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THIRTY-SEVENTH DAY

Thursday, March 18, 2021

THIRTY-SEVENTH 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 Wednesday, March 17, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 2195, Relating to motor vehicle crash reports,

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

Com. Sub. for H. B. 2195 - "A Bill to amend and reenact §17C-4-7 of the Code of West Virginia, 1931, as amended, relating to motor vehicle crash reports; requiring the investigating law-enforcement officer, within 48 hours of a motor vehicle crash, to share the owner/operator and insurance information for all the involved parties with all the other involved parties and/or their insurance agents,"

H. B. 2368, Mylissa Smith's Law, creating patient visitation privileges,

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

Com. Sub. for H. B. 2368 - "A Bill to repeal §16-39-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-39-1 of the code; and to amend said code by adding thereto new sections, designated §61-39-2 and §61-39-8, generally relating to visitation of a patient in a healthcare facility during a declared public health state of emergency for contagious disease, to be known as 'Mylissa Smith's Law'; establishing a short title; providing definitions; establishing that visitation of a patient is allowed at any time if the patient's death is imminent; further providing that if death is not imminent visitation shall be allowed at any time and frequency; requiring a visitor to comply with applicable facility procedures; and, establishing that the health care entity is not liable for civil damages due to disease exposure to visitors or other patients or residents during visitation unless the facility failed to substantially comply with applicable procedures established by the health care entity,"

And,

H. B. 2933, Anti-Discrimination Against Israel Act,

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

Com. Sub. for H. B. 2933 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating to creating the Anti-Discrimination Against Israel Act; forbidding WV state agencies, political subdivisions, and pension plans from doing business with, or, investing in, companies that boycott Israel; defining terms; providing for rulemaking; and setting an effective date,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2488, Relating to an occupational limited license,

H. B. 2726, Allowing for the lease of air space above public roads for the safe operation of unmanned aircraft,

And,

H. B. 2923, Relating to Social Media privacy and educational institutions,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2488, H. B. 2726 and H. B. 2923) were each referred to the Committee on the Judiciary.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

S. B. 396, Providing limitations on nuisance actions against fire department or EMS fixed sirens,

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 (S. B. 396) was referred to the Committee on the Judiciary.

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

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

And,

H. B. 3107, Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders,

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

In accordance with the former direction of the Speaker, the bills (H. B. 3045 and H. B. 3107) were each referred to the Committee on the Judiciary.

Delegate Zatezalo, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

H. B. 2720, Creating a Merit-Based Personnel System within DOT,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2720) was referred to the Committee on Government Organization.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2955, Removing the residency requirement for the Commissioner of the Division of Highways,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2955) was referred to the Committee on Government Organization.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2890, To clarify the regulatory authority of the Public Service Commission of West Virginia over luxury limousine services,

And,

H. B. 3002, Update road abandonment process,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 2890 and H. B. 3002) were each referred to the Committee on Government Organization.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2242, Relating to special license plates for vehicles titled in the name of the Division of Public Transit,

And,

H. B. 2950, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2242 and H. B. 2950) were each referred to the Committee on Government Organization.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2751, Modernize the process for dissolution of municipal corporations in this State,

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. 2751) was referred to the Committee on the Judiciary.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2351, Relating to when a municipality's approval is not required for an event licensed by the Alcohol Beverage Control Commission,

And,

H. B. 2780, Repeal municipal license and tax when state license required,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2351 and H. B. 2780) were each referred to the Committee on Government Organization.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2842, Preventing cities from banning utility companies in city limits,

And,

H. B. 2908, Relating to disclosure of information by online marketplaces to inform consumers,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2842 and H. B. 2908) were each referred to the Committee on the Judiciary.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2041, County Budget Flexibility Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2041) was referred to the Committee on Finance.

Delegate Rowan, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

H. B. 3054, Expanding definition of who may apply for grandparent visitation,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3054) was referred to the Committee on the Judiciary.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2178, Facilitating Business Rapid Response to State Declared Disasters 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 (H. B. 2178) was referred to the Committee on Finance.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2237, Allowing free camping at state parks for certain resident veterans,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2237) was referred to the Committee on Finance.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2677, Relating to increasing the amount of money for which a purchase may be made without obtaining three bids to ten thousand dollars,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2677) was referred to the Committee on Finance.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2981, Providing veterans with suicide prevention assistance,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 2981) was referred to the Committee on Health and Human Resources.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 3077, Permit the use of establish federal marketplace programs for the purchases of supplies,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3077) was referred to the Committee on the Judiciary.

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

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

H. B. 2775, Relating to the beginning and expiration of hunting and fishing licenses,

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. 2775) was referred to the Committee on the Judiciary.

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

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

H. B. 2968, To allow Veterinarian Tele-Health in West Virginia,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 2968) was referred to the Committee on Health and Human Resources.

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

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

H. B. 2050, Establishing the West Virginia Healthy Food Crop Block Grant Program,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2050) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2503, Requiring legislative approval of additional parkways bonds and removing tolls once bonds paid,

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

In the absence of objection, reference of the bill (H. B. 2503) to the Committee on the Judiciary was abrogated.

The Speaker then referred the bill to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

Com. Sub. for H. B. 2760, Relating to economic development incentive tax credits,

And,

Com. Sub. for S. B. 9, Continuing Licensed Racetrack Modernization Fund,

And reports the same back, with amendment, with the recommendation that they each 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. 2874, Extend the current veteran's business fee waivers to active duty military members, their spouses and immediate family members,

H. B. 3010, To extend the special valuation method for cellular towers to towers owned by persons not subject to regulation by the Board of Public Works,

S. B. 10, Modifying racetrack licensing due date,

And,

S. B. 305, Providing exemption from consumers sales and service tax for certain aircraft maintenance,

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

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2747, Transferring the Parole Board to the Office of Administrative Hearings,

And,

H. B. 3069, Enhance cooperation between civilian law enforcement and military authorities,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2747 and H. B. 3069) were each referred to the Committee on the Judiciary.

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

By Delegates Hanna, Bridges, Clark, Ellington, Horst, Jennings, Longanacre, Mazzocchi and Tully:

H. B. 3293 - "A Bill to amend and reenact §18-2-5c and §18-2-25 of the Code of West Virginia, 1931, as amended, all relating to single-sex participation in interscholastic athletic events; providing that the birth certificate required for admission to public school confirm the pupil's sex at time of birth, or in the alternative, that the pupil's sex be identified by a signed physician's statement; providing that the sex identified at the time of admission must be the pupil's sex for the purposes of single-sex participation in interscholastic athletic events under the control, supervision, and regulation of the West Virginia Secondary Schools Activities Commission; providing that the commission must verify with each county board that each student participating in single-sex interscholastic events is participating according to the student's sex at the time of the student's birth; and clarifying that these requirements do not apply to co-educational secondary school interscholastic athletic events."

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 3293) to the Committee on the Judiciary.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 2008, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers.

Delegate Summers moved the House of Delegates concur in the following amendment of the bill by the Senate:

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

"CHAPTER 21. LABOR.

ARTICLE 3C. ELEVATOR SAFETY.

§21-3C-14. Inapplicability of local ordinances.

Effective January 1, 2022, a political subdivision of this state may not require, as a condition precedent to the performance of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by this article in the political subdivision, a person who holds a valid license to perform such work issued under the provisions of this article, to have any additional occupational license or other evidence of competence to engage in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this article.

ARTICLE 3D. CRANE OPERATOR CERTIFICATION ACT.

§21-3D-1. Definitions.

For purposes of this article:

(a) 'Commissioner' means the Commissioner of the Division of Labor, or his or her authorized representative.

(b) 'Crane' means a power-operated hoisting machine used in construction, demolition, or excavation work, which has a power-operated winch and load line and a power-operated boom that moves laterally by the rotation of the machine on a carrier, and which has a manufacturer's rated lifting capacity of more than 2,000 pounds. 'Crane' does not mean a forklift, digger, derrick truck, bucket truck, or any vehicle, aircraft, or helicopter, or equipment which does not have a power-operated winch and load line.

~~(c) 'Emergency basis' means an occurrence of an event, circumstance or situation that presents an imminent threat to persons or property and constitutes a serious health or safety hazard.~~

~~(d) 'Employer' means any person, firm, corporation or other entity who hires or permits any individual to work.~~

~~(e) 'Employee' means any individual employed by an employer and also as defined by the commissioner.~~

~~(f)(c) 'Tower crane' means a crane in which a boom, swinging jib, or other structural member is mounted on a vertical mast or tower.~~

~~(g) 'Training or training course' means a course approved by the commissioner which includes some form of testing throughout, or a final written examination or practical test, or both, which ensures, or tends to ensure that learning has occurred and that the objectives of the training have been realized. The commissioner will evaluate whether the approved training adequately demonstrates competency to safely operate cranes.~~

§21-3D-2. Certification required; exemptions.

~~(a) A person may not operate a crane or tower crane without certification issued according to OSHA regulation 29 CFR §1926.1427 Subpart CC and any amendments that may be made from time to time. Any certifications that may expire in calendar year 2021 shall not expire until January 1, 2022. The commissioner may enter into a cooperative agreement with OSHA to assist in the enforcement of this section. under this article except for those persons exempted under subsection (b) of this section.~~

~~(b) A person is not required to obtain certification under this article if the person:~~

~~(1) Is a member of the Department of Defense or Armed Forces of the United States or an employee of the United States, when such member or employee is engaged in the work of a crane operator exclusively for such governmental unit; or~~

~~(2) Is primarily an operator of farm machinery who is performing the work of a crane operator as part of an agricultural operation; or~~

~~(3) Is operating a crane on an emergency basis; or~~

~~(4) Is operating a crane for personal use and not for profit on the site of real property which the person owns or leases; or~~

~~(5) Is an Operator in Training under the direct supervision of a certified crane operator and:~~

~~(A) Who is enrolled in an industry recognized in-house training course based on the American National Standards Institute Standards for Crane Operators and who is employed by the entity that either taught the training course or contracted to have the training course taught, all of which is approved by the commissioner; or~~

~~(B) Who is enrolled in an apprenticeship program or training program for crane operators approved by the United States Department of Labor, Bureau of Apprenticeship and Training;~~

~~(6) Is an employee of and operating a crane at the direction of any manufacturing plant or other industrial establishment, including any mill, factory, tannery, paper or pulp mill, mine, colliery, breaker or mineral processing operation, quarry, refinery or well or is an employee of and operating a crane at the direction of the person, firm or corporation who owns or is operating such plant or establishment;~~

~~(7) Is an employee of a public utility operating a crane to perform work in connection with facilities used to provide a public service under the jurisdiction of the Public Service Commission, Federal Energy Regulatory Commission or Federal Communications Commission; or~~

~~(8) Is operating timbering harvesting machinery associated with the production of timber and the manufacturing of wood products.~~

§21-3D-3. Powers and duties of commissioner. Inapplicability of local ordinances.

On January 1, 2022, and thereafter, a political subdivision of this state may not require, as a condition precedent to the operation of a crane or tower crane in the political subdivision, a person who is certified according to OSHA regulation 29 CFR §1926.1427 Subpart CC, to have any other license or other evidence of competence as a crane operator.

~~(a) The commissioner shall:~~

~~(1) Propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine a of this code, which rules at the minimum must include provisions for:~~

~~(A) A Class A certification program for individuals who operate cranes or tower cranes in the State of West Virginia, which must require both a written examination and a practical demonstration, and which must be accredited by the American National Standards Institute's Personnel Certification Accreditation Program;~~

~~(B) A Class B certification program for individuals who operate cranes or tower cranes in the State of West Virginia, which must require the successful completion of a training course;~~

~~(C) Certification categories including lattice boom truck cranes; lattice boom crawler cranes; fixed cab telescoping boom cranes; swing cab telescoping boom cranes; and tower cranes. *Provided*, That the holders of a certification for the large telescoping boom crane, upon application for recertification, will be provided with a one time election to either be certified as an operator of a fixed cab or swing cab telescoping boom crane, and that holders of a certification for the small telescoping boom crane, upon application for recertification, will be automatically certified as a fixed cab operator;~~

~~(D) Class A certification renewal requirements of individuals who operate cranes in the State of West Virginia, that must include a written examination and a current physician's certificate at least every five years; and~~

~~(E) Class B certification renewal requirements of individuals who operate cranes in the State of West Virginia, that must include the successful completion of a training course approved by the commissioner;~~

~~(2) Prescribe application forms for original and renewal certification;~~

~~(3) Set application fees in amounts that are reasonable and necessary to defray the costs of the administration of this article in an amount not to exceed \$75 per year;~~

~~(4) Set examination and training course fees in an amount not to exceed the actual cost of the examination and the training course;~~

~~(5) Administer or cause to be administered the written examination, practical demonstrations and the training course as required for certification;~~

~~(6) Determine the standards for acceptable performance on the written examination, practical demonstration and the required training course: *Provided*, That the minimum standards must be consistent with national standards, current operating procedures and technology and be transferable to other states where possible;~~

~~(7) Provide the option for applicants and crane operators to take examinations that meet or exceed requirements for national crane operator certification; and~~

~~(8) Take other action as necessary to enforce this article.~~

~~(b) The commissioner, or his or her designee, upon receipt of information that a person has engaged in or is engaging in an act that constitutes a violation of this article, may issue a notice to the person to cease and desist and may apply to the circuit court for an order enjoining the act. Upon a showing that the person has engaged in or is engaging in an act that constitutes a violation of this article, the court may order an injunction, restraining order or other order as the court considers appropriate.~~

§21-3D-4. Minimum certification requirements.

[Repealed.]

§21-3D-5. Denial, suspension, revocation, or reinstatement of certification.

[Repealed.]

§21-3D-6. Effect of accident.

[Repealed.]

§21-3D-7. Penalties.

[Repealed.]

§21-3D-8. Crane Operator Certification Fund; fees; disposition of funds.

(a) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account known as the Crane Operator Certification Fund in the State Treasury and expended for the implementation and enforcement of this article. Through June

30, 2019, amounts collected which are found from time to time to exceed the funds needed for purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations: *Provided*, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations.

~~(b) The commissioner may set reasonable application fees for the issuance or renewal of certificates and other services associated with crane operator certification. All funds remaining in the Crane Operating Certification Fund on January 1, 2022, shall be appropriated by the Legislature.~~

§21-3D-9. Reciprocity.

[Repealed.]

ARTICLE 14. SUPERVISION OF PLUMBING WORK.

§21-14-2. Definitions.

As used in this article:

(a) 'License' means a valid and current license issued by the Commissioner of Labor in accordance with the provisions of this article.

(b) 'Journeyman plumber' means a person qualified by passage of a journeyman plumber written examination with a score of at least 70 percent at least eight thousand hours of plumbing or related experience and who is competent to instruct and supervise the work of a plumber in training.

(c) 'Master plumber' means a person who has passed a master plumber written examination with a score of at least 70 percent with at least twelve thousand hours of plumbing work experience and who is competent to design plumbing systems, and to instruct and supervise the plumbing work of journeyman plumbers, and plumbers in training: *Provided*, That the master plumber written examination may not be taken until one year after passage of the journeyman plumber examination.

(d) 'Plumber in training' means a person who has not passed the journeyman plumber examination: *Provided*, That the fee for plumbers in training may not be higher than \$25.00. with interest in and an aptitude for performing plumbing work but who alone is not capable of performing plumbing work, and who has fewer than eight thousand hours of plumbing experience

(e) 'Plumbing' means the practice, materials, and fixtures utilized within a building in the installation, extension, and alteration of all piping, fixtures, water treatment devices, plumbing appliances, and appurtenances, in connection with sanitary drainage or storm drainage facilities; the plumbing venting systems; medical gas systems; fuel oil and gas piping for residential, commercial, and institutional facilities; backflow preventers; and public or private water supply systems, as defined by the state building code.

(f) 'Single family dwelling' means a building which is occupied as, or designed or intended for occupancy as, a single residence for one or more persons.

§21-14-7. Penalties.

(a) On and after January 1, 2009, a person performing or offering to perform plumbing work without a license issued by the Commissioner of Labor, is subject to a cease and desist order.

(b) Any person continuing to engage in plumbing work after the issuance of a cease and desist order is ~~guilty of a misdemeanor and, upon conviction thereof,~~ is subject to the following penalties:

(1) For the first offense, a fine of not less than \$200 nor more than \$1,000;

(2) For the second offense, a fine of not less than \$500 nor more than \$2,000, ~~or confinement in jail for not more than six months, or both;~~ and

(3) For the third and subsequent offenses, a fine of not less than \$1,000 nor more than \$5,000, ~~and confinement in jail for not less than thirty days nor more than one year.~~

(c) A separate offense means each day, after official notice is given, that a person performs plumbing work that is unlawful or is not in compliance with the provisions of this article.

(d) The Commissioner of Labor may institute proceedings in the circuit court of the county where the alleged violation of the provisions of this article occurred or ~~are~~ is occurring to enjoin any violation of any provision of this article. A circuit court by injunction may compel compliance with the provisions of this article, with the lawful orders of the Commissioner of Labor, and with any final decision of the Commissioner of Labor. The Commissioner of Labor shall be represented in all such proceedings by the Attorney General or his or her assistants.

(e) Any person adversely affected by an action of the Commissioner of Labor may appeal the action pursuant to the provisions of chapter 29A of this code.

ARTICLE 16. REGULATION OF HEATING, VENTILATING, AND COOLING WORK.

§21-16-2. Definitions.

As used in this article and the legislative rules promulgated pursuant to this article:

(a) 'Perform work on a heating, ventilating, and cooling system' means to install, maintain, alter, remodel, or repair one or more components of a heating, ventilating, and cooling system.

(b) 'Heating, ventilating, and cooling system' means equipment to heat, cool, or ventilate residential or commercial structures, comprised of one or more of the following components:

(1) 'Heating system' means a system in which heat is transmitted by radiation, conduction, or convection, or a combination of any of these methods, to the air, surrounding surfaces, or both, and includes a forced air system that uses air being moved by mechanical means to transmit heat, but does not include a fireplace or wood-burning stove not incorporated into or used as a primary heating system;

(2) 'Ventilating system' means the natural or mechanical process of supplying air to, or removing air from, any space whether the air is conditioned or not conditioned, at a rate of airflow of more than 250 cubic feet per minute; and

(3) 'Cooling system' means a system in which heat is removed from air, surrounding surfaces, or both, and includes an air-conditioning system.

(c) 'HVAC Technician' means a person with at least 2,000 hours of HVAC-related work, training, and experience and is licensed to install, test, maintain, and repair both residential and nonresidential heating, ventilating, and cooling systems.

(d) 'HVAC Residential Technician' means a person licensed to install, test, maintain, and repair residential heating, ventilating, and cooling systems: *Provided*, That such persons may perform work on nonresidential heating, ventilating, and cooling systems subject to rules promulgated by the commissioner pursuant to §21-16-3 of this code.

(e) 'Residential heating, ventilating, and cooling system' means a system of no more than four separate heating, ventilating, and cooling units each with a combined capacity of five tons – 130,000 BTUs for: (1) A single or dual family structure; or (2) a commercial location of no more than 5,000 square feet in size where no fire damper is required. Such term shall not apply to heating, ventilating, and cooling systems that include any packaged rooftop units.

(f) 'HVAC technician in training' means a person with less than 2,000 hours of HVAC-related work, training, and experience ~~interest in and an aptitude for performing installation, maintenance, and repair work to a heating, ventilating, and cooling system as defined in this article, but who alone is not capable or authorized to perform heating, ventilating, and cooling system work unless directly supervised by a HVAC technician or an HVAC residential technician:~~ *Provided*, That the fee for an HVAC technician in training license may not be higher than \$25.00.

(g) 'HVAC residential technician license' means a valid and current license issued by the Commissioner of Labor in accordance with the provisions of this article to perform work as an HVAC residential technician.

(h) 'HVAC technician license' means a valid and current license issued by the Commissioner of Labor in accordance with the provisions of this article to perform work as an HVAC technician.

(i) 'Routine maintenance' means work performed on a routine schedule that includes cleaning and/or replacing filters, greasing or lubricating motor bearings, adjusting and/or replacing belts, checking system temperature, checking gas temperature, adjusting gas pressure as required, and checking voltage and amperage draw on heating, ventilating, and cooling systems.

(j) 'Single family dwelling' means a building that is occupied as, or designed or intended for occupancy as, a single residence for one or more persons.

§21-16-3. License required; exemptions.

(a) On and after January 1, 2016, a person performing or offering to perform work on a heating, ventilating, and cooling system in this state shall have a license issued by the Commissioner of Labor, in accordance with the provisions of this article and the legislative rules promulgated pursuant hereto: *Provided*, That the commissioner shall issue HVAC residential technician licenses to qualified applicants without examination who present satisfactory evidence no later than December 31, 2019, of having at least 2,000 hours of experience and/or training working on heating, ventilating, and cooling systems: *Provided, however, That* if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination.

(b) Notwithstanding any other provision of this article to the contrary, the commissioner shall credit verified military service, training, or education toward the licensing requirements, ~~other than including~~ examination requirements pursuant to §21-16-11 of this code, for a license issued under this article. The commissioner shall expedite the issuance of a provisional license or a license by endorsement or reciprocity under this article to an applicant who has verified military experience or holds a current license issued by another jurisdiction that has license requirements that are substantially equivalent to the license requirements of this state.

(c) A person licensed under this article shall carry a copy of the license on any job in which heating, ventilating, and cooling work is being performed.

(d) This article does not apply to:

(1) A person who personally performs work on a heating, ventilating, and cooling system in a single family dwelling owned by that person or by a member of that person's immediate family;

(2) A person who performs work on a heating, ventilating, and cooling system at a manufacturing plant or other industrial establishment as an employee of the person, firm, or corporation operating the plant or establishment;

(3) A person who performs only electrical or plumbing work on a heating, ventilating, and cooling system, which includes, but is not limited to, thermostats, bathroom fans, and tankless water heater ventilation, so long as the work is within the scope of practice which the person is otherwise licensed or authorized to perform; or

(4) A person who performs routine maintenance on any heating, ventilating, and cooling system.

§21-16-5. Rule-making authority.

(a) The Commissioner of Labor shall propose rules for legislative approval, in accordance with the provisions of §21-16-5 *et seq.* of this code, for the implementation and enforcement of the provisions of this article, which shall provide:

(1) Standards and procedures for issuing and renewing licenses, applications, examinations, and qualifications: *Provided, That an HVAC technician may not be required to provide documentation of more than 2,000 hours of total work, training, and experience as a requirement for licensure;*

(2) Provisions for the granting of HVAC technician licenses, without examination, to applicants who present satisfactory evidence no later than July 1, 2016, of having at least 2,000 hours of experience and/or training working on heating, ventilating, and cooling systems and at least 6,000 hours of experience and/or training in heating, ventilating, and cooling, or related work, to include other sheet metal industry tasks: *Provided, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination;*

(3) Reciprocity provisions;

(4) Procedures for investigating complaints and revoking or suspending licenses, including appeal procedures;

(5) Fees for issuance and renewal of licenses and other costs necessary to administer the provisions of this article;

(6) Enforcement procedures; and

(7) Any other rules necessary to effectuate the purposes of this article.

(b) The commissioner may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code for the purpose of describing:

(1) Provisions for the granting of HVAC residential technician licenses without examination to qualified applicants who present satisfactory evidence no later than December 31, 2019, of having at least 2,000 hours of experience and/or training working on heating, ventilating, and cooling systems: *Provided*, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination;

(2) Provisions for developing an examination required to obtain an HVAC residential technician license commensurate with the scope of practice for HVAC residential technicians as described in §21-16-2(d) of this code: *Provided*, That ~~applicants for such license examination must provide satisfactory evidence of having at least 2,000 hours of experience and/or training working on heating, ventilating, and cooling systems: *Provided, however, That*~~ the rules proposed by the commissioner shall provide that the HVAC residential license examination will be developed in consultation with HVAC industry representatives; and

(3) Provisions for allowing HVAC residential technicians to perform work on nonresidential heating, ventilating, and cooling systems subject to rules promulgated by the commissioner.

§21-16-8. Penalties.

(a) On and after January 1, 2016, a person performing or offering to perform, or an employer authorizing a person not exempt by the provisions of section three of this article, to perform, heating, ventilating, and cooling work without a license issued by the Commissioner of Labor, is subject to a cease and desist order.

(b) A person continuing to perform, or an employer continuing to authorize a person not exempt by the provisions of §21-16-3 of this code, to perform, heating, ventilating, and cooling work after the issuance of a cease and desist order ~~is guilty of a misdemeanor and, upon conviction thereof, is~~ subject to the following penalties:

(1) For the first offense, a fine of not less than \$200 nor more than \$1,000;

(2) For the second offense, a fine of not less than \$500 nor more than \$2,000;

(3) For the third and subsequent offenses, a fine of not less than \$1,000 nor more than \$5,000, ~~and confinement in jail for not more than one year.~~

(c) Each day after official notice is given, a person continues to perform, or an employer continues to authorize a person to perform, and which is not exempt by the provisions of section three of this article, heating, ventilating, and cooling work, is a separate offense and punishable accordingly.

(d)(1) The Commissioner of Labor may institute proceedings in the circuit court of Kanawha County or of the county where the alleged violation of the provisions of this article occurred or are occurring to enjoin any violation of any provision of this article.

(2) A circuit court may by injunction compel compliance with this article, with the lawful orders of the Commissioner of Labor, and with any final decision of the Commissioner of Labor.

(3) The Commissioner of Labor shall be represented in all such proceedings by the Attorney General or his or her assistants.

(e) Any person adversely affected by an action of the Commissioner of Labor may appeal the action pursuant to chapter 29A of this code.

§21-16-11. Veteran qualifications for license as HVAC Technician.

(a) Any person who has served as a member of any branch of the United States Armed Forces, the National Guard, or armed forces reserve, may apply for licensure, if:

(1) He or she has successfully completed a course of instruction required to qualify him or her for rating as an HVAC technician's mate or other equivalent rating in his or her particular branch of the armed forces;

(2) He or she meets the requirements of this article;

(3) He or she has been honorably discharged from service and submits, to the Commissioner of Labor, a photostatic copy of the honorable discharge;

(4) He or she submits a completed application to the Commissioner of Labor; and

(5) He or she pays the prescribed licensing fees.

(b) A veteran who has allowed more than 30 years to pass from the date of his or her successful completion of a course of instruction and the date of application for licensure in this state may be required to attend additional training courses.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**ARTICLE 3B. SUPERVISION OF ELECTRICIANS.****§29-3B-2. Necessity of license; definitions.**

After the effective date of this article, no electrical work may be performed, offered, or engaged in for compensation or hire within the state of West Virginia by any person, firm, or corporation unless such person, firm, or corporation possesses a license and a certificate issued by the State Fire Marshal in accordance with this article: Provided, That any person who is assisting a journeyman or master electrician does not require a license to perform such supervised work, and a copy of the license is posted on any job in which electrical work is being performed for hire.

As used in this article:

~~(a)~~ 'Apprentice electrician' means ~~a person with interest in and an aptitude for performing electrical work but who alone is not capable of performing electrical work unless directly supervised by a higher license classification.~~

~~(b)~~(a) 'Electrical contractor' means a person, firm, or corporation who engages in the business of electrical work and employs master electricians, journeyman electricians, ~~apprentice electricians~~ or other related workers for the construction, alteration, or repair of any electrical wiring, equipment, or systems as defined in the scope of the national electric code.

~~(c)~~(b) 'Electrical work' means the installation of wires, conduits, apparatus, fixtures, other appliances, equipment, or systems for transmitting, carrying, controlling, or using electricity as defined in the scope of the national electric code.

~~(d)~~(c) 'Journeyman electrician' means a person qualified by at least ~~four years~~ one year of electrical work experience to do any work installing wires, conduits, apparatus, equipment, fixtures, and other appliances, provided that this classification is not authorized to design electrical systems.

~~(e)~~(d) 'License' means a valid and current certificate of competency issued by the state Fire Marshal.

~~(f)~~(e) 'Master electrician' means a person with at least ~~five~~ two years of electrical work experience, including experience in all phases of electrical wiring and installation, who is competent to design electrical systems, and to instruct and supervise the electrical work of journeyman electricians, ~~apprentice electricians,~~ and other related workers.

~~(g)~~(f) 'Specialty electrician' means a person qualified to perform electrical work in a limited or specialized area.

§29-3B-3. Exemptions; nonapplicability of license requirements; legislative rules for limited reciprocity.

(a) This article does not apply to, and no license may be required for: ~~(1) A person who performs electrical work with respect to any property owned or leased by that person; (2) a person who performs electrical work at any manufacturing plant or other industrial establishment as an employee of the person, firm or corporation operating the plant or establishment; (3) a person who performs electrical work while employed by an employer who engages in the business of selling appliances at retail, so long as such electrical work is performed incident to the installation or repair of appliances sold by the employer; (4) a person who, while employed by a public utility or its affiliate, performs electrical work in connection with the furnishing of public utility service; or (5) any government employee performing electrical work on government property.~~

(1) A person who performs electrical work with respect to any property owned or leased by that person or that person's immediate family;

(2) A person who performs electrical work at any manufacturing plant or other industrial establishment as an employee of the firm or corporation operating the plant or establishment;

(3) A person who performs electrical work while employed by an employer who engages in the business of selling appliances at retail, so long as such electrical work is performed incident to the installation or repair of appliances sold by the employer;

(4) A person who, while employed by a public utility or its affiliate, performs electrical work in connection with the furnishing of public utility service;

(5) Any government employee performing electrical work on government property; or

(6) Any person who performs low voltage electrical work with only low voltage wiring will not be required to have an electrician's license other than a specialty license. For purposes of this section, low voltage electrical work is 80 volts or less, and directly related wiring. Wiring is directly related if it:

(A) Originated at the load-side terminals of a disconnecting means or junction box that has been installed, complete with line-side connections by others for the specific purpose of supply to the low voltage wiring system involved;

(B) Is permanently and legibly marked to identify the low voltage wiring system supplied; and

(C) Is not installed in a location considered hazardous under the National Electrical Code.

(b)(1) Notwithstanding any other provision of this article to the contrary, a journeyman or master electrician license may be issued for a person who is a former resident of this state, who formerly

held an electrician's license issued by this state, who has obtained an equivalent electrician license from another state, and who returns to this state as a permanent resident, without requiring the person to meet the application or examination requirements that would otherwise be imposed on the person by the requirements of this article when the issuance of the license is permitted by legislative rules promulgated pursuant to the provisions of this subsection.

(2) The State Fire Marshal shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to provide for the licensing of electricians with equivalent qualifications described in subdivision (1) of this subsection. Notwithstanding any other provision of this code to the contrary, the legislative rules described in this subsection may not be filed as emergency rules.

§29-3B-4. Licenses; classes of licenses; issuance of licenses by commissioner; qualifications required for license; nontransferability and nonassignability of licenses; expiration of license; renewal; reciprocity.

(a) The following classes of license may be issued by the State Fire Marshal: master electrician license, journeyman electrician license, ~~'apprentice electrician license'~~ and temporary electrician license. Additional classes of specialty electrician license may be issued by the State Fire Marshal.

(b) The State Fire Marshal shall issue the appropriate class of license upon a finding that the applicant possesses the qualifications for the class of license to be issued. When considering whether an applicant possess the qualifications for the class of license, the State Fire Marshal shall consider whether an applicant's prior criminal convictions bear a rational nexus on the license being sought.

(1) The State Fire Marshal may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the State Fire Marshal shall consider at a minimum:

(A) The nature and seriousness of the crime for which the individual was convicted;

(B) The passage of time since the commission of the crime;

(C) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(D) Any evidence of rehabilitation or treatment undertaken by the individual.

(2) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the State Fire Marshal shall permit the applicant to apply for initial licensure if:

(A) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(B) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(C) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the State Fire Marshal.

(3) An individual with a criminal record who has not previously applied for licensure may petition the State Fire Marshal at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the State Fire Marshal to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction.

(c) The State Fire Marshal shall propose rules for legislative approval regarding qualifications for testing, issuance of licenses, and renewal in accordance with the provisions of §29A-3-1 *et seq.*, of this code.

(d) To the extent that other jurisdictions provide for the licensing of electricians, the State Fire Marshal ~~may~~ shall grant the same or equivalent classification of license without written examination upon satisfactory proof furnished to the State Fire Marshal that the qualifications of the applicant demonstrate that the person can perform work safely and competently and is in good standing with all other jurisdictions where he or she is licensed, are equal to the qualifications required by this article and upon payment of the required fee: ~~Provided, That as a condition to reciprocity, the other jurisdictions must extend to licensed electricians of this state, the same or equivalent classification.~~

(e) In addition to any other information required, the applicant's ~~Social Security~~ social security number shall be recorded on any application for a license submitted pursuant to the provisions of this section.

§29-3B-6. Relicensing without retesting after nonrenewal under certain circumstances.

An electrician previously licensed by the State Fire Marshal who did not renew his or her electrician's license may renew the license without retesting within ~~three~~ five years of the date of the last renewal: *Provided*, That the electrician's license had not been revoked and that the applicant pays double the current fee if his or her license has been lapsed for two renewal periods, or ~~triple the current fee if his or her license has been lapsed for three renewal periods.~~

§29-3B-8. Effect of noncompliance with article; failure to obtain license.

Any person, firm, corporation, or employee thereof, or any representative, member, or officer of such firm or corporation, individually, entering upon or engaging in the business of performing any electrical work as defined in this article, without obtaining the required license or otherwise complying with this article, ~~is for the first offense guilty of a misdemeanor, and, upon conviction thereof,~~ shall be fined not less than \$100, nor more than \$500. For a second ~~and each subsequent~~ offense, the penalty and punishment is a fine of not less than \$500 nor more than \$1,000. For the third and each subsequent offense, the penalty and punishment is a fine of not less than \$1,000 nor more than \$5,000.

Each day during which such electrical work is performed without the required license or while in noncompliance with any of the provisions of this article, after official notice that such work is unlawful, is a separate offense.

Any electrical work performed by a person, firm, or corporation which is determined by the State Fire Marshal to constitute a safety or health hazard to members of the public or any electrical work of an extensive nature being performed by any person without the required license or otherwise in noncompliance with the requirements of this article or contrary to an order or rule promulgated lawfully by the State Fire Marshal, is subject to being issued a citation or a civil action in the name of the state in the circuit court of the county where such work is being performed for an injunction against such person, firm, or corporation, enjoining such work or violation. A circuit court by mandatory or prohibitory injunction may compel compliance with the provisions of this article, with the lawful orders

of the State Fire Marshal and with any final decision of the State Fire Marshal or State Fire Commission. The State Fire Marshal shall be represented in all such proceedings by the Attorney General or his or her assistants.

ARTICLE 3D. SUPERVISION OF FIRE PROTECTION WORK.

§29-3D-2. Definitions.

As used in this article and the legislative rules promulgated pursuant to this article:

‘Combination fire/smoke damper’ means a device that meets both fire damper and smoke damper requirements.

‘Damper’ means a fire damper, smoke damper, or combination fire/smoke damper.

‘Damper work’ means to install, test, maintain, or repair a damper.

‘Engineered suppression systems installer’ means a person certified by a manufacturer to install, alter, extend, maintain, ~~layout~~ lay out, or repair an agent suppression system.

‘Engineered Suppression Systems Technician’ means a person certified by a manufacturer to maintain or repair an agent suppression system.

‘Fire damper’ means a device installed in an air distribution system, designed to close automatically upon detection of heat, to interrupt migratory airflow, and to restrict the passage of flame. Fire dampers are classified for use in either static systems or for dynamic systems, where the dampers are rated for closure under airflow.

~~‘Fire protection damper technician’ means a person certified to install, test, maintain or repair a damper.~~

~~‘Fire protection damper technician in training’ means a person with interest in and an aptitude for performing installation, maintenance or repair work to a damper as defined in this article, but who alone is not capable or authorized to perform damper work unless directly supervised by a Fire Protection Damper Technician.~~

‘Fire protection layout technician’ is an individual who has achieved National Institute for Certification in Engineering Technologies (NICET) Level III, or has achieved from the National Fire Protection Association a certification in Certified Water Based Systems Professional (CWBSP), or has passed an exam approved by the state Fire Marshal from the National Inspection Testing Certification (NITC) organization, or higher certification as recognized by the state Fire Marshal, and who has the knowledge, experience, and skills necessary to ~~layout~~ lay out fire protection systems based on engineering design documents.

‘Fire protection system’ means any fire protection suppression device or system designed, installed, and maintained in accordance with the applicable National Fire Protection Association (NFPA) codes and standards, but does not include public or private mobile fire vehicles.

‘Fire protection work’ means the installation, alteration, extension, maintenance, or testing of all piping, materials, and equipment inside a building, including the use of shop drawings prepared by a fire protection layout technician, in connection with the discharge of water, other special fluids, chemicals, or gases, and backflow preventers for fire protection for the express purpose of extinguishing or controlling fire.

'Journeyman sprinkler fitter' means a person qualified by at least ~~5,000~~ 2,000 hours of work experience installing, adjusting, repairing, and dismantling fire protection systems and who is competent to instruct and supervise the fire protection work: Provided, That current license renewal exemptions to examinations apply. of a sprinkler fitter in training.

'License' means a valid and current license issued by the State Fire Marshal in accordance with the provisions of this article.

'Portable fire extinguisher technician' means a person certified in accordance with NFPA 10 to install, maintain, repair, and certify portable fire extinguishers as defined by NFPA 10.

'Preengineered suppression systems installer' means a person certified by a manufacturer to install, alter, extend, maintain, ~~layout~~ lay out, or repair an agent suppression system.

'Preengineered suppression systems technician' means a person certified to maintain or repair an agent suppression system.

'Single family dwelling' means a building which is occupied as, or designed or intended for occupancy as, a single residence for one or more persons.

'Smoke damper' means a device within an operating (dynamic) air distribution system to control the movement of smoke.

~~'Sprinkler fitter in training' means a person with interest in and an aptitude for performing fire protection work but who alone is not capable of performing such work, and who has fewer than 5,000 hours of experience installing, adjusting, repairing and dismantling fire protection systems.~~

§29-3D-3. License required; exemptions.

(a) On and after January 1, 2009, a person performing or offering to perform fire protection work in this state shall have a license issued by the State Fire Marshal, in accordance with the provisions of this article.

~~(b) On and after January 1, 2016, a person performing or offering to perform damper work in this state shall have a license issued by the State Fire Marshal, in accordance with the provisions of this article and the legislative rules promulgated pursuant hereto: *Provided*, That a person may not be licensed to perform damper work in this state without first being licensed as a HVAC technician pursuant to the provisions of §21-16-1 *et seq.* of this code.~~

~~(c)~~(b) A person licensed under this article must carry a copy of the license on any job in which fire protection work is being performed.

~~(d)~~(c) This article does not apply to:

(1) A person who personally performs fire protection work or damper work on a single family dwelling owned or leased, ~~and occupied~~ by that person or that person's immediate family;

(2) A person who performs fire protection work or damper work at any manufacturing plant or other industrial establishment as an employee of the person, firm, or corporation operating the plant or establishment;

(3) A person who, while employed by a public utility or its affiliate, performs fire protection work in connection with the furnishing of public utility service.

(4) A person who performs fire protection work while engaging in the business of installing, altering, or repairing water distribution or drainage lines outside the foundation walls of a building, public or private sewage treatment or water treatment systems, including all associated structures or buildings, sewers, or underground utility services;

(5) A person who performs fire protection work while engaged in the installation, extension, dismantling, adjustment, repair, or alteration of a heating ventilation and air conditioning (HVAC) system, air-veyor system, air exhaust system, or air handling system; or

(6) A person who performs fire protection work at a coal mine that is being actively mined or where coal is being processed.

§29-3D-4. Rule-making authority.

The State Fire Marshal shall propose rules for legislative approval, in accordance with the provisions of §29A-3-1 *et seq.* of this code, for the implementation and enforcement of the provisions of this article, which shall provide:

(1) Standards and procedures for issuing and renewing licenses, including classifications of licenses as defined in this article, applications, examinations, and qualifications: *Provided*, That the rules shall require a person to be licensed as a HVAC technician or HVAC technician in training pursuant to §21-16-1 *et seq.* of this code and the rules promulgated pursuant thereto, before ~~being granted a license to perform~~ performing damper work pursuant to this article;

(2) Provisions for the granting of licenses without examination, to applicants who present satisfactory evidence of having the expertise required to perform fire protection work at the level of the classifications defined in this article and who apply for licensure on or before July 1, 2009: *Provided*, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination;

(3) Provisions for the granting of licenses without examination, to applicants who present satisfactory evidence of having the expertise required to perform damper work at the level of the classifications defined in this article and who apply for licensure on or before July 1, 2016: *Provided*, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination;

(4) Reciprocity provisions;

(5) Procedures for investigating complaints and revoking or suspending licenses, including appeal procedures;

(6) Fees for testing, issuance and renewal of licenses, and other costs necessary to administer the provisions of this article;

(7) Enforcement procedures; and

(8) Any other rules necessary to effectuate the purposes of this article.

§29-3D-6. Denial, suspension and revocation of license.

(a) The State Fire Marshal may deny a license to any applicant who fails to comply with the rules established by the State Fire Marshal, or who lacks the necessary qualifications. When considering whether an applicant ~~possess~~ possesses the qualifications for a license, the State Fire Marshal shall

consider whether an applicant's prior criminal convictions bear a rational nexus on the license being sought.

(1) The State Fire Marshal may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the State Fire Marshal shall consider at a minimum:

(A) The nature and seriousness of the crime for which the individual was convicted;

(B) The passage of time since the commission of the crime;

(C) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(D) Any evidence of rehabilitation or treatment undertaken by the individual.

(2) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the State Fire Marshal shall permit the applicant to apply for initial licensure if:

(A) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(B) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(C) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the State Fire Marshal.

(3) An individual with a criminal record who has not previously applied for licensure may petition the State Fire Marshal at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the State Fire Marshal to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction.

(b) The State Fire Marshal may, upon complaint or upon his or her own inquiry, and after notice to the licensee, suspend or revoke a licensee's license if:

(1) The license was granted upon an application or documents supporting the application which materially misstated the terms of the applicant's qualifications or experience;

(2) The licensee subscribed or vouched for a material misstatement in his or her application for licensure; or

(3) The licensee incompetently or unsafely performs ~~plumbing~~, fire protection work or damper work.

§29-3D-7. Penalties.

(a) On and after January 1, 2009, a person performing or offering to perform fire protection work without a license issued by the State Fire Marshal, is subject to a citation.

~~(b) On and after January 1, 2016, a person performing or offering to perform, or an employer authorizing a person not exempt by the provisions of §29-3D-3 of this code, to perform, damper work without a license issued by the State Fire Marshal, is subject to a citation.~~

~~(e)(b) Any person continuing to engage in fire protection work or damper work after the issuance of a citation is guilty of a misdemeanor and, upon conviction thereof, is subject to the following penalties:~~

~~(1) For the first offense, a fine of not less than \$200 nor more than \$1,000;~~

~~(2) For the second offense, a fine of not less than \$500 nor more than \$2,000, or confinement in jail for not more than six months, or both; and~~

~~(3) For the third and subsequent offenses, a fine of not less than \$1,000 nor more than \$5,000, and confinement in jail for not less than thirty days nor more than one year.~~

~~(d)(c) Each day after a citation is given that a person continues to perform, or an employer continues to authorize a person to perform, fire protection work or damper work, which is not exempt by the provisions of §29-3D-3 of this code, is a separate offense and punishable accordingly.~~

~~(e)(d)(1) The State Fire Marshal may institute proceedings in the circuit court of Kanawha County or the county where the alleged violation of the provisions of this article occurred or are now occurring to enjoin any violation of any provision of this article.~~

~~(2) A circuit court by injunction may compel compliance with the provisions of this article, with the lawful orders of the State Fire Marshal and with any final decision of the State Fire Marshal.~~

~~(3) The State Fire Marshal shall be represented in all such proceedings by the Attorney General or his or her assistants.~~

~~(f)(e) Any person adversely affected by an action of the State Fire Marshal may appeal the action pursuant to the provisions of chapter 29A of this code."~~

And,

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

Com. Sub. for H. B. 2008 – “A Bill to repeal §21-3D-4, §21-3D-5, §21-3D-6, §21-3D-7, and §21-3D-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21-3C-14; to amend and reenact §21-3D-1, §21-3D-2, §21-3D-3, and §21-3D-8 of said code; to amend and reenact §21-14-2 and §21-14-7 of said code; to amend and reenact §21-16-2, §21-16-3, §21-16-5, and §21-16-8 of said code; to amend said code by adding thereto a new section, designated §21-16-11; to amend and reenact §29-3B-2, §29-3B-3, §29-3B-4, §29-3B-6, and §29-3B-8 of said code; and to amend and reenact §29-3D-2, §29-3D-3, §29-3D-4, §29-3D-6, and §29-3D-7 of said code, all relating to licensure in this state; providing for state code precedence over local ordinances; providing for a national standard and national certification for crane operators; providing for legislative appropriation of the Crane Operators Certification Fund on a certain date; providing altered definitions of journeyman and master plumber; providing for monetary penalties for improperly performing plumbing work under certain conditions; providing altered definition of HVAC Technician; providing that an applicant for a HVAC technician license may only be required to provide documentation of up to 2,000 hours work, training, and experience; eliminating requirement that HVAC residential technicians furnish evidence of 2,000 hours of experience or training before being allowed to take examination; establishing monetary penalties for improperly performing HVAC work

under certain conditions; providing veterans who meet certain conditions are eligible for HVAC technician licensure; providing for altered definitions of journeyman and master electricians; providing exemptions from licensure under certain conditions; providing for extended time frames for electricians to renew a license without retesting; providing for monetary penalties for improperly performing electrical work under certain conditions; providing for definitions of fire protection workers; providing for an altered definition of journeyman sprinkler fitter; providing exemption from licensure when meeting certain conditions; establishing monetary penalties for improperly performing fire protection work; and making other minor technical changes.”

On the motion to concur in the Senate amendments, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 184**), and there were—yeas 60, nays 39, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Booth, Brown, Criss, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Gearheart, Griffith, Hansen, Hornbuckle, Jeffries, Lovejoy, Maynard, McGeehan, Miller, Paynter, Pethtel, Pushkin, Rohrbach, Rowe, Skaff, Statler, Storch, Thompson, Toney, Walker, G. Ward, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the motion to concur in the amendment of the bill by the Senate prevailed.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 185**), and there were—yeas 59, nays 40, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Booth, Bridges, Brown, Criss, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Jeffries, Lovejoy, Maynard, Miller, Paynter, Pethtel, Pushkin, Reynolds, Rohrbach, Rowe, Skaff, Statler, Storch, Thompson, Toney, Walker, G. Ward, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Nestor.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2008) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2013, Relating to the Hope Scholarship Program.

A message from the Senate, by

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

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

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

On page three, section one hundred thirteen, after line forty-three, by striking out all of subdivision (10) and inserting in lieu thereof a new subdivision (10), to read as follows:

“(10) Any school education program which is operated by a grantee under 42 U.S.C. § 9801 *et seq.*, the federal Head Start Program: *Provided*, That these programs are required to continue to perform criminal background checks on all employees in accordance with federal requirements.”

The question then being on the passage of the bill, the yeas and nays were taken (**Roll No. 186**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 89) passed.

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

A message from the Senate, by

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

Com. Sub. for S. B. 297 - “A Bill to amend and reenact §12-6C-4 and §12-6C-9 of the Code of West Virginia, 1931, as amended, all relating generally to the Board of Treasury Investments; authorizing the board to provide compensation to appointed directors for each meeting attended and establishing the rate thereof; authorizing the board to invest in commercial paper with a certain nationally recognized rating and weighted maturity; providing a minimum weighted average maturity duration for corporate debt rated investment grade in which the board is authorized to invest; authorizing the board to invest in state and local government securities with certain nationally recognized ratings; removing the limitation on the percentage of the Consolidated Fund that the board may invest in certain corporate securities; and eliminating the requirement that the board invest a certain percentage of the Consolidated Fund in obligations guaranteed by the United States”; 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. 303 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §8B-1-1, §8B-1-2, §8B-1-3, §8B-1-4, §8B-1-5, and §8B-1-6, all relating to creating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; setting forth legislative findings and declarations; defining terms; providing areas in which political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement; establishing a civil cause of action which, if proven in a court of competent jurisdiction, may permit a

person to obtain injunctive relief or any other appropriate equitable relief against any political subdivision violating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; providing exceptions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective date of the act is void; and providing that the prohibitions do not apply to employees of a political subdivision”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 391 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-101a, relating to a departmental study of the child protective services and foster care workforce”; 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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 431 - “A Bill to amend and reenact §18-8-11 of the Code of West Virginia, 1931, as amended, relating to authorizing a county board of education to provide electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 502 - “A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to lifetime hunting, fishing, and trapping licenses for residents who have not reached their 15th birthday; providing that residents who have not reached their 15th birthday may be eligible to receive their lifetime hunting, fishing, and trapping license; providing that adopted children who have not reached their 15th birthday may be eligible to receive their lifetime hunting, fishing, and trapping license; providing that lifetime hunting, fishing, and trapping license fees for adopted children are calculated from the date of adoption decree or order; providing that foster children who have not reached their 15th birthday may be eligible to receive their lifetime hunting, fishing, and trapping license; providing that lifetime hunting, fishing, and trapping license fees for foster children are calculated from the date of entry of the order placing the child in foster care; and providing the Director of the Division of Natural Resources emergency legislative rule-making authority”; which was referred to the Committee on Agriculture and Natural Resources then Finance.

Resolutions Introduced

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

H. R. 15 - “Relating to empowering the House Committee on the Judiciary to investigate allegations of impeachable offenses against West Virginia Attorney General Patrick Morrisey.”

Whereas, The West Virginia House of Delegates acknowledges and accepts the fact that Joe Biden won the United States presidential election held on November 3, 2020; and

Whereas, The election results at all 50 states and Puerto Rico were certified on the 12th of December 2020, declaring Joe Biden the winner of the 2020 United States presidential election; and

Whereas, West Virginia Attorney General Patrick Morrisey took an oath of office to support the Constitution of the United States, which includes the right of American citizens to vote; and

Whereas, On the ninth day of December 2020, West Virginia Attorney General Patrick Morrisey entered West Virginia into a frivolous lawsuit that attempted to undermine the United States Constitution by seeking to disenfranchise the votes of over 38 million Americans; and

Whereas, West Virginia Attorney General Patrick Morrisey perpetuated the “Great Lie” of a stolen election through social media, including statements made through his official government account, by citing false claims of “many, many problems with the 2020 elections”; and

Whereas, From his official position as an elected official, West Virginia Attorney General Patrick Morrisey encouraged West Virginia to distrust democracy and our democratic institutions; and

Whereas, His statements and the resulting distrust may have encouraged several West Virginians to take part in the deadly and destructive insurrection in our nation’s Capitol on the sixth day of January, 2021; and

Whereas, West Virginia Attorney General Patrick Morrisey’s arrogant disregard for the rule of law as an elected attorney serving as the legal representative of the State of West Virginia was shameful political pandering showing a complete lack of integrity and disrespect for his legal duties; and

Whereas, These actions clearly constitute a violation of his oath of office and maladministration; therefore, be it

Resolved by the House of Delegates:

That the House Committee on the Judiciary be, and is by this resolution, empowered to investigate or cause to be investigated, allegations or charges raised herein or identified its investigation, and make findings of fact based such investigations and hearings, and to report to the House of Delegates its findings of facts and any recommendations which the Committee on the Judiciary may deem proper; and, be it

Further Resolved, That if the recommendation of the Committee be to impeach West Virginia Attorney General Patrick Morrisey, to present to the House of Delegates a resolution of impeachment and articles of impeachment; and, be it

Further Resolved, That in carrying out its duties pursuant to this resolution, the House Committee on the Judiciary is authorized:

(1) To examine witnesses, to send for persons and papers, documents, and other physical evidence, to order the attendance of any witness, or the production of papers, documents, and other physical evidence, and to exercise all other powers described under the provisions of §4-1-5 of the Code of West Virginia; and

(2) To issue summonses, subpoenas, and subpoenas duces tecum and to enforce obedience to its summonses and subpoenas accordance with the provisions of §4-1-5 of the Code of West Virginia, or by invoking the aid of the courts of this state; and

(3) To determine whether all or any portion of a meeting or hearing should be held in an executive session, pursuant to the provisions of House Rule 83; and, be it

Further Resolved, That in carrying out his duties pursuant to this resolution, the Chairman of the Committee on the Judiciary is authorized:

(1) To establish or define rules of procedure for the conduct of meetings or hearings held pursuant to this resolution; and

(2) To employ, with the prior approval of the Speaker of the House, a court reporter of stenographer and such other professional or clerical employees as may be reasonably required; and

(3) To designate a subcommittee or subcommittees of the Committee on the Judiciary to assist the Chairman or the Committee performing the duties specified in this resolution; and

(4) To determine the time and place of all meetings or hearings of the Committee and its designated subcommittees; and, be it

Further Resolved, That the Committee on the Judiciary, during its inquiry, may entertain such procedural and dispositive motions as may be made in the case of any other bill or resolution referred to that committee and in making its recommendations, if any, pursuant to this resolution, the Committee may include:

(1) A recommendation that West Virginia Attorney General Patrick Morrisey not be impeached; or

(2) A recommendation that West Virginia Attorney General Patrick Morrisey be impeached for maladministration, corruption, incompetence, gross immorality, neglect of duty, or any high crime or misdemeanor, pursuant to Article IV, Section 9 of the Constitution of West Virginia and that West Virginia Attorney General Patrick Morrisey be removed and disqualified from office, and that the House of Delegates adopt a resolution of impeachment and formal articles of impeachment as prepared by the Committee on the Judiciary, and deliver the same to the Senate in accordance with the procedures of the House of Delegates, for consideration by the Senate according to rules of procedure and state law.

Delegates Cooper, Haynes and J. Pack offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 60 - "Requesting the Division of Highways name bridge number 32-023/03-000.17 (32A097), (37.54475, -80.68795) locally known as Cooks Fort Bridge, carrying CR 23/3 over Indian Creek in Monroe County, the 'U. S. Army CPL Billy F. Mann Memorial Bridge'."

Whereas, Billy F. Mann was born on February 23, 1922 in Greenville, Monroe Country, and was the son of the late Oliver S. Mann and Stella Canterbury Mann; and

Whereas, Billy F. Mann attended Greenville High School, and graduated in 1941; and

Whereas, U. S. Army CPL Billy F. Mann was enlisted in the U.S. Army during World War II and was a Tank Commander in Company B, 14th Tank Battalion, 9th Armored Division under the command of General Hoge; and

Whereas, U. S. Army CPL Billy F. Mann was killed in action from wounds received in the action known as The Battle of the Bulge; he passed away on March 1, 1945, in Germany; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army CPL Billy F. Mann 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 32-023/03-000.17 (32A097), (37.54475, -80.68795) locally known as Cooks Fort Bridge, carrying CR 23/3 over Indian Creek in Monroe county, the "U. S. Army CPL Billy F. Mann Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army CPL Billy F. Mann 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.

Bills Introduced

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

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 3286 - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Division of Human Services – Child Care and Development, fund 8817, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 3287 - "A Bill making a supplementary appropriation of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Homeland Security, Department of Homeland Security – Office of the Secretary – Law-Enforcement, Safety and Emergency Worker Funeral Expense Payment Fund, fund 6003, fiscal year 2021, organization 0601, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 3288 - "A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing existing items of appropriation from the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511 and from the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2021, organization 0506 and increasing an existing item of appropriation to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511, by supplementing and amending appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 3289 - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Commerce, Geological and Economic Survey, fund 8704, fiscal year

2021, organization 0306, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 3290 - "A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation from the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511 and adding a new item of appropriation to the Department of Health and Human Resources, Department of Health and Human Resources - Office of the Secretary, fund 0400, fiscal year 2021, organization 0501, by supplementing and amending appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 3291 - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Homeland Security, Division of Administrative Services, fund 8803, fiscal year 2021, organization 0623, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 3292 - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Health – Central Office, fund 8802, fiscal year 2021, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021"; to the Committee on Finance.

Special Calendar

Third Reading

Com. Sub. for S. B. 5, Relating to claims arising out of WV Consumer Credit and Protection Act; 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. 187**), and there were—yeas 77, nays 22, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 5) passed.

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

Com. Sub. for S. B. 42, Creating Zombie Property Remediation Act of 2021; 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. 188**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Criss, Kimes and McGeehan.

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 42) passed.

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

S. B. 523, Correcting improper code references; on third reading, coming up in regular order, was reported by the Clerk.

In the absence of objection, the bill (S. B. 523) was placed at the foot of bills on third reading.

Com. Sub. for H. B. 2495, Relating to the filing of asbestos and silica claims; 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. 189**), and there were—yeas 76, nays 23, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2495) passed.

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

H. B. 2830, Relating generally to sex trafficking; 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. 190**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2830) passed.

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

H. B. 2854, Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System; 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. 191**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2854) passed.

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

Com. Sub. for H. B. 2855, Relating to the Natural Resources Police Officers Retirement System; 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. 192**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Nestor.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2855) passed.

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

Com. Sub. for H. B. 2896, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services; 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. 193**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Foster, McGeehan and Steele.

Absent and Not Voting: Nestor.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2896) passed.

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

On this question, the yeas and nays were taken (**Roll No. 194**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Nestor.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2896) takes effect from its passage.

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

H. B. 2898, Making a supplementary appropriation to WorkForce West Virginia – Workforce Investment Act; 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. 195**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Nestor.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2898) passed.

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

On this question, the yeas and nays were taken (**Roll No. 196**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Nestor.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2898) takes effect from its passage.

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

H. B. 2901, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services; 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. 197**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2901) passed.

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

On this question, the yeas and nays were taken (**Roll No. 198**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the bill (H. B. 2901) takes effect from its passage.

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

H. B. 2903, Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police; 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. 199**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2903) passed.

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

On this question, the yeas and nays were taken (**Roll No. 200**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2903) takes effect from its passage.

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

H. B. 2940, Making a supplementary appropriation to the Department of Education, State Board of Education – State Department of Education; 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. 201**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Foster, Jeffries, Kimes, McGeehan and Miller.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2940) passed.

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

On this question, the yeas and nays were taken (**Roll No. 202**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Jeffries, Kimes, McGeehan and Miller.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2940) takes effect from its passage.

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

H. B. 2941, Supplementary appropriation decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner; 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. 203**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: McGeehan and Paynter.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2941) passed.

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

On this question, the yeas and nays were taken (**Roll No. 204**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: McGeehan and Paynter.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2941) takes effect from its passage.

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

H. B. 3129, Relating to the Consumer Price Index rate increase; 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. 205**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3129) passed.

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

H. B. 3130, Relating to elimination of sunset provisions concerning towing rates; on third reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

H. B. 3132, Relating to motor carrier inspectors; 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. 206**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3132) passed.

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

H. B. 3134, Prohibiting public disclosure of restricted information; on third reading, coming up in regular order, was read a third time.

Delegate Capito asked and obtained unanimous consent to recommit the bill to the Committee on the Judiciary.

H. B. 3175, Relating to removing certain felonies than can prohibit vehicle salespersons from receiving a license; 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. 207**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Kimes and Martin.

Absent and Not Voting: Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3175) passed.

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

On this question, the yeas and nays were taken (**Roll No. 208**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kimes and Martin.

Absent and Not Voting: Higginbotham and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3175) takes effect from its passage.

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

Having been postponed in earlier proceedings, the House returned to consideration of **S. B. 523**, Correcting improper code references, and the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 209**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Higginbotham and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 523) passed.

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

Second Reading

Com. Sub. for S. B. 469, Permitting and establishing requirements for appearance by video for purpose of notarial acts; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2174, West Virginia Monument and Memorial Protection Act of 2021 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 amendments pending and the right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

H. B. 2496, Relating to assessments of real property children; 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. 2499, Tax reduction for arms and ammo manufacturing; 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. 2630, Requiring DEP to reimburse fines paid by towns, villages and communities in certain instances; 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. 2633, Creating the 2021 Farm Bill; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2742, Providing explicit authority to process an online driver's license or identification renewal or reissuance when the applicant needs to update the address; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2777, Repeal municipal amusement tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2782, Repeal domestic animal tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2808, Remove salt from list and definition of "mineral" for severance tax purposes; 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. 2823, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2914, To remove certain ex officio, voting members from the Archives and History Commission and update formatting; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for S. B. 156, Authorizing Department of Homeland Security to promulgate legislative rules,

Com. Sub. for S. B. 160, Authorizing Department of Revenue to promulgate legislative rules,

Com. Sub. for S. B. 182, Authorizing miscellaneous agencies and boards to promulgate legislative rules,

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

H. B. 2796, Supplemental appropriation bill is to expire funds to the surplus balance of General Revenue and to supplement and increase an item of appropriation in the aforesaid account for the designated spending unit for expenditure during the fiscal year 2021,

H. B. 2829, Providing for the amortization of annual funding deficiencies for municipal police or firefighter pension and relief funds,

H. B. 2897, Expiring funds to the balance of the Department of Commerce,

H. B. 2899, Making a supplementary appropriation to the Department of Commerce,

H. B. 2920, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund,

And,

Com. Sub. for H. B. 2959, Relating to the financing of environmental pollution control equipment for coal-fired power plants.

Miscellaneous Business

The House of Delegates met at 5:00 p.m. on Wednesday, March 17, 2021 for **Remarks by Members**, in accordance with House Rule 65. The Honorable Danny Hamrick, a Delegate from the Forty-Eighth Delegate District, called the House to order and presided while members proceeded to make remarks. At 5:11 p.m., Remarks by Members was adjourned.

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

H. B. 2123: Delegate Espinosa;

H. B. 2336: Delegate Evans;

H. B. 2760: Delegates Hott and Maynard;

H. B. 3010: Delegate Maynard;

And,

H. B. 3231: Delegate Riley.

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

H. B. 2354: Delegate Rowe;

H. B. 2999: Delegate Haynes;

And,

H. B. 3094: Delegate Haynes.

At 12:44 p.m., the House of Delegates adjourned until 11:30 a.m., Friday, March 19, 2021.

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

SPECIAL CALENDAR

Friday, March 19, 2021

38th Day

11:30 A. M.

THIRD READING

- Com. Sub. for S. B. 469 - Permitting and establishing requirements for appearance by video for purpose of notarial acts (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2174 - West Virginia Monument and Memorial Protection Act of 2021 (STEELE) (REGULAR) [AMENDMENTS PENDING] [RIGHT TO AMEND]
- H. B. 2496 - Relating to assessments of real property (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2499 - Tax reduction for arms and ammo manufacturing (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2630 - Requiring DEP to reimburse fines paid by towns, villages and communities in certain instances (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2633 - Creating the 2021 Farm Bill (STEELE) (REGULAR)
- H. B. 2742 - Providing explicit authority to process an online driver's license or identification renewal or reissuance when the applicant needs to update the address (STEELE) (REGULAR)
- H. B. 2777 - Repeal municipal amusement tax (HOUSEHOLDER) (REGULAR)
- H. B. 2782 - Repeal domestic animal tax (HOUSEHOLDER) (REGULAR)
- H. B. 2808 - Remove salt from list and definition of "mineral" for severance tax purposes (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 2823 - Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code (STEELE) (REGULAR)

H. B. 2914 - To remove certain ex officio, voting members from the Archives and History Commission and update formatting (STEELE) (REGULAR)

H. B. 3130 - Relating to elimination of sunset provisions concerning towing rates (CAPITO) (REGULAR)

SECOND READING

Com. Sub. for S. B. 156 - Authorizing Department of Homeland Security to promulgate legislative rules (STEELE) (EFFECTIVE FROM PASSAGE) (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING)

Com. Sub. for S. B. 160 - Authorizing Department of Revenue to promulgate legislative rules (STEELE) (EFFECTIVE FROM PASSAGE) (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING)

Com. Sub. for S. B. 182 - Authorizing miscellaneous agencies and boards to promulgate legislative rules (STEELE) (EFFECTIVE FROM PASSAGE) (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING)

Com. Sub. for H. B. 2026 - Relating to the modernization of the collection of income taxes by adopting uniform provisions relating to the mobile workforce (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

H. B. 2796 - Supplemental appropriation bill is to expire funds to the surplus balance of General Revenue and to supplement and increase an item of appropriation in the aforesaid account for the designated spending unit for expenditure during the fiscal year 2021 (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

H. B. 2829 - Providing for the amortization of annual funding deficiencies for municipal police or firefighter pension and relief funds (HOUSEHOLDER) (REGULAR)

H. B. 2897 - Expiring funds to the balance of the Department of Commerce (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

H. B. 2899 - Making a supplementary appropriation to the Department of Commerce (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

H. B. 2920 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 2959 - Relating to the financing of environmental pollution control equipment for coal-fired power plants (ANDERSON) (REGULAR)

FIRST READING

Com. Sub. for S. B. 9 - Continuing Licensed Racetrack Modernization Fund (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]

S. B. 10 - Modifying racetrack licensing due date (HOUSEHOLDER) (REGULAR)

S. B. 305 - Providing exemption from consumers sales and service tax for certain aircraft maintenance (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 2195 - Relating to motor vehicle crash reports (CAPITO) (REGULAR)

Com. Sub. for H. B. 2368 - Mylissa Smith's Law, creating patient visitation privileges (CAPITO) (REGULAR)

Com. Sub. for H. B. 2760 - Relating to economic development incentive tax credits (HOUSEHOLDER) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]

H. B. 2874 - Extend the current veteran's business fee waivers to active duty military members, their spouses and immediate family members (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 2933 - Anti-Discrimination Against Israel Act (CAPITO) (REGULAR)

H. B. 3010 - To extend the special valuation method for cellular towers to towers owned by persons not subject to regulation by the Board of Public Works (HOUSEHOLDER) (REGULAR)

HOUSE CALENDAR

Friday, March 19, 2021

38th Day

11:30 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)
- Com. Sub. for H. B. 2785 - Relating to public school enrollment for students from out of state (ELLINGTON) (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. 2702 - To require all public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2792 - Relating to the expansion of direct access to natural gas service for new customers (ANDERSON) (REGULAR)
- H. B. 3131 - Relating to correcting internal code references and citations (CAPITO) (REGULAR)

FIRST READING

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, MARCH 19, 2021

HOUSE CONVENES AT 11:30 A.M.

**WORKFORCE DEVELOPMENT
8:00 A.M. – HOUSE CHAMBER**

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

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

**COMMITTEE ON RULES
11:00 A.M. – ROOM 434 M**

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

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