

West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Fifth Legislature  
First Regular Session

Held at Charleston  
Published by the Clerk of the House



February 15, 2021  
SIXTH DAY



---

Monday, February 15, 2021

**SIXTH 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 Saturday, February 13, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Reordering of the Calendar**

Delegate Summers announced that the Committee on Rules had moved Com. Sub. for H. B. 2002, Com. Sub. for H. B. 2004, Com. Sub. for H. B. 2014 and Com. Sub. for H. B. 2015 on Second Reading, Special Calendar to the House Calendar; and H. J. R. 2 on First Reading, Special Calendar, to the House Calendar.

**Committee Reports**

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 Higginbotham, Horst and Longanacre:**

**H. B. 2536** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-5-45a, relating to expressions of legislative intent regarding equivalent instruction time and its intended use per §18-5-45; disallowing application and use when days lost due to concerted work stoppage or strike; requiring county board to withhold pay of assigned employees when school closed temporarily due to concerted work stoppage or strike; providing for subsequent application of withheld pays when certain conditions are met; providing disposition of funds withheld and not so applied; and prohibiting school's participation in extracurricular activities during any part of a day it is closed due to concerted work stoppage or strike."

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

Your Committee on Government Organization has had under consideration:

**H. B. 2007**, Provide for occupational licenses or other authorization to practice by recognition for qualified applicants from other states,

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

**Com. Sub. for H. B. 2007** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-17-5, §21-17-6, §21-17-7, §21-17-8, §21-17-9, §21-17-10, §21-17-11, §21-17-12, and §21-17-13; to amend said

code by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, §29-33-4, §29-33-5, §29-33-6, §29-33-7, §29-33-8, §29-33-9, §29-33-10, §29-33-11, §29-33-12, and §29-33-13; to amend said code by adding thereto a new article, designated §30-1F-1, §30-1F-2, §30-1F-3, §30-1F-4, §30-1F-5, §30-1F-6, §30-1F-7, §30-1F-8, §30-1F-9, §30-1F-10, §30-1F-11, §30-1F-12, and §30-1F-13, all relating to occupational licensing or other authorization to practice; providing for definitions; providing for an application method for persons with a valid license in another state to be licensed in this state; providing that a person applying for licensure in this state has worked in the licensed occupation for at least one year; providing for other criteria a person must satisfy when applying for licensure in this state; establishing that an applicant seeking licensure in this state not have ever had a license revoked or suspended in another state; providing that an applicant seeking licensure in this state not have any pending investigations or disciplinary proceedings in another state; providing that the boards in every state where a person is licensed hold the applicant in good standing for licensure in this state; providing that an applicant pay all applicable fees; providing that an applicant meet all state bonding requirements for licensure in this state; providing for an application fee that may be assessed by the board; providing for 60 days for a board to take action on a completed application; providing for an appeal mechanism for a person to appeal any decision of a board relating to occupational licensure; providing for state law preemption against any township, municipality, county, or other government to regulate occupational licensure; and providing for rulemaking authority to any board affected to carry out the provisions of the article,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 2013**, Relating to the Hope Scholarship Program,

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

**Com. Sub. for H. B. 2013** - “A Bill to amend and reenact §18-8-1 and §18-8-1a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9A-25.; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10, §18-31-11, §18-31-12, and §18-31-13, all relating to establishing the Hope Scholarship Program; providing for a short title and definitions; establishing the framework for the scholarship and establishing guidelines; creating the West Virginia Hope Scholarship Board and providing for membership qualifications therein; creating a process for awarding scholarships; establishing funding mechanisms for the scholarships; establishing qualified expense requirements; creating a renewal process for the scholarship; creating an administration process for the scholarships; establishing an auditing mechanism for the scholarships and potential suspension system for providers; creating requirements and right of education service providers; establishing responsibilities of resident school districts; and providing for legal proceedings and severability,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 2358**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act,

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

**Com. Sub. for H. B. 2358** - "A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates,"

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 2358) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 2**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Fleischauer, Higginbotham and Linville.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was read a third time and put upon its passage.

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

Absent and Not Voting: Fleischauer, Higginbotham and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2358) passed.

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

On this question, the yeas and nays were taken (**Roll No. 4**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Fleischauer, Higginbotham and Linville.

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. 2358) 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.

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. 2359**, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 2359) was taken up for immediate consideration and read a first time and ordered to second reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 5**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and not Voting: Fleischauer, Higginbotham and Linville.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 6**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Fleischauer, Higginbotham and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2359) passed.

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

On this question, the yeas and nays were taken (**Roll No. 7**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Fleischauer, Higginbotham and Linville.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2359) 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.

### **Resolutions Introduced**

Delegates Holstein, Wamsley, Kimble, Mazzocchi, Barnhart, Hanna, Ferrell, Keaton, Mandt, Zatezalo, Bridges, Haynes, Horst, Longanacre, Sypolt and B. Ward offered the following resolution, which was read by its title and referred to the Committee on Veterans' Affairs and Homeland Security then Rules:

**H. R. 7 - "Condemning calls to Defund the Police."**

Whereas, The State of West Virginia is established on the rule of law, which upholds the founding principles of our nation; Life, Liberty, and the Pursuit of Happiness; and

Whereas, The House of Delegates of the West Virginia Legislature, recognizes imperfections that exist within law enforcement and every other institution in the great state of West Virginia. We further recognize the importance of the work of our law enforcement officers across the state and nation; and

Whereas, Law enforcement officers are entrusted by the public to uphold and enforce the law. Law enforcement officers who abuse their positions, engage in corruption, employ excessive force, or exhibit bias betray the public trust and undermine the rule of law; and

Whereas, The duties of law enforcement officers place these individuals in harm's way more often than the average citizen; and

Whereas the state of West Virginia recognizes there is a culture of anti-law enforcement bias in this nation that must be condemned, but defunding the police would leave police departments lacking staff, underpaid, and underequipped, while also increasing the risk of unattended crime to communities throughout West Virginia; therefore, be it

*Resolved by the House of Delegates:*

That the State of West Virginia condemns all calls to Defund the Police across the nation, and in states, and localities.

**Motions**

Delegate Bates moved that Com. Sub. for H. B. 2001 be committed to the Committee on Finance.

On this motion, the same was put and did not prevail.

**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. 2018** - "A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-6C-11a; to amend and reenact §31-15-8 of said code; and to amend said code by adding thereto a new section, designated §31-15-8a, all relating generally to economic development loans and loan insurance issued by the state; clarifying provision stating that the Board of Treasury Investments has no fiduciary duty with regard to economic development loans administered by the Economic Development Authority; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority and providing that such records shall not be considered public records and shall be exempt from disclosure pursuant to the provisions of Chapter 29B of the code; defining terms; limiting the total amount of loan moneys that the board shall make available to the authority for the broadband loan insurance program to \$80 million; establishing requirements that must be met before broadband loan insurance moneys will be made available to the authority; providing that the board

shall maintain broadband loan insurance loan moneys in a separate account in the Consolidated Fund; providing that broadband loan insurance moneys may only be drawn upon in the event of a broadband provider default on an insured debt or security instrument; limiting the amount of loan insurance that the authority may award in a single year to a single broadband provider to \$20 million; clarifying that the authority may not deduct administrative or operational costs from broadband loan insurance loan moneys; setting forth requirements that must be met before the authority may draw on broadband loan insurance moneys in the event of a broadband provider's default; requiring the authority to submit quarterly reports to the Joint Committee on Government and Finance and to the Governor containing certain information related to its loan insurance program; requiring the authority to make application forms for broadband loan insurance publicly available on its website; establishing the minimum information an applicant for broadband loan insurance shall be required to submit to the authority; establishing minimum criteria that the authority must consider in its broadband loan insurance application review process; establishing that the authority may provide loan insurance for eligible broadband providers pursuant to awards made by federally funded broadband expansion programs; providing that the authority may not issue loan insurance to a broadband provider that has previously defaulted on any debt or security instrument insured by the authority; requiring the authority to post certain information regarding loan insurance agreements on its website; requiring the authority to adhere to certain accounting and record-keeping practices; requiring the authority to submit quarterly reports to the Board of Treasury Investments, the Joint Committee on Government and Finance, and the Governor containing certain information on insured loans and broadband projects financed by insured loans; requiring a biennial legislative audit of the broadband loan insurance program; removing obsolete language; and making technical corrections"; to the Committee on Finance.

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

**H. B. 2020** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, §21-5I-6, and §21-5I-7, all relating to the West Virginia Employment Law Worker Classification Act; and clarifying definition of "independent contractor"; to the Committee on the Judiciary.

**By Delegates Foster and Hanna:**

**H. B. 2480** - "A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to state boards of examination or registration; and requiring Treasurer to transfer certain funds accumulated by the boards into the State General Fund"; to the Committee on Government Organization then Finance.

**By Delegate Foster:**

**H. B. 2481** - "A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, 1931, as amended, relating to removing and modifying certain requirements for employers related to wages for construction of public improvements"; to the Committee on Workforce Development then Government Organization.

**By Delegate Foster:**

**H. B. 2482** - "A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to clarifying that municipalities may enact ordinances for rates, fees, and charges based upon actual use of services and not solely based upon an individual's employment in municipality"; to the Committee on the Judiciary.

**By Delegates Foster and Higginbotham:**

**H. B. 2483** - "A Bill to amend and reenact §57-5-4j of the Code of West Virginia, 1931, as amended, relating to preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay for medical care or treatment"; to the Committee on the Judiciary.



**By Delegate Fast:**

**H. B. 2484** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1B-14, relating to relocation or closure of state higher education institutions; establishing legislative findings; requiring an economic and educational accessibility impact study and plan be provided by a state institution of higher education to the Higher Education Policy Commission prior to closure or transfer of the physical presence in an existing location; requiring the commission to review, provide feedback and suggested changes to the institution desiring to close or transfer a physical presence; requiring the commission to make a recommendation to the Legislative Oversight Commission on Education Accountability (LOCEA); requiring the LOCEA to consider and take action within six months of submission; authorizing amendment of the recommended plan; authorizing transfer or closure pursuant to an approved LOCEA plan"; to the Committee on Education then the Judiciary.

**By Delegate Higginbotham:**

**H. B. 2485** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §51-12-1, §51-12-2, §51-12-3, §51-12-4, §51-12-5, §51-12-6, and §51-12-7, all relating to enacting the Public Participation Protection Act; permitting litigants to file a special motion to dismiss a claim if the claim is in furtherance of the right of petition, free speech, or association under the United States Constitution or the West Virginia Constitution; permitting expedited hearings and appeals; permitting the recovery of attorneys' fees and costs and sanctions; making exceptions; providing for severability; and setting an effective date"; to the Committee on the Judiciary.

**By Delegates Higginbotham, Hanna and Zukoff:**

**H. B. 2486** - "A Bill to amend and reenact §18-2E-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18C-9-3 of said code, all relating to qualifying not-for-profit private baccalaureate institutions for the Advanced Career Education Programs and the West Virginia Invests Grant Program"; to the Committee on Education then Finance.

**By Delegate Higginbotham:**

**H. B. 2487** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6c, relating to creating a Campus Mentors pilot program; describing Campus Mentors; requiring State Superintendent to issue request for proposals subject to appropriation and authorizing award of four three-year competitive grants; specifying eligible applicants and partner public schools; requiring partner with Campus Mentors organization; specifying criteria that define Campus Mentors program; and describing funding model and permissible expenditures"; to the Committee on Education then Finance.

**By Delegate Foster:**

**H. B. 2488** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-10a, relating to an occupational limited license"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Foster:**

**H. B. 2489** - "A Bill to amend and reenact §16-5-10 of the Code of West Virginia, 1931, as amended, relating to, the preserving surnaming of children in accordance with the long-standing custom and tradition of the patronymic surnaming convention of children as recognized in common law case precedent; and titling this act as 'The Genealogical Record Integrity Act of 2020'; to the Committee on the Judiciary.

**By Delegates Gearheart, Mandt, J. Jeffries, Ellington, Criss, Haynes and Kimes:**

**H. B. 2490** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-2-2a, relating to requiring a transfer from reappropriated revenue accounts to General Revenue Fund"; to the Committee on Finance.

**By Delegates Foster and D. Jeffries:**

**H. B. 2491** - "A Bill to amend and reenact §30-18-2 of the Code of West Virginia, 1931, as amended, all relating to the eligibility and application requirements for private investigator and security guard licensure"; to the Committee on Government Organization.

**By Delegates Evans, Fleischauer and Paynter:**

**H. B. 2492** - "A Bill to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for DUI causing death when a child is present in the vehicle at the time of the accident"; to the Committee on the Judiciary.

**By Delegates Criss, Anderson, Graves, Householder, Barrett, Espinosa, Storch, Rohrbach and Gearheart:**

**H. B. 2493** - "A Bill to amend and reenact §11-6K-1 and §11-6K-3 of the Code of West Virginia, 1931, as amended, all generally relating to the assessment and valuation of industrial property and natural resource property; for assessments made on or after July 1, 2022, providing that the arithmetic means for annual production and average coal price to value coal properties shall be based upon the full calendar year immediately preceding the July 1st assessment date; providing that the Tax Commissioner shall utilize an average coal density of 1800 tons per acre foot, unless clear and convincing evidence is submitted by a tax payer establishing a lower density value; providing that density information reported on returns, due on or before May 1 of each year, shall be used to determine values for the immediately following July 1 assessments; providing that the Tax Commissioner shall take into consideration economic viability and engineering considerations when establishing values for coal properties; providing that coal beds which are of a thickness of less than thirty-five inches shall not be classified as mineable coal for valuation for property tax purposes unless there is clear and convincing evidence to the contrary; providing that no permitted coal seam may be classified for taxation as active until actual depletion of coal commences under a permit; providing that for any owner, operator, or producer which fails to make a return within the time required, any and all penalties imposed shall be equally and uniformly applied across all forms of industrial property and natural resources property; and specifying an effective date"; to the Committee on Energy and Manufacturing then Finance.

**By Delegates Westfall, Queen, Smith, Barrett and Storch:**

**H. B. 2494** - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Motor Vehicles to issue a special registration plate for autism awareness"; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Westfall and Kessinger:**

**H. B. 2495** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32; and to amend and reenact §55-7G-4 and §55-7G-8 of said code, all relating to the filing of asbestos and silica claims; providing that a product liability defendant may not be held liable for products sold by a third party; providing that plaintiffs shall include a sworn information with any asbestos or silica action filed after the effective date of the amendments to the code; specifying the information to be included in a sworn information; providing for the dismissal without prejudice of asbestos or silica actions filed against defendants whose product or premises have not been identified; providing for the dismissal without prejudice of asbestos or silica actions for

failure to comply with sworn information filing requirements; and allowing for the consolidation of any asbestos or silica actions with the consent of all parties”; to the Committee on the Judiciary.

**By Delegates Householder, Graves, Criss, Rowe, Storch and Gearheart:**

**H. B. 2496** - “A Bill to repeal §11-3-24b and §11-3-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-3-15c, §11-3-15f, §11-3-15h, §11-3-15i, §11-3-23, §11-3-23a, §11-3-24, §11-3-24a, §11-3-25a, and §11-3-32 of said code; and to amend and reenact §11-10A-1, §11-10A-7, §11-10A-8, §11-10A-10, and §11-10A-19 of said code, all generally relating to assessments and appellate rights of property owners concerning valuation, classification, and taxability of real estate and personal property taxation; providing that residential property owners may not be required to furnish a formal appraisal to establish the value of their primary residence; providing that an assessor’s review is to be an informal process and defining the standard of proof which a taxpayer must meet to be no greater than a preponderance of the evidence; expanding the jurisdiction of the Office of Tax Appeals to include property tax valuation, classification, and taxability; providing that if an assessor rejects a petition, the petitioner may appeal to the county Board of Equalization and Review or the Office of Tax Appeals; allowing for certain appeals from decisions of the Tax Commissioner and Board of Equalization and Review to the Office of Tax Appeals; repealing and eliminating the Board of Assessment Appeals; providing for an increase in the number of administrative law judges and staff attorneys within the Office of Tax Appeals; providing for an effective date; and making technical changes”; to the Committee on Finance then the Judiciary.

**By Delegates D. Jeffries, Dean, Householder and Pinson:**

**H. B. 2497** - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to eliminating the permit needed to hunt, trap, or fish for veterans who suffer from Post-Traumatic Stress Disorder (PTSD)”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

**By Delegates Gearheart, Paynter, Maynard, Barnhart, J. Jeffries, Ellington, Criss, Householder, Haynes and Kimes:**

**H. B. 2498** - “A Bill to amend and reenact §17-16A-11 of the Code of West Virginia, 1931, as amended, relating to ensuring that funding to counties named in this section from the State Road Construction Account does not affect any other funding received by those counties from the State Road Fund”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Howell, Householder, Horst, Hamrick, B. Ward, Steele, Foster, Kessinger, Linville, Ellington and Hanshaw (Mr. Speaker):**

**H. B. 2499** - “A Bill to amend and reenact §11-6F-2 and §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, §11-13KK-4, §11-13KK-5, §11-13KK-6, §11-13KK-7, §11-13KK-8, §11-13KK-9, §11-13KK-10, §11-13KK-11, §11-13KK-12, §11-13KK-13, §11-13KK-14, §11-13KK-15, §11-13KK-16, §11-13KK-17, and adding thereto a new section designated §11-15-9t, all relating generally to taxation for the manufacturing, sale, and use of certain defined products to encourage economic growth; amending the definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending the formula for calculating the manufacturing investment tax credit amount allowed for manufacturing investment to include small arms ammunition manufacturing and small arms, ordinance and ordinance accessories manufacturing; increasing the amount of such allowable credit for said industries; creating the West Virginia Tax Credit For Federal Excise Tax Imposed Upon Small Arms And Ammunition Manufacturers; providing for administration and enforcement of the tax credit; making legislative findings; stating legislative purpose; defining terms; specifying an amount of credit allowable based upon the amount of federal excise tax paid, providing limitations based upon qualified investment amount; providing conditions for qualification and use; defining in service or use;

providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for carry over and forfeiture of unused tax credits; providing limitations for credits being carried over; allowing transfer of qualified investment property without forfeiture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and construction; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing for severability; and exempting sales of certain defined small arms and small arms ammunition from state sales and use taxes and providing effective dates, and removing obsolete code”; to the Committee on Finance.

**By Delegate Foster:**

**H. B. 2500** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, and §16-63-3, all relating to establishing statewide uniformity for auxiliary container regulations”; to the Committee on Government Organization.

**By Delegates Gearheart, Mandt, Ferrell, Storch, Smith, Maynard, Ellington, Criss and Householder:**

**H. B. 2501** - “A Bill to amend and reenact §18-9B-5 of the Code of West Virginia, 1931, as amended, relating to suspending the implementation of the school aid formula until the year 2024; requiring that all school systems be funded at the level established by the 2020-2021 budget; and providing that the Legislature develop a new funding formula to be implemented for the budget year 2024-2025”; to the Committee on Education then Finance.

**By Delegates Gearheart, Mandt, Maynard, J. Jeffries, Ellington, Criss, Haynes and Kimes:**

**H. B. 2502** - “A Bill to amend and reenact §12-2-2 of the Code of West Virginia, 1931, as amended, relating to the forfeiture of unencumbered funds in special revenue accounts and repayment of certain percentages of the special revenue accounts to the General Revenue Fund, if these accounts have been inactive for designated periods; and prohibiting expenditures from these accounts pending the forfeiture of the funds”; to the Committee on Finance.

**By Delegates Gearheart, Mandt, Ferrell, Paynter, J. Jeffries, Ellington, Criss, Householder, Haynes and Kimes:**

**H. B. 2503** - “A Bill to amend and reenact §17-16A-10 of the Code of West Virginia, 1931, as amended, relating to requiring the approval of the Legislature and the Governor before additional bonds may be issued by the Parkways Authority; and requiring tolls to be removed six months following removal of encumbrances for the bonds”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Gearheart, Mandt, Storch, Howell, B. Ward, L. Pack, Ferrell, Haynes and Kimes:**

**H. B. 2504** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-11G-1, §62-11G-2, §62-11G-3, §62-11G-4, §62-11G-5, §62-11G-6, and §62-11G-7, all relating to creating a pilot work/incarceration prison; providing a short title; specifying offenders who are eligible to participate; establishing one work/incarceration prison; authorizing the Division of Corrections to propose rules for the operation and reporting of the work/incarceration prison; allowing a reduction in the sentence of an offender sentenced to the work/incarceration prison; providing that a serious violation of the rules result in an additional sentence; specifying a suggested appropriation; allowing the admittance of offenders from other counties; and requiring the evaluation of the work/incarceration prison”; to the Committee on the Judiciary.

**By Delegates Gearheart, Mandt, Ferrell, Zatezalo, Storch, Howell, Smith, Paynter, Bridges, Maynard and J. Jeffries:**

**H. B. 2505** - "A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-22-26, relating to outdoor advertising regulated by the Commissioner of Highways; and providing exemption to licensing requirement for a person to place signs, displays or devices advertising events to be held no more frequently than once a year at locations other than where the event will be held"; to the Committee on the Judiciary.

**By Delegates Gearheart, Mandt, Ferrell, Storch, Howell, Smith, Barnhart, J. Jeffries, Ellington, Criss and Householder:**

**H. B. 2506** - "A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-3-9c, relating to reduction of personnel employed by the West Virginia Department of Education; legislative findings; establishing a maximum ratio of the number of employees of the department to the number of students enrolled in the state after June 30, 2021; and requiring the state superintendent to establish a policy to attain the ratio"; to the Committee on Education.

**By Delegates Gearheart, Storch, Howell, Smith, Paynter, Bridges, Maynard, J. Jeffries, Ellington, Criss and Householder:**

**H. B. 2507** - "A Bill to amend and reenact §29-22B-702 of the Code of West Virginia, 1931, as amended, relating to removing limitations on advertising and promotional activities by limited video lottery retailers"; to the Committee on the Judiciary.

**By Delegates Gearheart, Mandt, Ferrell, Howell, Paynter, Barnhart, J. Jeffries, Ellington, Criss and Householder:**

**H. B. 2508** - "A Bill to amend and reenact §5-1-22 of the Code of West Virginia, 1931, as amended, relating to requiring that any person appointed to fill a vacancy in an appointed state office possess the qualifications required by law for that vacant position"; to the Committee on the Judiciary.

**By Delegates Gearheart, Mandt, Ferrell, Zatezalo, Storch, Paynter, Maynard, Barnhart, J. Jeffries, Ellington and Criss:**

**H. B. 2509** - "A Bill amend and reenact §3-10-4 of the Code of West Virginia, 1931, as amended, relating to filling a vacancy occurring in the House of Representatives in the Congress of the United States in the same manner as a vacancy in the Senate of the United States Congress"; to the Committee on the Judiciary.

**By Delegates Foster and McGeehan:**

**H. B. 2510** - "A Bill to repeal §48-1-210 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-239a, §48-1-239b, §48-1-239c, and §48-1-239d; to amend and reenact §48-9-102, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-209, §48-9-401, §48-9-403, and §48-9-601 of said code; and to amend said code by adding thereto a new section, designated §48-9-204a, all relating to 'The Parenting Fairness Act of 2021'; defining 'shared legal custody', 'shared physical custody', 'sole legal custody', and 'sole physical custody'; establishing the presumption that co-equal shared legal and physical custody of children, and the maintaining of sibling, including half-sibling, relationships through co-equal shared legal and physical custody of children, in cases of divorce is presumed to be in the best interests of the children and families; requiring that temporary parenting plans, parenting plans and modifications to parenting plans consider the presumption of shared legal and physical custody is in the best interests of a child; require court to consider presumption when making determination as to which parent has significant decision making responsibility; and establish both parents' rights to school and medical records of child"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2511** - "A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating generally to hunting and fishing; permitting trotlines, droplines, and minnow traps to be lawful if certain conditions are met; and permitting jug fishing"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Holstein, Wamsley, Pritt, Longanacre, Kimble and Keaton:**

**H. B. 2512** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-39-1, §8-39-2, §8-39-3, §8-39-4, and §8-39-5, all relating to creating the right to establish a home-based business in a municipality; providing definitions; business uses; and limited reasonable regulations and restrictions and conditions by a municipality"; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

**By Delegate Foster:**

**H. B. 2513** - "A Bill to amend and reenact §64-12-1, §64-12-2, §64-12-3 and §64-12-4 of the Code of West Virginia, 1931, as amended; relating generally to repealing certain legislative, procedural, and interpretative rules promulgated by certain agencies, boards, and commissions which are no longer authorized or are obsolete; authorizing certain agencies under the Department of Administration, Department of Health and Human Resources, Department of Revenue, and Department of Commerce to repeal certain legislative, procedural, and interpretative rules; repealing the Board of Risk and Insurance Management legislative rule relating to discontinuation of professional malpractice insurance; repealing the Department of Health and Human Resources legislative rule relating to DUI safety and treatment; repealing the Department of Health and Human Resources legislative rule relating to incorporation of the social services manual; repealing the Department of Health and Human Resources legislative rule relating to operating rules and regulations for the West Virginia Commission on Children and Youth; repealing the Department of Health and Human Resources legislative rule relating to state child fatality review team and county multidisciplinary review teams; repealing the Insurance Commissioner legislative rule relating to emergency medical services; repealing the Insurance Commissioner legislative rule relating to diabetes regulations; repealing the Racing Commission procedural rule relating to dispute resolution procedures; repealing the State Tax Department interpretative rule relating to tax shelter voluntary compliance program; repealing the State Tax Department interpretative rule relating to preference for determining successful bids; repealing the State Tax Department procedural rule relating to tobacco products excise tax on floorstocks; repealing the State Tax Department legislative rule relating to West Virginia Film Industry Investment Act; repealing the State Tax Department legislative rule relating to residential solar energy tax credit; repealing the State Tax Department legislative rule relating to Business Franchise Tax; repealing the Division of Labor legislative rule relating to hazardous chemical substances; and repealing the Division of Labor legislative rule relating to Commercial Bungee Jumping Safety Act"; to the Committee on Government Organization.

**By Delegates Keaton, Barnhart, Linville, Holstein, Haynes, Booth, Ferrell, Hardy, Conley and Steele:**

**H. B. 2514** - "A Bill to amend and reenact §24-2-1n of the Code of West Virginia, 1931, as amended, relating to the West Virginia Business Ready Sites Program; removing minimum size restrictions and maximum number of sites permitted together with requirement that the program be pilot program; and providing that a potential site may be identified by an economic development agency"; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

**By Delegates Keaton, Pinson, Wamsley, Linville, Holstein and Conley:**

**H. B. 2515** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-31, relating to requiring regulatory agency heads have at least one

year of experience within, or with a nexus to, the regulated industry”; to the Committee on Government Organization.

**By Delegate Foster:**

**H. B. 2516** - “A Bill to amend and reenact §21-11-3 of the Code of West Virginia, 1931, as amended, relating to the alteration of the definition of a specialty contractor under the West Virginia Contractor Licensing Act in order to specify that only specialty contractors whose work requires more than 10 percent of labor to fulfill their contracting services would be required to obtain a contractor’s license”; to the Committee on Government Organization.

**By Delegate Foster:**

**H. B. 2517** - “A Bill to amend and reenact §21-1D-2 of the Code of West Virginia, 1931, as amended, relating to removing marijuana as a tested substance from the screening requirements of the West Virginia Alcohol and Drug-Free Workplace Act”; to the Committee on Workforce Development then the Judiciary.

**By Delegate Fast:**

**H. B. 2518** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-109a, relating to allowing a home improvement transaction to be performed under an oral contract”; to the Committee on the Judiciary.

**By Delegate Fast:**

**H. B. 2519** - “A Bill to repeal §21-3-19 of the Code of West Virginia, 1931, as amended, relating to employer discrimination for use of tobacco products”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Fast:**

**H. B. 2520** - “A Bill to amend and reenact §5-11-10 of the Code of West Virginia, 1931, as amended, relating to requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person or entity alleged to have committed the unlawful discriminatory practice”; to the Committee on the Judiciary.

**By Delegate Fast:**

**H. B. 2521** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to public service districts’ laying of water or sewer lines on state rights-of-way; limiting the onsite time required supervision by a state engineer; and requiring payment and performance bonds to cover a reasonable length of time for defects to be discovered”; to the Committee on Government Organization.

**By Delegate Fast:**

**H. B. 2522** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-56, relating to requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers for smoother final repair; and providing an exception”; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Fast:**

**H. B. 2523** - “A Bill to amend and reenact §11-14-2 and §11-14-11 of the Code of West Virginia, 1931, as amended, all relating to gasoline and fuel excise tax; requiring a refund of gasoline or fuel excise tax when fuel is consumed by a commercial vehicle while that vehicle is not operated upon the highways of this state”; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Fast:**

**H. B. 2524** - "A Bill to amend and reenact §61-8D-1 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the definitions of child abuse and neglect to exclude accidents"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Fast:**

**H. B. 2525** - "A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local special elections to be held on the days and hours of general, primary or statewide elections"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Fast:**

**H. B. 2526** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-6-7, relating to defining the term 'minor boundary adjustment' as it applies to municipal annexations"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Fast:**

**H. B. 2527** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-10A-7, relating to requiring a bail bondsman and bail bond enforcer submit results of drug test to Chief Judge in each jurisdiction; requiring that bail bondsman and bail bond enforcers be subject to random drug testing; creating penalty of suspension or termination for failure of, or refusal to submit to, drug test; establishing that drug test records be public"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Fast:**

**H. B. 2528** - "A Bill to repeal §5A-3-10e of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-3-11 of said code, all relating to requiring competitive bidding for all state purchases of commodities, printing and services of \$25,000 or less in cost; repealing the provision for prequalification agreement and agency-delegated bidding; requiring purchases to be made at the lowest retail cost for the desired level of quality of the commodities, printing and services; eliminating requirements for written bids for purchases of \$2,500 or less; and requiring purchases to be made at the lowest retail price available for the commodities, printing and services at the level of quality sought by the spending unit"; to the Committee on Government Organization then Finance.

**By Delegate Fast:**

**H. B. 2529** - "A Bill to amend and reenact §18-8-12 of the Code of West Virginia, 1931, as amended, relating to prohibiting West Virginia institutions of higher learning and state agencies from discriminating against graduates of private, nonpublic, or home schools by requiring them to submit to alternative testing as a precondition for acceptance into the institution of higher learning"; to the Committee on Education.

**By Delegates Foster, Fast and Anderson:**

**H. B. 2530** - "A Bill to amend and reenact §21A-1A-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §23-2-1a of said code, relating to the definition of employee for the purposes of the unemployment compensation and workers compensation laws"; to the Committee on Workforce Development then Government Organization.

**By Delegates Fluharty and Lovejoy:**

**H. B. 2531** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a person's credit history in certain insurance transactions"; to the Committee on Banking and Insurance then the Judiciary.



**By Delegates Williams, Fleischauer, Barrett, Zukoff and Hansen:**

**H. B. 2532** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating to requiring the Commissioner of Highways to develop a formula for allocating road funds among districts, for the benefit of the counties; making legislative findings; requiring the commissioner to solicit and consider public comments; requiring the commissioner to include certain factors in the formula; and requiring the commissioner to submit the formula to the Legislature for approval as a legislative rule"; to the Committee on Government Organization then Finance.

**By Delegate Pushkin:**

**H. B. 2533** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-11c, relating to providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system or the Green Globes Building Initiative green building rating standard; setting forth the amount of the credit; establishing who may take the credit; establishing the amount of the credit; establishing the criteria for taking the credit; providing rule-making authority; and defining terms"; to the Committee on Government Organization then Finance.

**By Delegate Pushkin:**

**H. B. 2534** - "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing possession and smoking of medical cannabis by approved persons"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Fast:**

**H. B. 2535** - "A Bill to amend and reenact §47-15-1 and §47-15-2 of the Code of West Virginia, 1931, as amended, all relating to pyramid promotional schemes; definitions, and unlawful acts"; to the Committee on the Judiciary.

**Special Calendar****Second Reading**

**Com. Sub. for H. B. 2001**, Relating generally to creating the West Virginia Jumpstart Savings Program; 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. 2005**, Relating to health care costs; 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. 2006**, Relating to the West Virginia Contractor Licensing Act; on second reading, coming up in regular order, was read a second time.

Delegate Diserio moved to amend the bill on page twenty-six, section 3, lines 11 and 12, by striking out the number "\$10,000" on line 11 and inserting in lieu thereof the number "\$5,000" and on line 12, by striking out the number "\$50,000" and inserting in lieu thereof the number "\$25,000".

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

The yeas and nays having been ordered, they were taken (**Roll No. 8**), and there were—yeas 28, nays 69, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Barach, Barrett, Bates, Boggs, Brown, Dean, Diserio, Doyle, Evans, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Maynard, Nestor, Paynter, Pethtel, Pushkin, Rowe, Skaff, Thompson, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Fleischauer, Higginbotham and Linville

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

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2012**, Relating to public charter schools; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Ellington and Statler, the bill was amended on page twelve, section 18-5G-6, line 24, by deleting the semicolon and inserting a period.

On page twelve, section 18-5G-6, line 25 through line 27, by deleting the word “and” and the entire subdivision (9).

On page thirty-two, section 5G-15, following line 65, by inserting a new subsection, designated subsection (k), to read as follows:

“(k) The Professional Charter School Board shall investigate official complaints submitted to it that allege serious impairments in the quality of education in a public charter school or virtual public charter school authorized in accordance with this article, or that allege such schools are in violation of the policies or laws applicable to them. The Professional Charter School Board also may at its own discretion conduct or cause to be conducted audits of the education and operation of public charter schools or virtual public charter schools authorized in accordance with this article that it determines necessary to achieve its mission of authorizing high-quality public charter schools. Upon a determination that serious impairments or violations exist, the Professional Charter School Board shall require corrective action.”

**Note:** The previous amendment was adopted by voice vote. Roll No. 9, with no votes cast, was generated in error and is not included in the Journal.

Delegates Pushkin and Hornbuckle moved to amend the bill on page three, section 1, line 40, by striking out the period, inserting a colon and the following proviso:

“*Provided*, That of the 10 schools established, 3 of the public charter schools shall be in school districts where children are historically underperforming and the proposed public charter school is designed to provide specialized curriculum, mentoring programs and alternative interdisciplinary frameworks which utilize evidence-based approaches to student assessment and instruction that will enhance underperforming students’ performance and graduation success.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 10**), and there were—yeas 24, nays 73, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Fleischauer, Higginbotham and Linville.

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

Delegates Zukoff and Hornbuckle moved to amend the bill on page fourteen, immediately after section 6 and following the period on line 83, by inserting the following:

**“§18-5G-8. Application to establish public charter school.**

(a) To establish a new public charter school, to convert an existing noncharter public school to a public charter school or establish a program conversion public charter school, an applicant shall submit a charter application to an authorizer. Charter authorizers shall accept and document the date and time of receipt of all charter applications.

(b) The application shall contain, at a minimum, the following information:

(1) A mission statement and a vision statement for the public charter school, including specialized academic focus, if any, to be promoted and advanced through the establishment of the public charter school;

(2) A detailed description of the public charter school's proposed program;

(3) The student achievement goals for the public charter school's program and the chosen methods of evaluating whether students have attained the skills and knowledge specified for those goals;

(4) The school's plan for using data derived from student evaluations and assessments, including the statewide summative assessment, to drive instruction and promote continued school improvement;

(5) An explanation of how the school's proposed program is likely to improve the achievement of traditionally underperforming students in the local school district;

(6) The proposed governance structure of the school, including a list of members of the initial governing board, a draft of bylaws that include the description of the qualifications, terms, and methods of appointment or election of governing board members, and the organizational structure of the school that clearly presents lines of authority and reporting between the governing board, school administrators, staff, any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;

(7) Plans and timelines for student enrollment, including the school primary recruitment area and policies and procedures for conducting transparent and random admission lotteries when applications for enrollment exceed capacity that are open to the public and consistent with this article;

(8) A proposed five-year budget, including the start-up year and projections for four additional years with clearly stated assumptions;

(9) Proposed fiscal and internal control policies for the public charter school;

(10) Acknowledgement that the public charter school will participate in the state's accountability system;

(11) A proposed handbook that outlines the personnel policies of the public charter school, including the criteria to be used in the hiring of qualified teachers, school administrators, and other school employees, a description of staff responsibilities, and the school's plan to evaluate personnel on an annual basis;

(12) An explanation of proposed student discipline procedures, including disciplinary procedures for students with disabilities, which shall be consistent with the requirements of due process and with state and federal laws and regulations governing the placement of students with disabilities;

(13) A description of the facilities to be used by the public charter school, including the location of the school and how the facility supports the implementation of the school's program. The school shall obtain all required occupation and operation certificates and licenses prior to the first instructional day for students;

(14) The proposed ages and grade levels to be served by the public charter school, including the planned minimum and maximum enrollment per grade per year;

(15) The school calendar and school day schedule;

(16) Types and amounts of insurance coverage to be obtained by the public charter school, which:

(A) Shall include adequate insurance for liability, property loss, and the personal injury of students comparable to noncharter public schools within the local school district operated by the county board; and

(B) May include coverage from the Board of Risk and Insurance Management pursuant to §29-12-5a of this code;

(17) A description of the food services to be provided to students attending the school;

(18) Process and procedures to be followed in the case of the closure or dissolution of the public charter school, including provisions for the transfer of students and student records to the appropriate local school district and an assurance and agreement to payment of net assets or equity after payment of debts;

(19) A code of ethics for the school setting forth the standards of conduct expected of its governing board, officers, and employees;

(20) The public charter school's plan for successfully serving students with disabilities, students who are English language learners, bilingual students, and students who are academically behind and gifted, including, but not limited to, the school's plan for compliance with all applicable federal and state laws and regulations;

(21) A description of cocurricular and extracurricular programs to be offered by the public charter school and how they will be funded and delivered;

(22) The process by which the school will resolve any disputes with the authorizer;

(23) A detailed start-up plan, including financing, tasks, timelines, and individuals responsible for carrying out the plan;

(24) The public charter school's plan for notice to parents and others of enrollment in the school as an option available for students and the school's primary recruitment area; ~~and~~

(25) The public charter school's plan for parental involvement; and

(26) A description of any transportation services to be provided to students by the school.

(c) If the applicant intends to contract with an education service provider for educational program implementation or comprehensive management, the application shall additionally require the applicant to provide the following information with respect to the educational service provider:

(1) Evidence of success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Student performance data and financial audit reports for all current and past public charter schools;

(3) Documentation of and explanation for any actions taken, legal or otherwise, against any of its public charter schools for academic, financial, or ethical concerns;

(4) The proposed duration of the service contract;

(5) The annual proposed fees and other amounts to be paid to the education service provider;

(6) The roles and responsibilities of the governing board, the school staff, and the education service provider;

(7) The scope of services and resources to be provided by the education service provider;

(8) Performance evaluation measures and timelines;

(9) Methods of contract oversight and enforcement;

(10) Investment disclosure;

(11) Conditions for renewal and termination of the contract; and

(12) Disclosure and explanation any existing or potential conflicts of interest between the governing board and the proposed education service provider or any affiliated business entities."

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

The yeas and nays having been ordered, they were taken (**Roll No. 11**), and there were—yeas 25, nays 72, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Barach, Bates, Boggs, Brown, Diserio, Doyle, Evans, Ferrell, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Paynter, Pethel, Pushkin, Reynolds, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Fleischauer, Higginbotham and Linville

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

On motion of Delegate Ellington, the bill was amended on page four, section 5G-2, following line 17, by striking out paragraph (B) from the bill and inserting in lieu thereof a new paragraph (B) to read as follows:

“(B) Two or more county school boards who must act together and function as a single authorizer in all respects under the law when the public charter school or application to form a public charter school includes a primary recruitment area that encompasses territory in the two or more counties over which the respective boards have jurisdiction: *Provided, That if such two or more school boards functioning together as authorizer reject the application, then one or more of the individual county boards may approve the application, but in such instance the charter school site must be located in one of the counties where the application was approved.*”

Delegate Hornbuckle moved to amend the bill on page five, section 2, lines 50 and 51, by striking out (8) in its entirety and renumbering subsequent subdivisions accordingly.

And,

On pages 25 through 29, by striking out section 14 in its entirety and renumbering subsequent sections accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 12**), and there were—yeas 25, nays 72, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Fleischauer, Higginbotham and Linville

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

Delegate Hornbuckle moved to amend the bill on page eleven, section 6, line 19, following the words “of this code”, by inserting a comma and the following:

“or revoke a charter, if the authorizer finds that the charter school has substitutional non-compliance with the charter contract, and continuation of the charter school will expose students to substandard education, or create a health or safety concern for students attending the school.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 13**), and there were—yeas 22, nays 75, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Fleischauer, Higginbotham and Linville.

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

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

**H. B. 2262**, Relating to the controlled substance monitoring database; 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. 2264**, Hospital exemptions from certificate of need; on second reading, coming up in regular order, was read a second time.

Delegate Bates moved to amend the bill on page ten, section 10, following the period on line 55, by inserting the following new paragraph to read as follows:

“The provisions of this section enacted during the 2021 Regular Session of the West Virginia Legislature become effective on July 1, 2022.”

The question being on the adoption of the amendment offered by Delegate Bates, the same was put and rejected.

The bill was then ordered to engrossment and third reading.

### **First Reading**

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

**Com. Sub. for H. B. 2011**, Eliminating any time requirements for part time personnel to work during a working year,

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

And,

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

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Fleischauer, Higginbotham and Linville.

### **Miscellaneous Business**

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

**H. B. 2081**: Delegate Hansen;

**H. B. 2266**: Delegates J. Pack, L. Pack, Pushkin and Worrell;

**H. B. 2336:** Delegate Martin;

**H. B. 2360:** Delegate Hansen.

At 12:24 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 16, 2021.

---

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



## **SPECIAL CALENDAR**

**Tuesday, February 16, 2021**

**7<sup>th</sup> Day**

**11:00 A. M.**

### **THIRD READING**

- Com. Sub. for H. B. 2001 - Relating generally to creating the West Virginia Jumpstart Savings Program (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2005 - Relating to health care costs (J. PACK) (REGULAR)
- Com. Sub. for H. B. 2006 - Relating to the West Virginia Contractor Licensing Act (STEELE) (REGULAR)
- Com. Sub. for H. B. 2012 - Relating to public charter schools (ELLINGTON) (REGULAR)
- H. B. 2262 - Relating to the controlled substance monitoring database (J. PACK) (REGULAR)
- Com. Sub. for H. B. 2264 - Hospital exemptions from certificate of need (J. PACK) (EFFECTIVE FROM PASSAGE)

### **SECOND READING**

- Com. Sub. for H. B. 2011 - Eliminating any time requirements for part time personnel to work during a working year (STEELE) (REGULAR)
- H. B. 2019 - Elevating Economic Development and Tourism Departments (STEELE) (REGULAR)
- Com. Sub. for H. B. 2263 - Update the regulation of pharmacy benefit managers (J. PACK) (REGULAR)

### **FIRST READING**

- Com. Sub. for H. B. 2007 - Provide for occupational licenses or other authorization to practice by recognition for qualified applicants from other states (STEELE) (REGULAR)
- Com. Sub. for H. B. 2013 - Relating to the Hope Scholarship Program (HOUSEHOLDER) (REGULAR)
- H. B. 2536 - Relating to expressions of legislative intent regarding equivalent instruction time (ELLINGTON) (REGULAR)

## **HOUSE CALENDAR**

**Tuesday, February 16, 2021**

**7<sup>th</sup> Day**

**11:00 A. M.**

### **SECOND READING**

- Com. Sub. for H. B. 2002 - Relating to Broadband (CAPITO) (REGULAR)
- 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. 2014 - Relating to role of the Legislature in appropriating federal funds (HOUSEHOLDER) (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)

### **FIRST READING**

- H. J. R. 2 - Providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate (CAPITO)

**WEST VIRGINIA  
HOUSE OF DELEGATES**

---

**TUESDAY, FEBRUARY 16, 2021**

---

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

---

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

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