be required to provide refunds to broadband providers who lease the fiber for service outages; requiring broadband operator to credit subscribers for interruptions in service of more than 24 hours; establishing that broadband providers may not deny access based upon certain factors; providing that a cable or broadband system operator shall provide subscribers 30 days advance written notice of any changes to rates or charges, including the expiration of any promotion or special pricing that would result in an increase in the subscribers billing or cost of service; providing that a broadband system operator shall inform subscribers and provide written notice to subscribers that disputes regarding interrupted or substandard service or billing issues, which are unresolved to satisfaction of the subscriber, can be filed as a complaint with the consumer protection division of the WV Attorney General's Office; providing that broadband service is not a utility or subject to utility regulation; defining 'applicable codes', 'unserved area', and 'underserved'; defining powers and duties of Broadband Enhancement Council; providing the Broadband Enhancement Council and Office of Broadband coordinate on bringing broadband service to unserved and underserved areas; providing Broadband Enhancement Council publicly report to the Secretary of Commerce on or before December 1 annually; creating the Office of Broadband within the Economic Development Office and under the Department of Commerce; creating the position of, and requirements for, the Director of the Office of Broadband; establishing the powers and duties of the Office of Broadband; requiring the Office of Broadband report annually to the Joint Committee on Government and Finance; requiring the Office of Broadband to map broadband in the state and establish an interactive public map; requiring certain executive agencies to cooperate and provide information to the Office of Broadband regarding AREA maps; requiring Office of Broadband Report to the Joint Committee on Technology regarding AREA maps at specified times; allowing Office of Broadband to retain outside expert consultants; providing authority to Office of Broadband to educate public on broadband service issues; allowing Office of Broadband to establish a voluntary data collection program; providing that information collected in program not subject to the Freedom of Information Act; establishing, by Office of Broadband, requirements of data collection program to be submitted to the Legislature; requiring the Office of Broadband to create guidelines for voluntary donation of rights away and similar structures to facilitate broadband development; allowing Office of Broadband to create guidelines and recommend to legislature an easement program to facilitate broadband service; allowing Office of Broadband to seek funding and grants; establishing process to protect proprietary business information provided to the Office of Broadband; excluding proprietary business information from production under the Freedom of Information Act; providing criminal penalties for unauthorized disclosure of confidential and proprietary information; providing rulemaking authority to the Office of Broadband; establishing requirements for counties, municipalities, and political subdivisions regarding installation of conduit; defining 'applicable codes' and 'digital equality of opportunity'; requiring that an ILEC pole owner who requires and accepts payment for make-ready work, and fails to perform that work within 45 days, shall immediately return and refund the moneys paid for that work which was not completed, and providing remedies and exceptions in such instances; providing for preemption of West Virginia Code and Code of State Rules and ordinances relating to installation of certain broadband equipment; providing private agreements, promulgated or effective after the effective date of this legislation, may not regulate or prevent the exterior installation of antennas and equipment necessary to or typically utilized for broadband deployment; providing for

scheme of construction of such language in favor of encouraging and assisting broadband installation and deployment; providing for preemption of West Virginia Code and Code of State Rules and ordinances relating to pole attachment of certain broadband equipment; providing for scheme of construction of language of private agreements relating to pole attachment; and requiring broadband operators receiving public funds to testify, upon request, under oath before the Legislature.”

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

In the absence of objection, the Calendar was reordered and the House proceeded to consideration of Com. Sub. for H. B. 2093.

**Com. Sub. for H. B. 2093**, Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes; 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. 70**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Hornbuckle and Longanacre

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2093) passed.

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

**Com. Sub. for H. B. 2024**, Expand use of telemedicine to all medical personnel; 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. 71**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Graves and Hornbuckle.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2024) passed.

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

**Com. Sub. for H. B. 2025**, Provide liquor, wine, and beer licensees with some new concepts developed during the State of Emergency utilizing new technology to provide greater freedom to operate in a safe and responsible manner; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegate Hott moved to amend the bill on page 30, after line 17, by inserting the following:

**“ARTICLE 3A. SALES BY RETAIL LIQUOR LICENSEES.**

**§60-3A-25. Certain acts of retail licensee prohibited; criminal penalties.**

(a) It is unlawful for any retail licensee, or agent or employee thereof, on such retail licensee’s premises to:



- (1) Sell or offer for sale any liquor other than from the original package or container;
- (2) Sell, give away, or permit the sale of, gift of, or the procurement of, any liquor, for or to any person under 21 years of age;
- (3) Sell, give away, or permit the sale of, gift of, or the procurement of, any liquor, for or to any person visibly intoxicated;
- (4) Sell or offer for sale any liquor other than during the hours permitted for the sale of liquor by retail licensees as provided under this article;
- (5) Permit the consumption by any person of any liquor;
- (6) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand name of any liquor;
- (7) Permit any person under 18 years of age to sell, furnish, or give liquor to any other person;
- (8) Purchase or otherwise obtain liquor in any manner or from any source other than that specifically authorized in this article; or
- (9) Permit any person to break the seal on any package or bottle of liquor.

(b) Any person who violates any provision of this article, except section 24 of this article, including, but not limited to, any provision of this section, or any rule promulgated by the board or the commissioner, or who makes any false statement concerning any material fact, or who omits any material fact with intent to deceive, in submitting an application for a retail license or for a renewal of a retail license or in any hearing concerning the suspension or revocation thereof, or who commits any of the acts declared in this article to be unlawful, is guilty of a misdemeanor and, shall, upon conviction thereof, for each offense be fined not less than \$100 or more than \$5,000, or imprisoned in the county jail for not less than 30 days nor more than one year, or both fined and imprisoned. Magistrates have concurrent jurisdiction with the circuit courts for offenses under this article.

(c) Nothing in this article, or any rule of the board or commissioner, prevents or prohibits any retail licensee from employing any person who is at least 18 years of age to serve in any retail licensee's lawful employment at any retail outlet operated by such retail licensee, or from having such person sell or deliver liquor under the provisions of this article. With the prior approval of the commissioner, a retail licensee may employ persons at any retail outlet operated by such retail licensee who are less than 18 years of age but at least 16 years of age, but such persons' duties shall not include the sale or delivery of liquor: *Provided*, That the authorization to employ such persons under the age of 18 years shall be clearly indicated on the retail license issued to any such retail licensee.

(d) Any licensee with a current and valid license to sell sealed bottles of liquor is authorized to sell or permit the sale of alcoholic liquors or fortified wine through a window at a drive-in or drive-through retail establishment."

And,

On page 67, section 8f, after line 53, by inserting a new subsection (d) stating the following:

"(d) Any licensee with a current and valid license to sell sealed bottles of liquor is authorized under to sell or permit the sale of alcoholic liquors or fortified wine through a window at a drive-in or drive-through retail establishment."

Delegate Nestor requested to be excused from voting on Com. Sub. for H. B. 2025 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of five or more possibly to be affected and refused to excuse the Member from voting on the amendments and the bill.

Delegate Martin requested to be excused from voting on Com. Sub. for H. B. 2025 under the provisions of House Rule 49.

The Speaker replied and mentioned his ruling yesterday and consultation with the rules. With the Delegate being a member of a class of exactly five possibly to be affected, the Speaker refused to excuse the Member from voting on the amendment and the bill.

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

Delegate Fast moved to amend the bill by adding a proviso on page 37, section §60-6-8, line 55 by adding a new subdivision "(11) Sell, possess for sale, tender, serve, furnish, or provide any beer, wine, spirits or alcohol without first acquiring liability insurance in an amount to be determined by the commissioner but not less than \$300,000.00 for the licensed person or licensed entity."

Delegate Rowe arose to inquire of the Chair regarding the placement of the amendment.

The Speaker replied that the point was well taken and clarified that the placement of the amendment was, by adding a proviso on page 32, section §60-6-8, following line 54 by adding a new subdivision "(11) Sell, possess for sale, tender, serve, furnish, or provide any beer, wine, spirits or alcohol without first acquiring liability insurance in an amount to be determined by the commissioner but not less than \$300,000.00 for the licensed person or licensed entity."

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

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

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

The yeas and nays having been ordered, they were taken (**Roll No. 72**), and there were—yeas 23, nays 75, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Barnhart, Brown, Bruce, Burkhammer, Conley, D. Jeffries, Fast, Ferrell, G. Ward, Garcia, Hanna, Jennings, Longanacre, Lovejoy, Mallow, Mandt, Mazzocchi, Nestor, Pinson, Rohrbach, Rowe, Toney and Worrell.

Absent and Not Voting: Graves and Hornbuckle.

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

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

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

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

During the debate, Delegate Fluharty arose to a point of order regarding the content of the remarks of Delegate Fast, to which point the Speaker replied he has been giving latitude but reminded members to confine remarks as closely as possible to the question before the House.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 73**), and there were—yeas 80, nays 18, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: B. Ward, Bruce, Burkhammer, Conley, D. Jeffries, Fast, G. Ward, Griffith, Hanna, Hanshaw, Jennings, L. Pack, Longanacre, Mallow, Pinson, Rohrbach, Toney and Worrell.

Absent and Not Voting: Graves and Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2025) passed.

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

**Com Sub. for H. B. 2025** - "A Bill to amend and reenact §7-1-3ss of the Code of West Virginia, 1931, as amended, to amend and reenact §11-16-9 and §11-16-18 of said code; to amend said code by adding thereto two new sections, designated §11-16-6d and §11-16-11c; to amend said code by adding thereto two new sections, designated §19-2-12 and §19-2-13; to amend and reenact §60-1-5a of said code; to amend and reenact §60-3A-25 of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-6-8 of said code; to amend and reenact §60-7-2, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto five new sections, designated §60-7-8b, §60-7-8c, §60-7-8d, §60-7-8e, and §60-7-8f; to amend and reenact §60-8-2, §60-8-3, §60-8-4, §60-8-18, §60-8-29 and §60-8-34 of said code; to amend said code by adding thereto four new sections, designated §60-8-6c, §60-8-6d, §60-8-6e, and §60-8-32a; to amend said code by adding thereto a new article, designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, and §60-8A-6; and to amend and reenact §61-8-27 of said code, all relating to nonintoxicating beer, nonintoxicating craft beer, liquor, wine, and hard cider sales in this state; providing for the authority and license to deliver nonintoxicating beer or nonintoxicating craft beer with requirements, no additional fee for certain licensees, a license fee for third parties, and a nonintoxicating beer retail transportation permit with requirements; providing certain licensees with the authority for nonintoxicating beer, nonintoxicating craft beer, outdoor dining, and outdoor street dining; authorizing in-person or in-vehicle pick up of purchased food and nonintoxicating beer or nonintoxicating beer orders-to-go; creating an unlicensed brewer or home brewer temporary license for use at fairs and festivals, requirements, and a license fee; providing for changing the beginning time for nonintoxicating beer, nonintoxicating craft beer, liquor, and wine sales to begin at 6:00 a.m. on all days; relating to the manufacture and sale of hard cider and wine by establishing the Agriculture Development Fund; establishing permitted expenditures from the Agriculture Development Fund; creating a new program to develop hard cider; providing for wine definitions; clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of 'nonfortified dessert wine'; authorizing licensed liquor retail licensees to sell sealed bottles of liquor through a window of a drive-in or drive-through; creating a private manufacturer club

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

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

On this question, the yeas and nays were taken (**Roll No. 74**), and there were—yeas 89, nays 10, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bruce, Burkhammer, Conley, Fast, G. Ward, Hanna, Jennings, Longanacre, Pinson and Worrell.

Absent and Not Voting: Graves.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2025) takes effect from its passage.

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

**H. B. 2791**, Relating to enrollment and costs of homeschooled or private school students at vocational schools; 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. 75**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Ferrell and Reynolds.

Absent and Not Voting: Graves and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2791) passed.

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

### Second Reading

**Com. Sub. for H. B. 2013**, Relating to the Hope Scholarship Program; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with amendment pending and the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

**Com. Sub. for H. B. 2363**, Relating to “Best Interests of the Child Protection Act of 2021”; on second reading, coming up in regular order, was read a second time.

Delegates Foster and Kimble moved to amend the bill on page 4, section §48-1-239, line 2, by re-inserting the language striking sections (b) and (c) on line 2 through 8.

And,

On page 4, section §48-1-220, line 3, by striking out the proviso on line 3 through 7, “*Provided*, That with regard to spiritual guidance, both parents in any shared parenting plan, regardless of the relative ratio of parenting time allocated between the parents, neither parent shall discourage or prohibit the minor child’s participation in the other parent’s faith life, nor discourage or prohibit the minor child’s faith formation and/or reception of sacraments participating in the other parent’s faith,”.

By striking out the word “however” on page 4, section §48-1-220, line 7.

By changing the sections to (a) and (b) from (b) and (c).

On page 7, section §48-1-241, line 1, By re-adding the proviso section to the section header “Split Physical Custody and Shared Physical Custody defined.”

On page 9, section §48-1-303, line 32, by striking out the proviso language to lines 32 through 33 starting at “Provided” and ending at “counsel.”.

On page 14, section §48-9-203, line 29, by striking out the proviso language from on line 29 starting at “after” and ending at “code;”.

On page 14, section §48-9-203, line 44, by striking out the proviso language on line 44 from “Provided” to “code.”

On page 15, section §48-9-204, line 11, by striking out the proviso language to line 11 “full adversarial judicial.”

On page 15, section §48-9-204, line 13, by adding language on line 13 after the word guardian’s “or anyone residing in the household.”

By striking out the language on page 15, section §48-9-204, line 14 after (i) “Has been found by a court to have a substance abuse addiction” and adding language on page 29, section §48-9-401, line 29, after the numeral (i) “is actively using, or has within the past six months, used illegal or illegally obtained prescription drugs; (ii) frequently leaves the child in the care of third parties while pursuing his or her own pleasures; (iii) has been convicted within the past five years of either: child neglect, distributing of illegal substances, possession of illegal substances;

And,

On page 16, section §48-9-204, line 42, by striking the proviso language in line 42 “following a full adversarial judicial hearing.”

On page 16, section §48-9-204, line 47 through 48, by striking the proviso language in line 47 “full adversarial judicial hearing.”

On page 18, section §48-9-206, lines 23 to 24, by adding the proviso language in line 23 “or of abandonment defined in §48-22-306 of this code” after the word “incompetence.”

On page 24, section §48-9-209, line 18, By adding the proviso language to line 18 through 19 after the word fraudulent; adding “or (6) Has abandoned the child as defined in §48-22-306 of this code.”

On page 29, section §48-9-401, line 29, by adding the proviso language to line 29 through 30 after the word “guardian” adding “or anyone residing in the household.”

By striking out the language on page 29, section §48-9-401, line 29 after (i) “Has been found by a court to have a substance abuse addiction” and adding language on page 29, section §48-9-401, line 29, after the numeral (i) “is actively using, or has within the past six months, used illegal or illegally obtained prescription drugs;”.

On page 29, section §48-9-401, lines 30 to 31, by adding the proviso language in line 30 “has abandoned the child in accordance with §48-22-306 of this code” after the numeral (iii).

And,

On page 29, section §48-9-401, lines 32 to 34, by striking out the proviso language in line 30 “has not had any contact with their child for two years or more, unless such lack of contact has been due

to parental alienation by the other parent, nor ever actively sought to obtain additional custody or parenting time with their child or” after the numeral (iii).

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

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote on the amendment and the bill.

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

### **First Reading**

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

**Com. Sub. for S. B. 270**, Providing for collection of tax by hotel marketplace facilitators,

**S. B. 358**, Removing prohibition on ATMs located in area where racetrack video lottery machines are located,

**Com. Sub. for H. B. 2257**, Relating to extended supervision for certain drug offenders,

**Com. Sub. for H. B. 2507**, Remove the limitations on advertising and promotional activities by limited video lottery retailers,

**Com. Sub. for H. B. 2621**, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations,

**Com. Sub. for H. B. 2675**, Relating to costs and interest in eminent domain condemnation proceedings,

And,

**H. B. 2741**, Relating to expansion of the alcohol test and lock program to offenders with a drug related offense.

### **Miscellaneous Business**

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

- Delegate Clark regarding Com. Sub. for H. B. 2025

Delegate Longanacre noted to the Clerk that he was absent when the votes were taken on Com. Sub. for H. B. 2093, and had he been present, he would have voted “Yea” thereon.

Pursuant to House Rule 65, the Speaker announced that the House of Delegates would convene at 5:00 p.m. for Remarks by Members.

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

- H. B. 2060: Delegate Rowe;  
H. B. 2101: Delegate Rowe;  
H. B. 2117: Delegate Rowe;  
H. B. 2120: Delegate Rowe;  
H. B. 2187: Delegate Rowe;  
H. B. 2220: Delegate Rowe;  
H. B. 2233: Delegate Rowe;  
H. B. 2266: Delegate Rowe;  
H. B. 2293: Delegate Rowe;  
H. B. 2589: Delegate Rowe;  
H. B. 2618: Delegate Rowe;  
H. B. 2626: Delegate Steele;  
H. B. 2713: Delegate Mandt;  
H. B. 2758: Delegates Bates, Fast, Hott, L. Pack, Reed, Rowe and Westfall;  
H. B. 2760: Delegates Mandt and L. Pack;  
H. B. 2778: Delegate Ellington;  
H. B. 2831: Delegate Skaff;  
H. B. 2858: Delegate Hansen;  
H. B. 2866: Delegate Ferrell;  
H. B. 2878: Delegate Walker;  
H. B. 2880: Delegate J. Pack;  
And,  
H. C. R. 9: Delegate Worrell.

At 1:39 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 4, 2021.

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





## **SPECIAL CALENDAR**

**Thursday, March 4, 2021**

**23<sup>rd</sup> Day**

**11:00 A. M.**

### **THIRD READING**

Com. Sub. for H. B. 2013 - Relating to the Hope Scholarship Program (HOUSEHOLDER)  
(REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING] [RIGHT TO  
AMEND]

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

### **SECOND READING**

Com. Sub. for S. B. 270 - Providing for collection of tax by hotel marketplace facilitators  
(STEELE) (REGULAR)

S. B. 358 - Removing prohibition on ATMs located in area where racetrack  
video lottery machines are located (REGULAR)

Com. Sub. for H. B. 2257 - Relating to extended supervision for certain drug offenders  
(CAPITO) (REGULAR)

Com. Sub. for H. B. 2507 - Remove the limitations on advertising and promotional activities  
by limited video lottery retailers (CAPITO) (REGULAR)

Com. Sub. for H. B. 2621 - Mandating certification for certain members of fire departments,  
require certain types of training, allow specialized personnel who  
are not firefighters to be members of a department, and require  
the postings of fire department evaluations (STEELE) (REGULAR)

Com. Sub. for H. B. 2675 - Relating to costs and interest in eminent domain condemnation  
proceedings (CAPITO) (REGULAR)

H. B. 2741 - Relating to expansion of the alcohol test and lock program to offenders with a drug related offense (CAPITO) (REGULAR)

### **FIRST READING**

Com. Sub. for S. B. 216 - Authorizing Department of Commerce to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE) [JUDICIARY COMMITTEE AMENDMENT PENDING]

Com. Sub. for S. B. 280 - Relating to e-commerce modernization (STEELE) (REGULAR)

S. B. 372 - Providing greater discretion to WV Board of Medicine to approve graduate clinical training (J. PACK) (REGULAR) [HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING]

Com. Sub. for H. B. 2221 - Relating to the establishment of an insurance innovation process (CAPITO) (REGULAR)

Com. Sub. for H. B. 2335 - Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor (CAPITO) (REGULAR)

H. B. 2382 - Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards (CAPITO) (EFFECTIVE FROM PASSAGE)

H. B. 2701 - Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license (STEELE) (REGULAR)

H. B. 2709 - Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond (CAPITO) (REGULAR)

- H. B. 2764 - Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2765 - Relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights (CAPITO) (REGULAR)
- H. B. 2905 - Relating to repealing the prohibition against the use of certain words (J. PACK) (REGULAR)

## **HOUSE CALENDAR**

**Thursday, March 4, 2021**

**23<sup>rd</sup> Day**

**11:00 A. M.**

### **SECOND READING**

- Com. Sub. for S. B. 272 - Relating to WV Employment Law Worker Classification Act
- Com. Sub. for S. B. 277 - Creating COVID-19 Jobs Protection Act (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2004 - Permit a licensed health care professional from another state to practice in this state through telehealth when registered with the appropriate West Virginia board (J. PACK) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2015 - Requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency (J. PACK) (EFFECTIVE FROM PASSAGE)
- H. B. 2536 - Relating to expressions of legislative intent regarding equivalent instruction time (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2628 - Relating to the removal of the prohibition on having ATMs in the area where racetrack video lottery machines are located (CAPITO) (REGULAR)

### **FIRST READING**

- H. B. 2582 - Relating to creating a third set of conditions for the professional teaching certificate (ELLINGTON) (REGULAR)
- H. B. 2590 - Relating to the West Virginia Employment Law Worker Classification Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2620 - Relating to a departmental study of the child protective services and foster care workforce (J. PACK) (REGULAR)



**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**THURSDAY, MARCH 4, 2021**

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**HOUSE CONVENES AT 11:00 A.M.**

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**PUBLIC HEARING  
COMMITTEE ON THE JUDICIARY  
8:00 A.M. – ROOM 215 E**

[www.wvlegislature.gov/legisdocs/committee/house/judiciary/Announcement-for-Public-Hearing-SB275-scheduled-for-03-04-2021.pdf](http://www.wvlegislature.gov/legisdocs/committee/house/judiciary/Announcement-for-Public-Hearing-SB275-scheduled-for-03-04-2021.pdf)

**COM. SUB. FOR S. B. 275, RELATING GENERALLY TO WV APPELLATE  
REORGANIZATION ACT OF 2021.**

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

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

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

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

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

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