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TWENTY-EIGHTH DAY

Tuesday, March 9, 2021

TWENTY-EIGHTH 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 Monday, March 8, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Evans, a moment of silence was held in memory of Montcalm High School Principal Craig Havens.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 2792, on Second reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for S. B. 270, on Third reading, House Calendar, had been transferred to the Special Calendar; Com. Sub. for S. B. 272 and Com. Sub. for S. B. 277, on Second reading House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on Finance has had under consideration:

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

And,

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

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

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

Your Committee on Finance has had under consideration:

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

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

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

Your Committee on Finance has had under consideration:

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

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

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

H. B. 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management,

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

Com. Sub. for H. B. 2802 - "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 Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2021, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021,"

And,

H. B. 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry,

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

Com. Sub. for H. B. 2803 - "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 Commerce, Division of Forestry, fund 0250, fiscal year 2021, organization 0305, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021,"

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:

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

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

Com. Sub. for H. B. 2770 - "A Bill to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-11a of said code, all relating to including home confinement officers in definition of law-enforcement officers; and authorizing home confinement officers to carry a concealed firearm in certain facilities limited to other law-enforcement officers,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

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

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

Com. Sub. for 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,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

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

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

Com. Sub. for H. B. 2682 - "A Bill to amend and reenact §33-12-8 and §33-12-9 of the Code of West Virginia, 1931, as amended, and to amend and reenact §33-12B-13 and §33-12B-14 of said code, all relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements; changing the requirement that the Insurance Commissioner send license suspensions to insurance producers by certified mail with a requirement that the suspensions be sent by electronic mail or regular mail, if requested; providing that each agent, insurance agency, solicitor, or service representative must report his or her respective electronic mail address to the Insurance Commissioner and providing time periods to report changes of information provided to Insurance Commissioner; changing the requirement that the Insurance Commissioner send license suspensions to insurance adjusters by certified mail with a requirement that the suspensions be sent by electronic mail or regular mail, if requested; and providing that each insurance adjuster must report his or her respective electronic mail address to the Insurance Commissioner and providing time periods to report changes of information provided to Insurance Commissioner,"

And,

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

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

Com. Sub. for H. B. 2758 - "A Bill to amend and reenact §51-10-1 and §51-10-8 of the Code of West Virginia, 1931, as amended, all relating to requiring the Insurance Commissioner to regulate professional bondsmen; providing definitions; requiring the Insurance Commissioner to promulgate and propose rules and regulations to carry out the intent, administration and enforcement of the article; requiring the insurance commissioner to promulgate and propose rules and regulations regarding qualifications of bondsman; setting forth requirements for bondsman applicants; setting forth filing requirements for bondsmen with the Insurance Commissioner; setting forth renewal requirements for bondsman authorization; providing criminal penalty for false affidavit; requiring Insurance Commissioner to keep a list of authorized bondsmen and furnish to a place of detention upon request; and, after July 1, 2022, requiring all bondsmen to be authorized by the Insurance Commissioner,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

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

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

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

Your Committee on Government Organization has had under consideration:

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

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

Com. Sub. for H. B. 2916 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-13A-1, §4-13A-2, §4-13A-3, §4-13A-4, §4-13A-5, §4-13A-6, and §4-13A-7, relating to the creation of the West Virginia Semiquincentennial Commission and Fund to support the celebration of the 250th anniversary of our nation's founding; providing for the method and manner by which the commission shall be appointed; providing for expense reimbursement for the commission's members; establishing the powers and duties of the commission; and providing a sunset provision for the commission,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2763, Creating WV Cyber Incident Reporting,

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

Com. Sub. for H. B. 2763 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-6C-1, §5A-6C-2, §5A-6C-3, and §5A-6C-4, all relating to "West Virginia Cyber Incident Reporting;" providing for definitions; applying the scope to all state agencies within the executive branch, Constitutional officers, all local government entities, county boards of education, the judicial branch, and the legislative branch; providing criteria for reporting incidents; and providing for an annual report,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 2932, Protections for Charitable Organizations,

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. 2031, West Virginia Development Achievements Transparency Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2031) was referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

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

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 (Com. Sub. for S. B. 275) was referred to the Committee on Finance.

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,

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

Com. Sub. for H. B. 2382 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from municipal solid waste landfills; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to acid rain provisions and permits; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of greenhouse gas emissions from existing coal-fired electric utility generating units; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment rule,"

With the recommendation that the committee substitute do pass.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 8, 2021, he approved **H. B. 2019**.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 294 - "A Bill to amend and reenact §18-30-3, §18-30-4, and §18-30-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-30-6a, all relating to savings and investment programs offered by the state; defining terms; reconciling definition of 'qualified education expenses' with federal law for college savings program tax benefit purposes; increasing number of persons on the Board of Trustees of the College Prepaid Tuition and Savings Program; requiring that certain members appointed to the board have experience, knowledge, or skill in a financial field; providing that reasonable efforts shall be made to appoint one member to board with a CFA; authorizing early closure of Prepaid Tuition Trust Plan and fund upon depletion of fund and election of board; authorizing board to expend moneys in the Prepaid Tuition Trust Plan Escrow Fund to satisfy outstanding obligations of the Prepaid Tuition Trust Plan; specifying when Prepaid Tuition Plan account owner assets are presumed abandoned; providing for allocation of moneys remaining in escrow fund upon closure of the Prepaid Tuition Plan; permitting board to maintain a certain amount in the escrow fund for 10 years following closure of the Prepaid Tuition Trust Fund to satisfy potential claims; providing conditions for final closure of escrow fund;

creating a nonappropriated special revenue account; transferring moneys from escrow fund to the special revenue account; authorizing receipts to, and expenditures from, the special revenue account for certain purposes related to new savings and investment programs; providing for investment of moneys in special revenue account; removing obsolete language; and making technical corrections”; which was referred to the Committee on Education then Finance.

A message from the Senate, by

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

S. B. 305 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9t, relating to providing an exemption from the consumers sales and service tax for purchases of certain services and tangible personal property sold for the repair, remodeling, and maintenance of aircraft with an empty weight of 6,000 pounds or greater; defining terms; specifying a method for claiming exemption; authorizing emergency rules and promulgation of legislative rules; and establishing the effective date of the section”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 343 - “A Bill to amend and reenact §17B-2-13 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to renew or reissue driver’s licenses and identification cards online upon request due to a change of address”; 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

Com. Sub. for S. B. 375 - “A Bill to amend and reenact §18-5-16 of the Code of West Virginia, 1931, as amended, relating to county board of education open enrollment; amending provisions pertaining to the contents of county board of education policies for open enrollment; setting forth reasons for which an open enrollment application may be denied and the process for application denial; and amending provisions pertaining to funding in certain instances of a student transfer”; which was referred to the Committee on Education.

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. 376 - “A Bill to amend and reenact §17C-15-37 of the Code of West Virginia, 1931, as amended, relating to removing inoperative provisions requiring Commissioner of the Division of Highways set standards for studded snow tires”; 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. 390 - “A Bill to amend and reenact §33-4A-1, §33-4A-2, §33-4A-3, §33-4A-4, §33-4A-5, §33-4A-6, §33-4A-7, and §33-4A-8 of the Code of West Virginia, 1931, as amended, all relating to

the all-payer claims database; reflecting that Health Care Authority is part of the organizational structure of the Department of Health and Human Resources and is no longer a separate governmental agency; and clarifying and accurately delineating the roles of the entities responsible for the all-payer claims database"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

S. B. 397 - "A Bill to amend and reenact §11-27-39 of the Code of West Virginia, 1931, as amended, relating to the health care provider tax; defining terms; modifying effective date; and removing expiration date for the tax"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 404 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6A-7a, relating to modifications of well work permits issued by the Department of Environmental Protection's Office of Oil and Gas"; which was referred to the Committee on Energy and Manufacturing.

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. 421 - "A Bill to amend and reenact §21A-2-6 of the Code of West Virginia, 1931, as amended, relating to the general powers and duties of the Commissioner of Workforce West Virginia; and authorizing the agency to hire additional employees to serve at the will and pleasure of the commissioner"; 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

Com. Sub. for S. B. 429 - "A Bill to amend and reenact §5A-3-3a of the Code of West Virginia, 1931, as amended, relating to Division of Emergency Management purchase and sale of commodities and services; exempting division from Purchasing Division requirements concerning contracts for purchase of commodities or services; providing exception; and authorizing Agency for Surplus Property to transfer funds generated from the sale of vehicles, other equipment, and commodities belonging to the Division of Emergency Management to the WV Interoperable Radio Project special revenue account"; 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

Com. Sub. for S. B. 435 - "A Bill to amend and reenact §21-6-3, §21-6-4, §21-6-5, and §21-6-10 of the Code of West Virginia, 1931, as amended, all relating to issuance of a work permit for a child 14 or 15 years of age; authorizing certain additional persons to issue a work permit; requiring review rather than receipt of certain documents required as a condition of the issuance of a work permit; providing exception to the requirement for a certificate showing that the child is attending school;

resolving conflict as to whether child must appear before the person issuing the work permit; and requiring the printed forms for work permits be made available to all authorized to issue work permits”; which was referred to the Committee on Education.

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. 469 - “A Bill to amend and reenact §39-4-6 of the Code of West Virginia, 1931, as amended; and by adding thereto three new sections, designated §39-4-6a, §39-4-37, and §39-4-38, all relating to personal appearance required for notarial acts; requiring the Secretary of State to propose legislative rules establishing requirements for the performance of a notarial act on behalf of an individual appearing before a notary public by means of communication technology; recognizing the validity of notarization performed by means of communication technology pursuant to section 6 of the Governor’s Executive Order 11-20 effective March 25, 2020; defining terms; authorizing a notary public to perform notarial acts for remotely located individuals using communication and identity-proofing technology provided certain requirements are fulfilled; and specifying the means by which a notary public must identify a remotely located individual”; 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 concurrent resolution, which was read by its title and”; referred to the Committee on Technology and Infrastructure then Rules:

S. C. R. 15 – “Requesting the United States Army Corps of Engineers to extend that certain leases between the United States Army Corps of Engineers and the County Commission of Nicholas County, West Virginia, on behalf of the Nicholas County Airport Authority.”

Whereas, The core mission of the United States Army Corps of Engineers is dedicated to strengthening our nation’s security by building and maintaining infrastructure, researching, and developing technology, promoting stability, and improving quality of life; and

Whereas, West Virginia has recently made efforts to revitalize and develop new and existing tourism and commerce industries of the state, including educational, recreational, and economic, and military opportunities and development; and

Whereas, Extending certain leases between the United States Army Corps of Engineers and the Nicholas County Airport Authority, will permit the Nicholas County Airport Authority to manage and maintain facilities located at the Summersville Airport, would facilitate the development of educational, recreational, economic, and military-related opportunities in West Virginia, including, but not limited to, tourism of Summersville Lake, New River Gorge National Park and Preserve, and the surrounding area; development of new flight instruction programs; relocation of existing flight instruction programs; development and relocation of new or existing medical air transport companies; development of charter and air taxi services; sales, service, repair, and storage of aircraft; facilitation of activities related to the Summit Bechtel Reserve National Scout Camp and Young Life summer programs; therefore, be it

Resolved by the Legislature of West Virginia:

That the United States Army Corps of Engineers to extend that certain leases between the United States Army Corps of Engineers and the County Commission of Nicholas County, West Virginia, on behalf of the Nicholas County Airport Authority; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the United States Army Corps of Engineers.

Resolutions Introduced

Delegates Reed, Worrell, Barrett, Hardy, Forsht and Horst offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 28 - "Requesting the Division of Highways name bridge number 02-009/00-002.54 (02A176), locally known as Johnstown Bridge, carrying WV Route 9 over Tilhance Creek in Berkeley County, the 'Paul J. Hofe Memorial Bridge'."

Whereas, Paul J. Hofe was born on April 16, 1936, at Little Orleans in Allegany County Maryland; and

Whereas, Paul J. Hofe served dutifully in the United States Army at the rank of Private; and

Whereas, Following his military service, Paul J. Hofe became a resident of Berkeley County, West Virginia, and began a career with the Internal Revenue Service that lasted 35 years; and

Whereas, In 1969, Paul J. Hofe started his own company, Hofe's Well Drilling, and thus embarked upon a second career through which he would become known to many people throughout the area for the next 50 years; and

Whereas, Access to clean drinking water became a passion for him, and Paul J. Hofe participated in many professional associations and water-related programs including the National Groundwater Association and the South Atlantic Well Driller Jubilee, in which he also served as director and president. He also participated actively in the development of well regulations which were eventually promulgated by the state health department; and

Whereas, Paul J. Hofe often donated his time and resources to drill wells for charitable organizations, including the Poor House Farm Park, Berkeley County Youth Fair, and several churches in the Eastern Panhandle. He was also known to drill wells at his own expense for families without the financial means to pay for the service and, through his company, he sponsored the Hedgesville Little League and the baseball and basketball teams for Hedgesville High School; and

Whereas, Paul J. Hofe's service to his community ended on March 5, 2019, when he passed away after a battle with Alzheimer's Disease; and

Whereas, It is fitting that an enduring memorial be established to commemorate Paul J. Hofe 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 02-009/00-002.54 (02A176), locally known as Johnstown Bridge, carrying WV Route 9 over Tilhance Creek in Berkeley County, the "Paul J. Hofe 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 "Paul J. Hofe 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.

Delegates Keaton, Barnhart, Booth, Bruce, Clark, Dean, Fast, Ferrell, Forsht, Graves, Hamrick, Hanna, Haynes, Higginbotham, Horst, Householder, Howell, D. Jeffries, J. Jeffries, Kessinger, Kimble, Linville, Longanacre, Mandt, Mazzocchi, L. Pack, Pethtel, Phillips, Pinson, Pritt, Queen, Reed, Riley, Smith, Steele, Summers, Sypolt, Wamsley, B. Ward, G. Ward and Worrell offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 29 - "Applying to the Congress of the United States to call a convention for proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress: and adopting certain reservations, understandings and declarations limiting the application."

Whereas, Executive orders by the President of the United States have become a vehicle through which the President may overstep the limits of his or her constitutional authority; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations and special interests in Washington, D. C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the Constitution of the United States through a limited convention of the states under Article V; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution, legislative call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Delegates from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; and, be it

Further Resolved, The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings and declarations:

(1) An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

(2) Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two thirds of the legislatures of the several states;

(3) Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

(4) By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

(5) A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void *ab initio* if ever used at any stage to consider any change to any provision of the Bill of Rights;

(6) Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

(7) The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided.

Delegates Kessinger, Steele, Clark, Mazzocchi, Kimble, Higginbotham, Hott, Reynolds, Burkhammer, Westfall and Wamsley offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 30 - "Requesting the Joint Committee on Government and Finance to study the importance of legislation prohibiting the State or its instrumentalities from contracting with, investing in, or otherwise doing business with entities involved in the Boycott, Divestment, and Sanctions Movement against Israel."

Whereas, The state of Israel is one of the United States' closest allies and international trading partners; and

Whereas, In recent years, the State of Israel and Israeli-owned businesses have been the target of economic, cultural, and academic boycotts; and

Whereas, These attempts to isolate Israel within the international arena have served as a vehicle for spreading anti-Semitism and advocating for the elimination of the Jewish state; and

Whereas, The Boycott, Divestment, and Sanctions Movement is deeply damaging to the causes of peace, justice, equality, democracy, and human rights for all people in the Middle East; and

Whereas, The State of West Virginia has an economic and a humanitarian obligation to denounce and reject the Boycott, Divestment, and Sanctions Movement, and to prevent the state or any of its instrumentalities from entering into contracts with, investing in, or otherwise doing business with entities that engage in the movement; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the impacts of the Boycott, Divestment, and Sanctions Movement and the importance of adopting legislation divesting the state of any agreements, investments, or contracts with entities participating in the movement; and, be it

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

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

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

H. C. R. 31 - "Commending Former President Donald John Trump for his service, admiration, and dedication to the state of West Virginia as the 45th President of the United States."

Whereas, Former President Donald John Trump worked tirelessly for the people of West Virginia by protecting and promoting pro-energy policies, protecting constitutional rights, promoting state's rights, fair trade, tax cuts, lowering prescription drug costs, rolling back Obama-era EPA rules, eliminating unnecessary regulations, recognizing the severity of the opioid epidemic, protecting the nation from enemies foreign and domestic, and by putting America First; and

Whereas, In a re-election bid in West Virginia, former President Donald John Trump won 545,382 votes, the highest number of raw votes and percentage in the history of the great state of West Virginia on November 3, 2020; and

Whereas, Former President Donald John Trump won more votes from West Virginians than some of the most notable presidents in history including but not limited to Franklin D. Roosevelt, John F. Kennedy, Richard Nixon, Ronald Reagan, and Barack Obama; and

Whereas, The super majority of citizens of the State of West Virginia wish to recognize the historic accomplishments of the Trump Administration; and

Whereas, It is appropriate that the West Virginia Legislature recognize the legacy of West Virginia's most popular president, former President Donald John Trump, by commending him for his service, admiration, and dedication to West Virginia as the 45th President of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That the State of West Virginia commends former President Donald John Trump for his service, admiration, and dedication to the State of West Virginia as the 45th President of the United States; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the former President.

Delegates Haynes, Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Bridges, Brown, Bruce, Capito, Clark, Conley, Cooper, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Evans, Ferrell, Fleischauer, Fluharty, Forsht, Garcia, Graves, Griffith, Hamrick, Hanna, Hansen, Hardy, Higginbotham, Holstein, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimes, Linville, Longanacre, Lovejoy, Mallow, Mandt, Martin, Maynard, Nestor, J. Pack, L. Pack, Paynter, Pethtel, Phillips, Pinson, Pritt, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Smith, Statler, Storch, Summers, Sypolt, Thompson, Toney, Tully, Walker, Wamsley, B. Ward, G. Ward, Westfall, Williams, Worrell, Young, Zatezalo and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 32 - "Requesting the Division of Highways name the entire length of road designated as County Route 9 and County Route 14 in Fayetteville, situated in Fayette County, West Virginia, locally known as 'Gatewood Road', as the 'Senator Shirley Love Memorial Road'."

Whereas, Shirley Dean Love was born on May 15, 1933, as the son of the late Earl Clinton and Winona May Hall Love; and

Whereas, His unusual Christian name was the suggestion of a family nurse, the wife of newspaper columnist Shirley Donnelly, since she felt the newborn child resembled one of her own; and

Whereas, Love was gifted with an outstanding singing voice, and it was a little-known hymn he sang one Sunday in the Oak Hill United Methodist Church that caught the attention of the owner of WOAY Radio Station, who invited him to audition for a job as an announcer and ultimately helped launch his career; and

Whereas, From the time he was eight years old, Love was a steadfast member of the church's choir; and

Whereas, Shirley Love graduated from Collins High School in 1952; and

Whereas, His fame began to mushroom while anchoring "Saturday Night Wrestling", which Shirley Love described as a "Southern West Virginia Saturday night opera", who also noted that the wrestling show had a longer television run than "Gunsmoke"; and

Whereas, Before long, Shirley Love had a following that propelled him into a career in state politics; and

Whereas, For 11 years, he served in the West Virginia House of Delegates and invested 18 years in the state Senate; and

Whereas, Early on, Love's engaging, ever-present smile won him many lifelong friends and he quickly built a reputation in the state Legislature as a tireless worker, always willing to listen to the concerns of his constituents; and

Whereas, A decade ago, he was the subject of a biography, "A Man Called Shirley", a chronicle of his colorful and productive life that made him a household name across his native West Virginia; and

Whereas, Sadly, Shirley Dean Love passed away on July 17, 2020, at the age of 87; and

Whereas, Preceding him in death were a son, Dr. Brian Stephen Love; sisters Earline Treadway, Loraine Minnix, and Ruth Veigh, and a brother, James Love, III; and

Whereas, Cherishing his memory are his loving wife of 68 years, Audrey Love; a son, James "Jimmy" Love, IV; a daughter, Christie Love; grandchildren, James Love, V and companion Mary Nell, and also Sarah Love, the mother of James' children, Matthew Love (Allison), Robert Love (Amanda), Benjamin Love (Tiffany), Mary Beth Knight (Pete), and Michael Love and companion Lauren Satyshur; 11 grandchildren; a sister, Margaret Ann Painter; and

Whereas, For these reasons it is fitting and proper that the entirety of Gatewood Road be named in honor of Shirley Love; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the entire length of road designated as County Route 9 and County Route 14 in Fayetteville, situated in Fayette County, West Virginia, locally known as "Gatewood Road", as the "Senator Shirley Love Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to erect signs at both ends of Gatewood Road containing bold and prominent letters proclaiming the road as the "Senator Shirley Love Memorial Road"; and, be it

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

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

H. C. R. 33 - "Requesting the Division of Highways name bridge number 02-7-5.94 (02A015), locally known as Elk Branch Bridge, carrying County Route 7 over Elk Branch in Berkeley County, the 'Norman A. and Carrie G. Silver Memorial Bridge'."

Whereas, Norman A. Silver was born in 1913, married his childhood sweetheart, Carrie G. Shriver, and together they had 13 children. Norman and Carrie Silver farmed over 1,800 acres of land and, with their children, operated a local sawmill; and

Whereas, Mr. and Mrs. Silver were long-time residents of Berkeley County, dedicating their lives to the ministry, and donating land for churches and rescue missions. They also donated land to the State of West Virginia on Back Creek Valley Road in Hedgesville, West Virginia, to make the road and bridge safer, turning it from a one lane to a two-lane bridge; and

Whereas, It is fitting that an enduring memorial be established to commemorate Norman A. and Carrie G. Silver for their service to their ministry, their community and the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 02-7-5.94 (02A015), locally known as Elk Branch Bridge, carrying County Route 7 over Elk Branch in Berkeley County, the "Norman A. and Carrie G. Silver Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Norman A. and Carrie G. Silver Memorial Bridge"; and, be it

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

Delegates Young, Barach, Bates, Booth, Brown, Bruce, Clark, Conley, Diserio, Fleischauer, Fluharty, Forsht, Garcia, Griffith, Hansen, Holstein, Hornbuckle, Horst, Hott, J. Jeffries, Jennings, Kimble, Longanacre, Lovejoy, Mallow, Martin, McGeehan, Nestor, J. Pack, Phillips, Pinson, Pritt, Pushkin, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Storch, Thompson, G. Ward, Williams, Worrell and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. C. R. 34 - "Declaring the 'pepperoni roll' to be the official State Food of West Virginia."

Whereas, Often referred to as the "unofficial state food of West Virginia", the simple-to-make pepperoni roll is more than the sum of its parts, every single bite is filled with soft, warm bread infused with flavor from the freshly cut, delicately seasoned pepperoni; and

Whereas, Philadelphia may have its cheese steak and New York its bagels, the pepperoni roll was first created in Fairmont, around 1927 by Italian immigrant baker, Giuseppe "Joseph" Argiro, and it should be no surprise that it quickly became a daily staple for coal miners and struggling families; and

Whereas, In 1987 when the United States Department of Agriculture proposed restrictions that threatened to put the family-owned bakeries of pepperoni rolls out of business, West Virginia Pepperoni Roll producers contacted Senator Jay Rockefeller who intervened and successfully saved the entire industry; and

Whereas, Today, the humble pepperoni roll is ubiquitous around the mountain state and may be found in restaurants, bakeries, convenience stores and family kitchens, eaten cold or hot, this simple food continues to sustain West Virginians from every walk of life, coal miners, artists, business people and students; and

Whereas, Country Club, Tomarro's, Chico's Dairy, Colasessano's and Nu Era Bakery are only a few names that may not be in business today if the proposed change had been implemented. The pepperoni roll is as popular as ever and is enjoyed everyday throughout West Virginia and the states that our bakeries supply; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby recognizes the significance of the "pepperoni roll" in the state and by so doing declares that the "pepperoni roll" is the official State Food of West Virginia; and, be it

Further Resolved, That all citizens of West Virginia to join in recognizing the value and importance of pepperoni rolls in West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward copies of this resolution to the pepperoni roll bakeries of West Virginia.

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

By Delegates Doyle, Evans, Fleischauer, Zukoff, Young, Garcia, Williams, Griffith, Thompson, Hornbuckle and Bates:

H. J. R. 27 - "Proposing an amendment to the Constitution of the State of West Virginia, amending article IV thereof by adding thereto a new section, designated section thirteen, relating to the arrangement of congressional, senatorial and delegate districts after census by creating a State Redistricting Commission; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Political Subdivisions then Government Organization then the Judiciary.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

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

H. B. 2027 - "A Bill to amend and reenact §11-13A-3 and §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said article by adding thereto a new section, designated §11-13A-3f; to amend and reenact §11-15-2, §11-15-3, §11-15-8, §11-15-9, and §11-15-9h; to amend and reenact §11-15A-2; to amend and reenact §11-16-13; to amend and reenact §11-17-3 and §11-17-4b; to amend said code by adding thereto a new article, designated §11-18-1, §11-18-2, §11-18-3, §11-18-4, §11-18-5, §11-18-6, §11-18-7, and §11-18-8; to amend and reenact §11-19-2; to amend and reenact §11-21-77, and to amend said article by adding thereto new sections, designated §11-21-4g and §11-21-25; to amend and reenact §60-3A-17; and to amend and reenact §60-8-4, all relating to optimizing economic efficiency and revenue efficiency of the West Virginia tax structure, across multiple facets of the tax system, and to modernize State taxation to reflect best practices, and standards for an integrated tax system; relating to the severance tax imposed on the privilege of severing coal, oil, natural gas and natural gas liquids, for sale, profit or commercial use; specifying classifications of certain natural resources; specifying tiered rates for certain classifications of natural resources; imposing tax on natural gas liquids; specifying tax rate on severance of natural gas liquids; increasing the excise tax on bottled soft drinks, and dry mixtures; changing the rate of the consumer sales and service tax and use tax; relating to the imposition of the consumers sales and service and the use tax upon the provision of professional services; exempting from tax the provision of professional medical services and professional veterinary services; relating to the imposition of the consumer sales and service and use tax on advertising services, lottery tickets, electronic data processing, personalized fitness services, and certain high technology services and equipment; relating to increasing the rate of the beer barrel tax; relating to increasing the excise tax on cigarettes, other tobacco products, and e-cigarette liquid; relating to imposition of a tax on luxury items sold, used or delivered into West Virginia; imposing tax on certain luxury items; specifying rates, specifying aggregation of sales; specifying incidence of tax; specifying economic nexus; specifying tax in addition to other taxes; specifying tax returns and payment and combined return; specifying application of West Virginia Tax Procedure and Administration Act; specifying application of West Virginia Tax Crimes and Penalties Act; providing an increase in the rate of the wine liter tax; reducing the personal income tax rates on nonbusiness income beginning after December 31, 2021; similar rate reductions are provided for married taxpayers filing separately; providing for separate rates, modifications, credits, and method for calculation personal income tax for certain types of unearned and business income, providing a tax credit for low income households to offset the sales tax increase; providing for early payment of the credit; setting a minimum wholesale markup percentage

for liquor sales; making technical corrections; specifying effective dates; authorizing promulgation of rules; and defining terms”; to the Committee on Finance.

By Delegates Householder and Criss:

H. B. 2988 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-12-5b, relating to revocation, cancellation, or suspension of business registration certificates where the registrant filed a false or fraudulent application for a business registration certificate, failed to pay taxes, additions to taxes, penalties, interest, or where the Secretary of State has revoked the registrant’s authority to conduct business; establishing causes for revocation, cancellation, or suspension; directing means of notice and opportunity for cure; providing procedures therefor; and specifying effective date”; to the Committee on the Judiciary.

By Delegate Martin:

H. B. 2989 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, §7-28-6, and §7-28-7, all relating to requiring local entities to enforce immigration laws; providing for definitions; providing for applicability; requiring that a local entity not prohibit the enforcement of immigration laws or the cooperation with other governmental agencies to enforce immigration laws; prohibiting discrimination; providing for a complaint procedures; providing for notice of noncompliance to the local entity; providing for actions to ensure compliance; providing for the denial of state funds to local entities in a final judicial determination; providing for exceptions under certain circumstances; and providing for severability”; to the Committee on the Judiciary then Finance.

By Delegates Anderson, J. Kelly, Conley, Criss, Barnhart and Fast:

H. B. 2990 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §7-1-17 and §8-12-22, all relating to requiring that county commissions and municipalities who intend to approve a new or existing location for a limited video lottery retailer must first announce their intention to do so; and providing that those entities hold a public hearing before approval”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Brown, Lovejoy, Dean, Paynter, Zukoff and Boggs:

H. B. 2991 - “A Bill to amend and reenact §11A-1-17 of the Code of West Virginia, 1931, as amended, relating to sheriff’s commission for collection of taxes and fixing the commission at \$15,000 annually”; to the Committee on the Judiciary.

By Delegate Bates:

H. B. 2992 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9G-3, relating to the Tobacco Cessation Initiative Program; creating the Tobacco Cessation Initiative Program Special Revenue Account within the State Treasury to be administered by the Director of the Bureau for Public Health”; to the Committee on Health and Human Resources then Finance.

By Delegates Howell, Storch, Hamrick, Steele, Foster and Hardy:

H. B. 2993 - “A Bill to amend §12-2-2 of the Code of West Virginia, 1931, as amended, relating to the ability of the West Virginia State Treasurer to charge a monthly penalty amount to spending units receiving a finding by the Legislative Auditor or Performance Evaluation and Research Division of a lack of internal controls for the collection of state funds”; to the Committee on Finance.

By Delegates Pushkin, Young, Walker, Dean, Rowe, Hornbuckle and Skaff:

H. B. 2994 - “A Bill to amend and reenact §18-3-12 of the Code of West Virginia, 1931, as amended, relating to modifying the special community development school pilot program”; to the Committee on Education.

By Delegates Longanacre, Worrell, Barnhart, Mallow, Mandt, Wamsley, Bruce and Burkhammer:

H. B. 2995 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9b, relating to creating the 'Two Path Education Reform Act;' providing legislative findings; establishing two pathways for students to choose educational career paths tailored to their individual needs; setting the framework for 'white-collar' and 'blue-collar' packets, but allowing the county boards of education in West Virginia to develop the contents of the packets; and providing an effective date"; to the Committee on Education.

By Delegates Doyle, Fleischauer, Young, Hornbuckle, Griffith, Thompson, Zukoff, Garcia, Williams, Evans and Bates:

H. B. 2996 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to creating the Independent Redistricting Commission; designating duties of the commission; providing that members are nominated by State Election Commission; setting forth required traits and restrictions of members; providing for how commission members are appointed; setting forth a process for determining the chair of the commission; providing for the filling of vacancies of commission; requiring members to conduct an organizational meeting and select a vice chairperson; providing for the removal of a member for cause; providing for the filling of vacancies that may occur on commission; setting forth certain requirements of the commission; providing that three members constitute a quorum; providing that members are ineligible for public office or registration as paid lobbyist for three years after completing their last term on commission; requiring that commission plan and propose congressional and legislative districts; providing specific criteria that commission must observe in proposing district mappings; requiring commission to advertise a proposed draft map of districts to the public; permitting legislators to make inquiry of commission members regarding their methodology and proposed redistrict mapping; requiring that commission publish its proposals for district boundaries; requiring the commission to recommend redistricting plans to the Legislature; authorizing a vote on the plans in an extraordinary session called by the Governor; requiring the full Legislature to vote on the first proposal plan ratification without amendment; setting forth a process for subsequent proposed plans, amendment restrictions, and vote requirements; authorizing the West Virginia Supreme Court of Appeals to make the final determination between three plans proposed by the Independent Redistricting Commission if the Legislature and Governor cannot agree; requiring that the commission certify to Secretary of State that its proposals for district boundaries is in accordance with constitutional and legal requirements; providing for reimbursement of expenses and per diem allowances for commission members; authorizing the commission to contract for staffing and consultants; providing administrative assistance to the commission from the Joint Committee on Government and Finance upon request; prohibiting certain persons from influencing or attempting to influence district mapping proposals of the commission; and providing for the expiration of commission appointments"; to the Committee on Government Organization then the Judiciary then Finance.

By Delegates Haynes, Graves, J. Pack, Kessinger, Phillips, Steele, Bates, Hanna, Toney and G. Ward:

H. B. 2997 - "A Bill to amend and reenact §11-14C-34 of the Code of West Virginia, as amended, relating to adding a defense to the civil penalty imposed for a result of delivery of fuel to a state other than the destination state printed on the shipping document for fuel"; to the Committee on the Judiciary.

By Delegates Higginbotham, Skaff, Barrett, Rowe, Reed and Garcia:

H. B. 2998 - "A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination

based upon age and sexual orientation, or gender identity; and defining 'sexual orientation' and 'gender identity'; to the Committee on Workforce Development then Government Organization then the Judiciary.

By Delegates Fast, McGeehan, Kessinger, Haynes and Gearheart:

H. B. 2999 - "A Bill to amend and reenact §8A-12-12 of the Code of West Virginia, 1931, as amended, relating to ending the authority of county farmland protection boards to acquire ownership of farm property or other properties for farmland protection"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Holstein:

H. B. 3000 - "A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-7-11a of said code, all relating to permitting circuit court judges to carry a concealed firearm for self-defense purposes"; to the Committee on the Judiciary.

By Delegates Worrell, Dean, Young, Wamsley, Pushkin, Storch, Fleischauer and Bates:

H. B. 3001 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-4F-1, §9-4F-2, §9-4F-3, §9-4F-4, §9-4F-5, §9-4F-6, §9-4F-7, §9-4F-8, and §9-4F-9, all relating to creating the Affordable Medicaid Buy-In Program; requiring the Department of Health and Human Resources to develop and administer the Affordable Medicaid Buy-In Plan; setting eligibility criteria and coverage requirements; specifying role and duties of the Department of Health and Human Resources; establishing an advisory council to the Affordable Medicaid Buy-In Program; defining terms; setting limitations of employers; requiring a full-cost option be available for individuals who do not meet financial qualifications; requiring rule-making; and mandating application for a federal innovation waiver"; to the Committee on Health and Human Resources then Finance.

By Delegates Worrell, Dean, Paynter, Howell, Evans, Toney, Reed, Booth, Brown, Bridges and Bates:

H. B. 3002 - "A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to requiring the commissioner of highways to post online any petition, notice, order, decision, or other record related to the abandonment or discontinuance of any state highway or road, or any part thereof; and providing that any member of the public shall be allowed to participate in or attend a hearing relating to the abandonment or discontinuance of any state highway or road by virtual means"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Young:

H. B. 3003 - "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 actions for discriminatory practices before the human rights commission; providing that certain employers with two or more employees are subject to the article; including an individual who provides work for an employer under the terms of an independent contract with the employer in the definition of 'employee'; increasing the time period in which to bring an action before the human rights commission to three years after the alleged act of discrimination"; to the Committee on Workforce Development then the Judiciary.

By Delegates Young, Thompson, Walker and Bates:

H. B. 3004 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, and §16-63-5, all relating to creating the 'Third-Party Food Delivery Services Act,' providing definitions; requiring express authorization from food facilities to third-party delivery services; establishing fee limits during declared emergencies; providing for penalties and enforcement; and providing an effective date"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Young, Thompson, Worrell, Paynter and Dean:

H. B. 3005 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1A-12, relating to requiring a warrant for the disclosure of certain third-party information"; to the Committee on the Judiciary.

By Delegates Young, Hornbuckle, Pushkin, Thompson, Zukoff, Barach, Williams, Walker, Diserio and Garcia:

H. B. 3006 - "A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-8A-5, all relating to creating a homeless education coordinator in counties designated by the state board as an urban county"; to the Committee on Education then Finance.

By Delegates Young, Thompson, Hornbuckle, Williams and Bates:

H. B. 3007 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-6-1, §5B-6-2, §5B-6-3, §5B-6-4, §5B-6-5, and §5B-6-6, all relating to establishing a pilot program to provide grants to workers who relocate to West Virginia as remote workers; creating program; defining terms; specifying eligibility criteria, and limitations on grant awards; requiring the Department of Commerce to implement a simple application procedure, to market the program; and to determine appropriate measures to evaluate the benefits of the program; authorizing promulgation of emergency rules; requiring an annual report; and specifying a date for the end of the pilot program"; to the Committee on Workforce Development then Finance.

By Delegate Rowan:

H. B. 3008 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated article §5A-3C-1, §5A-3C-2, §5A-3C-3, §5A-3C-4, and §5A-3C-5, all relating to establishing a procedure for the closure of state facilities in small communities; legislative intent; establishing procedure requirements; providing that a study be conducted to determine the impact of the proposed closure on the community; requiring that the study be provided to the county commission and any municipality in which the facility is located and for public availability; providing for a public hearing; providing for proposal of legislative rules; and prescribing the effective date"; to the Committee on Government Organization then Finance.

By Delegates Ellington, Higginbotham, Toney, J. Kelly, Conley and Kimes:

H. B. 3009 - "A Bill to amend and reenact §18-9-3a of the Code of West Virginia, 1931, as amended, relating to the publication of county board financial statements"; to the Committee on Education.

By Delegates Householder and Criss:

H. B. 3010 - "A Bill to amend and reenact §11-6L-4 of the Code of West Virginia, 1931, as amended, relating to the valuation of new cell towers at salvage value for ad valorem property tax purposes, providing that cell towers not subject to valuation by the Board of Public Works will be valued and assessed according to procedures set forth in §11-3-1 *et seq.* of the West Virginia Code"; to the Committee on Finance.

By Delegates Storch and Howell:

H. B. 3011 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §44E-1-1, §44E-1-2, §44E-1-3, §44E-1-4, §44E-1-5, §44E-1-6, §44E-1-7, §44E-1-8, §44E-1-9, §44E-1-10, §44E-1-11, §44E-1-12, §44E-1-13, §44E-1-14, §44E-1-15, §44E-1-16, §44E-1-17, and §44E-1-18, all relating to creating the West Virginia Uniform Fiduciary Access to Digital Assets Act; providing a short title; defining certain terms; setting forth to whom the article applies; providing for user direction for disclosure of assets; addressing terms of service agreements; setting forth procedure for disclosing digital assets; providing for disclosure of content of electronic

communications and other digital assets of deceased users; providing for disclosure of content of electronic communications of a principal; addressing disclosure of digital assets of a principal; addressing disclosure of digital assets held in trust when the trustee is an original owner or user; addressing disclosure of digital assets held in trust when trustee is not an original owner or user; addressing disclosure of digital assets to conservator of a protected person; setting forth fiduciary's duties and authority; providing for custodian's compliance and immunity; providing for uniformity of application and construction of article; and addressing relation of article to Electronic Signatures in Global and National Commerce Act"; to the Committee on the Judiciary.

By Delegates Storch, Barnhart, Martin, Hamrick, Howell, Queen, Criss, Capito, L. Pack, Rohrbach and Householder:

H. B. 3012 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, §31-18F-3, §31-18F-4, §31-18F-5, §31-18F-6, §31-18F-7, §31-18F-8, §31-18F-9, and §31-18F-10, all relating to creating the 'First Time Home Buyer Savings Account Act'; providing definitions; creating first time home buyer savings account; providing for subtractions from federal adjusted gross income; providing limits applicable to subtraction from federal adjusted gross income; penalties for withdrawal of funds; requiring financial institution to provide account holder information certificate; requiring Tax Commissioner to propose rules to implement this act; and stating years to which this act applies"; to the Committee on Finance.

By Delegates Skaff, Zukoff, Boggs, L. Pack, Graves, Tully, Lovejoy, Fluharty and Garcia:

H. B. 3013 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, §11-13KK-4, §11-13KK-5, §11-13KK-6, and, §11-13KK-7, all relating generally to creating a personal income tax credit for nurses in West Virginia; providing for definitions; providing for a tax credit for nurses for personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns jointly under certain conditions; providing that the tax credit for nurses must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing for required contents of the documentation evidencing eligibility for the tax credit; providing that the form must be sent to the Tax Commissioner to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date"; to the Committee on Health and Human Resources then Finance.

By Delegates Householder and Criss:

H. B. 3014 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5EE, relating to limitations on claiming state tax credits and rebates; and providing rulemaking authority"; to the Committee on the Judiciary then Finance.

By Delegates Burkhammer, Pinson, L. Pack, Martin, Fast, Keaton and Longanacre:

H. B. 3015 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designate §61-8-11a, relating to creating the misdemeanor offense of high in public; and criminal penalty"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegate Pritt:

H. B. 3016 - "A Bill to amend and reenact §24-2-1b of the Code of West Virginia, 1931, as amended, relating to authorizing the Public Service Commission to establish rules requiring utilities that provide services in this state, and cable companies, or other providers of television service in this state, to establish and maintain call centers located in this state that customers may contact"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Pritt:

H. B. 3017 - "A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to homeschooling requirements"; to the Committee on Education.

By Delegate Pritt:

H. B. 3018 - "A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to expungement of criminal offenses; clarifying that certain offenses are eligible for expungement, subject to other restrictions of this section"; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3019 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, and §18-34-4, all relating to the creation of the Campus Free Expression Act; providing for legislative findings; requiring that colleges and universities allow for the free expression for all students on campus; providing a framework and parameters for speech; and allowing for civil actions in the event that this article is violated by a college or university"; to the Committee on Education then the Judiciary.

By Delegate Pritt:

H. B. 3020 - "A Bill to amend and reenact §9-8-5 of the Code of West Virginia, 1931, as amended, relating to requiring photo EBT cards to be used beginning July 1, 2021"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Householder and Criss:

H. B. 3021 - "A Bill to amend and reenact §11-10-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-10-14e, all relating to incomplete, duplicative or redundant claims for refund; providing that interest does not run a claim for refund until a lawful, mathematically, uncontested correct claim for refund has been filed; providing for definitions; providing that incomplete, overlapping, duplicative, and conflicting claims for refund or credit will be rejected and requiring taxpayers to file one comprehensive claim for refund or credit; providing that the Tax Commissioner may require additional documentation to substantiate claims for refund or credit and providing time for the Tax Commissioner to review the documentation before any appeal; and clarifying existing language"; to the Committee on Finance.

By Delegate Pritt:

H. B. 3022 - "A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to denying institutions of higher education the authority to restrict or regulate the carrying of a concealed deadly weapon by a person who holds a current license to carry a concealed deadly weapon; providing exceptions as to when regulation may occur; and designating these amendments as 'The Campus Self Defense Act'; to the Committee on Education then the Judiciary.

By Delegate Pritt:

H. B. 3023 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-30, relating to ensuring that religious services and houses of worship remain open during any declared state of emergency by the Governor of West Virginia; providing for a cause of action; establishing a two-year statute of limitations to file suit; and providing an effective date"; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3024 - “A Bill to amend and reenact §16-2I-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting an abortion based on down syndrome”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Pritt:

H. B. 3025 - “A Bill to amend and reenact §48-9-501 of the Code of West Virginia, 1931, as amended, relating to making a de facto parenting plan an affirmative defense to the violation of a parenting plan”; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3026 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-12-3b, ensuring that all businesses in West Virginia have their respective business licenses and registrations protected from revocation for refusing to comply with any mask requirement issued during a declared state of emergency by the Governor of West Virginia or otherwise; providing for a cause of action; establishing a two-year statute of limitations to file suit; and providing an effective date”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegate Pritt:

H. B. 3027 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §55-2-23, relating to the Protecting Everyone’s Constitutional Rights Act; ending qualified immunity; providing legislative findings and definitions; clarifying respondent superior liability and recognizing a civil action for injury by the act or omission of a government employee under the color of law; addressing the judicial process and state court jurisdiction; providing for attorney fees; providing for termination of a contract, agreement or employment; providing a three-year statute of limitations; addressing judicial and legislative immunity, and public information; and providing an effective date”; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 3028 - “A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to prohibit the emergency powers of the Governor from restricting the ability of West Virginia citizens to enter or exit the State of West Virginia; and providing right to injunctive relief”; to the Committee on the Judiciary.

By Delegates Westfall and Queen:

H. B. 3029 - “A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, as amended, relating to modifying when the failure to use a seatbelt may be used as a defense in certain civil actions; providing definitions; clarifying claimants based upon whether the individual is a driver, adult passenger, or child passenger; providing for jury instructions and bifurcation; providing for immunities, and providing an effective date”; to the Committee on the Judiciary.

Special Calendar**Third Reading**

Com. Sub. for S. B. 270, Providing for collection of tax by hotel marketplace facilitators; 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. 103**), and there were—yeas 85, nays 13, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fast, Gearheart, Haynes, Howell, J. Jeffries, Kessinger, Martin, McGeehan, Miller, Paynter, Pritt, Pushkin and Zatezalo.

Absent and Not Voting: Linville and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 270) passed.

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

H. B. 2906, Relating to the School Building Authority's allocation of money; 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. 104**), and there were—yeas 83, nays 16, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Clark, Fast, Ferrell, Gearheart, Hanna, J. Jeffries, Jennings, J. Kelly, Longanacre, Mandt, Mazzocchi, McGeehan, Paynter, Reynolds, Smith and Wamsley.

Absent and Not Voting: Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2906) passed.

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

Second Reading

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

An amendment from the Committee on the Judiciary was read by the Clerk, on page 3, after line 20, by adding a new section 5, to read as follows:

“§64-10-5. Division of Rehabilitation Services.

The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §18-10L-6 of this code, relating to the Division of Rehabilitation Services (Ron Yost Personal Assistance Services Act Board, 198 CSR 01), is authorized.”

At the request of Delegate Capito, and by unanimous consent, the House proceeded to consideration of an amendment offered by the Delegate, and the bill was amended, by striking out everything after the enacting clause and inserting in lieu thereof:

“§64-10-1. Department of Commerce.

The legislative rule filed in the State Register on August 25, 2020, authorized under the authority of §5B-1-9(p) of this code, modified by the Department of Commerce to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 10, 2020,

relating to the Department of Commerce (tourism development districts, 145 CSR 16), is authorized with the following amendment:

On page 7, subsection 4.18.2., following the semi-colon, by inserting the word “and”;

On page 8, by striking out subsection 4.18.3. in its entirety;

And,

By renumbering the remaining subsection.

§64-10-2. Division of Labor.

The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of §21-3-7 of this code, relating to the Division of Labor (high pressure steam boiler and forced flow steam generator requirements, 42 CSR 03), is authorized with the following amendments:

On page 13, Section 12.2, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 13, Section 12.5, striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 23, Subsection 14.2.a, by striking out “\$150.00” and inserting in lieu thereof “\$100.00”;

On page 23, Subsection 14.2.b, by striking out “\$200.00” and inserting in lieu thereof “\$150.00”;

On page 23, Subsection 14.2.c, by striking out “\$250.00” and inserting in lieu thereof “\$175.00”;

On page 23, Subsection 14.2.d, by striking out “\$250.00” and inserting in lieu thereof “\$175.00”;

On page 23, Section 14.3, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 23, Section 14.4, by striking out “\$90.00” and inserting in lieu thereof “\$35.00”;

On page 24, Section 14.5, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 24, Section 14.6, by striking out “\$50.00” and inserting in lieu thereof “\$20.00”;

On page 24, Section 14.7, by striking out “\$90.00” and inserting in lieu thereof “\$70.00”;

And,

On page 24, Section 14.8, by striking out “\$90.00” and inserting in lieu thereof “\$70.00”.

§64-10-3. Office of Miners’ Health, Safety, and Training.

The legislative rule filed in the State Register on August 19, 2020, authorized under the authority of §22A-1-6 of this code, relating to the Office of Miners’ Health, Safety, and Training (rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia, 56 CSR 08), is authorized.

§64-10-4. Division of Natural Resources.

(a) The legislative rule filed in the State Register on February 26, 2020, authorized under the authority of §20-3-3a of this code, relating to the Division of Natural Resources (Cabwaylingo State Forest trail system two-year pilot program permitting ATV’s and ORV’s, 58 CSR 36), is authorized.

(b) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (defining the terms used in all hunting and trapping, 58 CSR 46), is authorized.

(c) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2020, relating to the Division of Natural Resources (deer hunting rule, 58 CSR 50), is authorized with the following amendment:

On page 3, subsection 3.10, after the word “season”, by striking out the remainder of the sentence.

(d) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (special migratory game bird hunting, 58 CSR 56), is authorized.

(e) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (special waterfowl hunting, 58 CSR 58), is authorized.

§64-10-5. Division of Rehabilitation Services.

The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §18-10L-6 of this code, relating to the Division of Rehabilitation Services (Ron Yost Personal Assistance Services Act Board, 198 CSR 01), is authorized.”

Whereupon,

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

There being no further amendments, the bill was ordered to third reading.

Com. Sub. for S. B. 272, Relating to WV Employment Law Worker Classification Act; 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 the right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

Com. Sub. for S. B. 277, Creating COVID-19 Jobs Protection Act; on second reading, coming up in regular order, was read a second time.

Delegate Bates moved to amend the bill on page 7, section 6, lines 4 and 5, by striking out the words “filed by” and inserting in lieu thereof the words “awarded to”.

Delegate L. Pack 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 and directed the Member to vote on the amendments and the bill.

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. 105**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Linville and McGeehan.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

Delegate Capito moved to amend the bill on page five, section three, line fifty-four, by striking out the definition of “Impacted care” and inserting in lieu thereof the following:

“(10) “Impacted care” means care offered, delayed, postponed, or otherwise adversely affected at a health care facility or from a health care provider that impacted the health care facility or health care provider’s response to, or as a result of, COVID-19 or the COVID-19 emergency: *Provided*, That this provision does not prohibit claims that may otherwise be brought pursuant to W. Va. Code §55-7B-1, *et seq.* so long as such claims for loss, damage, physical injury or death are unrelated to COVID-19 or the COVID-19 emergency and the care provided. If the issue of impacted care is raised by a defendant under §55-19-4 of this code, the circuit court shall, upon motion by the defendant, stay the proceedings, including any discovery proceedings, and, as soon as practicable, hold a hearing to determine whether the care offered, delayed, postponed, or otherwise adversely affected at a health care facility or from a health care provider was related to COVID-19 or the COVID-19 emergency. If the circuit court determines that the care offered, delayed, postponed, or otherwise adversely affected at a health care facility or from a health care provider was related to COVID-19 or the COVID-19 emergency and the care provided, then the cause of action shall be dismissed under §55-19-4 of this code.;

On page six, §55-19-4, line four, by inserting the word “from” before “COVID-19 care”, and inserting the word “from” before “impacted care”.

On page seven, after line nine, by inserting a new section, designated section seven, to read as follows:

“§55-19-7. Exception.

Excluding the provisions of §55-19-5 and §55-19-6 of this article, the limitations on liability provided in this article shall not apply to any person, or employee or agent thereof, who engaged in intentional conduct with actual malice.”

And, renumbering the remaining sections accordingly.

Delegate Lovejoy moved to amend the amendment on page 1, section 7, line 2, after the words “actual malice”, by inserting “or a conscious, reckless, and outrageous indifference to the health, safety, and welfare of others.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 106**), and there were—yeas 31, nays 67, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Barach, Barrett, Bates, Boggs, Brown, Bruce, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Longanacre, Lovejoy, McGeehan, Nestor, Pethtel, Pushkin, Rowe, Skaff, Thompson, Toney, Tully, Walker, G. Ward, Williams, Young and Zukoff.

Absent and Not Voting: Linville and Queen.

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

The question now being on the adoption of the amendment offered by Delegate Capito, the same was put and prevailed.

There being no further amendments, the bill was ordered to third reading.

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

S. B. 338, Creating Fire Service Equipment and Training Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

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

Com. Sub. for H. B. 2674, Relating to the administration of anesthetics; 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 the right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

H. B. 2957, Relating to the repeal of outdated code sections; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2958, Relating to repealing outdated sections of state code; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for S. B. 126, Authorizing Department of Administration to promulgate legislative rules,

Com. Sub. for H. B. 2671, Relating to financial exploitation of elderly persons, protected persons or incapacitated adults,

Com. Sub. for H. B. 2722, Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals,

And,

H. B. 2852, Relating to distribution of the allowance for increased enrollment.

Leaves of Absence

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

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 Evans regarding the death of Montcalm High School Principal Craig Havens

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

- H. B. 2042:** Delegate Bates;
- H. B. 2053:** Delegate Maynard;
- H. B. 2133:** Delegate Griffith;
- H. B. 2293:** Delegate Griffith;
- H. B. 2674:** Delegate Mandt;
- H. B. 2771:** Delegate Hornbuckle;
- H. B. 2795:** Delegate Hansen;
- H. B. 2822:** Delegate Bates;
- H. B. 2877:** Delegates Jennings, L. Pack and Tully;
- H. B. 2904:** Delegate Statler;

And,

H. C. R. 31: Delegates Barnhart, Booth, Bridges, Bruce, Burkhammer, Conley, Cooper, Espinosa, Ferrell, Forsht, Foster, Graves, Gearheart, Haynes, Higginbotham, Horst, Jennings, Keaton, Kelly, Kimes, Kimble, Longanacre, Mallow, Mandt, Martin, Mazzocchi, Nestor, J. Pack, Phillips, Pritt, Reynolds, Smith, Steele, Sypolt, Toney, Wamsley, G. Ward and Worrell.

At 12:25 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, March 10, 2021.

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

SPECIAL CALENDAR

Wednesday, March 10, 2021

29th Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 216 - Authorizing Department of Commerce to promulgate legislative rules (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 272 - Relating to WV Employment Law Worker Classification Act [RIGHT TO AMEND]
- Com. Sub. for S. B. 277 - Creating COVID-19 Jobs Protection Act (CAPITO) (EFFECTIVE FROM PASSAGE)
- S. B. 296 - Relating generally to repealing certain rules (STEELE) (REGULAR)
- S. B. 338 - Creating Fire Service Equipment and Training Fund (STATLER) (EFFECTIVE FROM PASSAGE)
- H. B. 2598 - Altering the definition of an above ground storage tank (J. KELLY) (REGULAR)
- Com. Sub. for H. B. 2674 - Relating to the administration of anesthetics (J. PACK) (REGULAR) [RIGHT TO AMEND]
- H. B. 2957 - Relating to the repeal of outdated code sections (STEELE) (REGULAR)
- H. B. 2958 - Relating to repealing outdated sections of state code (STEELE) (REGULAR)

SECOND READING

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

FIRST READING

- S. B. 89 - Exempting certain kindergarten and preschool programs offered by private schools from registration requirements (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 295 - Relating generally to economic development loans and loan insurance issued by state (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for H. B. 2382 - Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2682 - Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2758 - Requiring the Insurance Commissioner to regulate professional bondsmen (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2763 - Creating WV Cyber Incident Reporting (STEELE) (REGULAR)

- Com. Sub. for H. B. 2770 - Including home confinement officers in definition of law-enforcement officers (CAPITO) (REGULAR)
- H. B. 2788 - Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2789 - Supplementing and amending the appropriations to Public Defender Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2802 - Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2803 - Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 2804 - Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021 (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2891 - Creating minimum statutory standards for law-enforcement officers (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2916 - Creating the Semiquincentennial Commission for the celebration of the 250th anniversary of the founding of the United States of America (STEELE) (REGULAR)
- H. B. 2932 - Protections for Charitable Organizations (STEELE) (REGULAR)

HOUSE CALENDAR

Wednesday, March 10, 2021

29th Day

11:00 A. M.

THIRD READING

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

SECOND READING

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

FIRST READING

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

WEST VIRGINIA HOUSE OF DELEGATES

WEDNESDAY, MARCH 10, 2021

HOUSE CONVENES AT 11:00 A.M.

**AGRICULTURE AND NATURAL RESOURCES
8:00 A.M. – ROOM 215 E**

**BANKING AND INSURANCE
9:00 A.M. – HOUSE CHAMBER**

**FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES
9:00 A.M. – ROOM 215 E**

**SMALL BUSINESS, ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT
10:00 A.M. – ROOM 215 E**

**PENSIONS AND RETIREMENT
10:00 A.M. – ROOM 462 M**

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

**PREVENTION AND TREATMENT OF SUBSTANCE ABUSE
1:00 P.M. – ROOM 215 E**

**POLITICAL SUBDIVISIONS
1:00 P.M. – HOUSE CHAMBER**

**TECHNOLOGY AND INFRASTRUCTURE
2:00 P.M. – HOUSE CHAMBER**

**VETERANS' AFFAIRS AND HOMELAND SECURITY
2:00 P.M. – ROOM 215 E**

**SENIORS, CHILDREN AND FAMILY ISSUES
3:00 P.M. – ROOM 215 E**

**WORKFORCE DEVELOPMENT
4:00 P.M. – HOUSE CHAMBER**

**REMARKS BY MEMBERS
5:00 P.M. – HOUSE CHAMBER**

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