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Tuesday, February 16, 2021

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 Monday, February 15, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 2325, Removing the requirement of continuing education for barbers and cosmetologists,

And,

H. B. 2333, Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products,

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

Com. Sub. for H. B. 2325 - "A Bill to amend and reenact §30-27-5 and §30-27-10 of the Code of West Virginia, 1931, as amended, all relating to barbers and cosmetology; restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available retail beauty products; and removing the requirement of continuing education for barbers and cosmetologists,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

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

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2009, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities,

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

Com. Sub. for H. B. 2009 - "A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 of said code, all relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee's wages or salary for political activities without express, written authorization; providing for employee modification or withdrawal of wage withholding or diversion to expire one year after execution; providing that the prohibition against withholding or diverting wages for political activities applies to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2017; providing for criminal penalties; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; requiring the Secretary of State to promulgate forms; defining terms 'political activities' and 'agency shop fees'; modifying definition of 'deductions' to exclude amounts for union or club dues; and making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual,"

With the recommendation that the committee substitute do pass.

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 Ellington, Higginbotham, Hanna, Hamrick, Clark and Horst:

H. B. 2582 - "A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to creating a third set of conditions for which a person may be issued a professional teaching certificate for teaching in the public schools; and providing that teaching certificates granted pursuant to the new set of conditions are equivalent to certificates granted to graduates of teacher preparation programs at public higher education institutions."

Resolutions Introduced

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

By Delegate Fast:

H. J. R. 19 - "Proposing an amendment to the Constitution of the State of West Virginia to add section one-d, article X thereof, relating to legislative authority to repeal all business and inventory ad valorem property taxation on tangible personal property and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

Bills Introduced

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

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

H. B. 2025 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-16-6d and §11-16-11c; to amend and reenact §11-16-9 of said code; to amend said code by adding thereto two new sections, designated §19-2-13 and §19-2-14; to amend and reenact §60-1-5a of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend said code by adding thereto a new section, designated §60-4-3c; to amend and reenact §60-6-8 of said code; to amend and reenact §60-7-2 and §60-7-6 of said code; to amend said code by adding thereto five new sections, designated §60-7-8b, §60-7-8c, §60-7-8d, §60-7-8e, and §60-7-8f; to amend and reenact §60-8-2, §60-8-3, §60-8-4, §60-8-18, and §60-8-29 of said code; to amend said code by adding thereto four new sections, designated §60-8-6c, §60-8-6d, §60-8-6e, and §60-8-32a; to amend said code by adding thereto a new article, designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, and §60-8A-6; and to amend and reenact §61-8-27 of said code, all relating to creating the authority and license to deliver nonintoxicating beer or nonintoxicating craft beer with requirements, no additional fee for certain licensees, a license fee for third parties, and a nonintoxicating beer retail transportation permit with a fee and requirements; providing certain licensees with the authority for nonintoxicating beer nonintoxicating craft beer outdoor dining and outdoor street dining; authorizing in-person or in-vehicle pick up of purchased food and nonintoxicating beer or nonintoxicating beer orders-to-go; creating an unlicensed brewer or home brewer temporary license for use at fairs and festivals, requirements, and a license fee; relating to the manufacture and sale of hard cider and wine by establishing the Agriculture Development Fund; establishing permitted expenditures from the Agriculture Development Fund; creating a new program to develop hard cider; providing for wine definitions; clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of 'nonfortified dessert wine'; creating a private manufacturer club license for distilleries, mini-distilleries, micro-distilleries, wineries, and farm wineries, requirements, and a license fee; authorizing distilleries, mini-distilleries, and micro-distilleries to also operate wineries, farm wineries, brewers, and resident brewers; authorizing wineries and farm wineries to also operate as distilleries, mini-distilleries, micro-distilleries, brewers, and resident brewers; creating a private direct shipper license, requirements, and license fee; authorizing the ability to pre-mix alcoholic liquors, creating a permit, and permit fee per approved alcohol beverage; creating private caterer license, requirements, and license fee; creating a private club bar license, requirements, and license fee; creating a private club restaurant license, requirements, and license fee; creating a private manufacturer club license, requirements, and license fee; authorizing a distillery, mini-distillery, or micro-distillery to also obtain a winery or farm winery license; authorizing a winery or farm winery to also obtain a distillery, mini-distillery, or micro-distillery license; creating a private tennis club license, requirements, and license fee; creating a private wedding venue or barn license, requirements, and license fee; creating a one-day charitable rare, antique, or vintage liquor auction license on a limited basis for charitable purposes, requirements, and license fee; creating a private multi-vendor fair and festival license, requirements, and license fee; creating private outdoor dining and private outdoor street dining areas as legally demarcated areas that are not a public place; authorizing and creating craft cocktail growlers, requirements, license fee, and a private cocktail delivery permit; authorizing in-person or in-vehicle pick up of purchased food and craft cocktail growler orders-to-go; clarifying penalties for failure to meet wine licensure requirements; replacing wine bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries, who are acting as either suppliers or distributors in a limited capacity, with an affidavit; providing penalties for failure to pay taxes and maintain good standing with the state; authorizing wineries and farm wineries to sell wine growlers, requirements, and no license fee; authorizing certain Class A and Class B licensees to sell wine growlers, requirements, and license fee; creating the authority and license to deliver wine with a private wine delivery license, requirements, no additional fee for certain licensees, a license fee for third parties, and a private wine retail transportation permit, requirements and a permit fee; creating private wine outdoor dining and private wine outdoor street dining areas as legally demarcated areas

that are not a public place; authorizing in-person or in-vehicle pick up of purchased food and wine orders-to-go; providing that there is no separate license required to manufacture and sell hard cider under certain conditions; providing for a hard cider distributor's license; providing for hard cider exemptions to the wine liter tax; establishing a hard cider gallon tax; providing for the application of West Virginia Tax Procedures and Administration Act and West Virginia Tax Crimes and Penalties Act to the hard cider gallon tax; providing for an internal effective date; providing for a tax credit against the hard cider tax; providing for applicability of other laws; requiring regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption; providing for complementary samples to be given; establishing requirements for complementary samples; permitting the sale of wine growlers; wine growler requirements and fee, in certain circumstances; and providing additional exceptions to the criminal penalty for the unlawful admission of children to dance house for certain private clubs with approved age verifications systems"; to the Committee on Government Organization.

By Delegates Conley, Reynolds, Holstein, Bridges, Keaton, Mallow, Forsht, Barnhart, Bruce, Burkhammer and Haynes:

H. B. 2537 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, and §15-15-6, all relating to preserving and protecting the right to keep and bear arms; defining acts which constitute infringements upon the right to keep and bear arms; articulating the constitutional limits on these infringements and making findings in defense of the right; declaring all infringements under federal law or authority to be against the rights of the people and to be legally void; declaring the duty of courts and law-enforcement agencies to protect the rights of law-abiding citizens, including the right to keep and bear arms; providing causes of action against persons who knowingly infringe upon these rights; providing for awards of specified damages, costs, and attorneys' fees; and barring the employment of certain persons by the state or its political subdivisions for infringing actions taken under color of federal law"; to the Committee on the Judiciary.

By Delegates Pushkin and Lovejoy:

H. B. 2538 - "A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining 'sexual orientation' and 'gender identity'"; to the Committee on Workforce Development then the Judiciary.

By Delegates Pushkin, Zukoff and Rowe:

H. B. 2539 - "A Bill to amend and reenact §48-27-301 of the Code of West Virginia, 1931, as amended, relating to directing the Supreme Court of Appeals to create a pilot domestic violence court in Kanawha County"; to the Committee on the Judiciary.

By Delegates Pushkin and Hansen:

H. B. 2540 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-14D-1, §11-14D-2, and §11-14D-3, all relating to providing tax credits to provide vehicles to certain persons; authorizing a tax credit for individual tax payers under certain conditions; authorizing a tax credit to license automobile dealers under certain conditions; providing for definitions; establishing the minimum criteria of a qualified charitable organization; establishing the minimum criteria for an eligible vehicle to be used as the basis of the tax credit; requiring that the Tax Commissioner track the number and amount of tax credits claimed; providing that multiple qualified charitable organizations may use a percentage of total allowable tax credits for the year; providing the Tax Commissioner can develop criteria for allocating percentages of the total allowable

tax credits to qualified charitable organizations; establishing the maximum amount of tax credits for tax years 2021 through 2022 at \$300,000; establishing the maximum amount of tax credits for subsequent years at \$1 million; and providing for rule-making authority”; to the Committee on Finance.

By Delegates Pushkin and Rowe:

H. B. 2541 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-13e, relating to seat belts on school buses; stating findings; requiring seat belts on every new school bus; providing authority to retrofit older buses with seat belts as funds are available; and providing for rules”; to the Committee on Education then Finance.

By Delegates Pushkin and Lovejoy:

H. B. 2542 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2 and §18-10P-3; and to amend and reenact §21-5C-1 of said code; all relating to wages of persons with disabilities; initiating a State ‘Employment First Policy’ to facilitate integrated employment of disabled persons; providing legislative findings; establishing a taskforce to develop a State Employment First Policy; providing for implementation of the State Employment First Policy; and removing the exemption from paying minimum wages to disabled persons working in nonprofit workshops”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Pushkin:

H. B. 2543 - “A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to calculation of the school aid formula based on net enrollment at alternative and year-round schools”; to the Committee on Education.

By Delegates Hanshaw (Mr. Speaker) and Skaff:

H. B. 2544 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5, §31-15D-6, §31-15D-7, §31-15D-8, §31-15D-9, §31-15D-10, §31-15D-11, §31-15D-12, §31-15D-13, §31-15D-14, §31-15D-15, §31-15D-16, §31-15D-17, §31-15D-18, §31-15D-19, §31-15D-20, and §31-15D-21, all relating to promoting investment and future growth in small businesses in West Virginia; creating the Small Business Jumpstart Act; defining terms; establishing the transferability of tax credits; establishing the application requirements for small business growth funds; establishing process for approval of the application; providing grounds for the denial of an application; allowing submission of additional information to complete an application following denial; establishing process for Development Office to notify applicant of approval; creating duties of the fund following approval of application; establishing how an approval may lapse; for a tax credit against an entity’s state insurance premium tax liability; limiting amount of tax credit; providing for the carryforward of tax credits; prohibiting assignments of tax credit; establishing that entity participating in program not required to pay retaliatory tax; establishing when revocation of tax credit occurs; requiring reporting by small business growth funds; requiring small business growth fund pay fee to Development Office; establishing process for exiting the program; clarifying that the Development Office cannot revoke tax credit following the fund’s exit; and allowing for the Development Office to provide opinions to small business growth fund regarding investment of a small business concern”; to the Committee on Finance.

By Delegates Fast, Burkhammer, Foster, Kessinger, Conley, Martin, Pinson, D. Kelly, Pritt, Mazzocchi and Brown:

H. B. 2545 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4, and §5-11C-5, all relating to establishing the West Virginia Religious Freedom Restoration Act to ensure that, in all cases where

state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and, strict scrutiny is applied; including a short title; providing definitions; and addressing applicability, construction, remedies, and severability”; to the Committee on the Judiciary.

By Delegate Pushkin:

H. B. 2546 - “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to removing language requiring specific appropriations in order for the State Board of Education, State Department of Education, and the State Superintendent of Schools to provide education to children and adults housed in correctional facilities and regional jails”; to the Committee on Education then Finance.

By Delegate Fluharty:

H. B. 2547 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated §18-2-44; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the Stay in State tax credit against personal income for higher education tuition of certain state residents; creating credit for student loan payments of all in-state community college, college, or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit; providing for graduate and employer eligibility of payments against student loans for employees; defining terms; and providing for the board of education, State Board of Education, and governing boards of colleges’ promotion of the program”; to the Committee on Education then Finance.

By Delegate Pushkin:

H. B. 2548 - “A Bill to amend and reenact §16-18-25 and §16-18-26 of the Code of West Virginia, 1931, as amended, all relating to requiring urban renewal authorities to submit active, amended, and proposed urban renewal projects and plans to the affected local county boards of health for review and comment; requiring urban renewal authorities to meet with municipalities and communities regarding those projects and plans; and requiring urban renewal authorities to make reports and make them available to the affected local county boards of health and local residents”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Pushkin and Lovejoy:

H. B. 2549 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, creating the Independent Redistricting Commission of the Joint Committee on Government and Finance; establishing the Redistricting Commission’s purpose and composition; providing qualifications and appointment procedure for commission members; establishing a process for filling commission vacancies; establishing that commission members are not to receive compensation; providing for approved reimbursement of commission member expenses; providing for payment of necessary equipment and materials; requiring the commission to acquire appropriate information; requiring the commission to develop programs and procedures to draw congressional and legislative redistricting plans on the basis of the federal census; to prepare congressional and legislative redistricting; requiring the commission plan and propose congressional and legislative districts; providing specific criteria that the redistricting office must observe in proposing district mappings; requiring the redistricting office to advertise a proposed draft map of districts to the public; requiring a period for public comment on the proposed redistricting plan; providing for members of the legislature to make inquiries about the commission’s methodology or proposed redistrict mapping; requiring the commission to publish a report and final proposals for district boundaries; requiring a recommended redistricting plan to the Legislature including identical bills for consideration by the House and Senate; requiring the full Legislature to vote on plan ratification; providing for subsequent submissions of plans and vote by Legislature; requiring that

commission certify to the Secretary of State that its final proposal for district boundaries is in accordance with Constitutional and legal requirements; and prohibiting certain persons from influencing or attempting to influence district mapping proposals of the redistricting office; and providing for completion of the commission's work with certain exceptions"; to the Committee on the Judiciary then Finance.

By Delegates Pushkin and Hanna:

H. B. 2550 - "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16A-5-11, all relating to the cultivation of medical cannabis; allowing patients and their caregivers to cultivate medical cannabis for patients' personal consumption"; to the Committee on Agriculture and Natural Resources then Health and Human Resources then the Judiciary.

By Delegate Pushkin:

H. B. 2551 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, §46A-6O-6, §46A-6O-7, §46A-6O-8, §46A-6O-9, and §46A-6O-10, all relating to placing upon the manufacturers of manufactured homes the duty to meet their obligations and responsibilities under the terms of the express warranties extended to the consumers in this state; and providing consumers additional remedies to enforce the warranties"; to the Committee on the Judiciary.

By Delegate Pushkin:

H. B. 2552 - "A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the removal of limitations on the expungement of certain criminal convictions"; to the Committee on the Judiciary.

By Delegate Pushkin:

H. B. 2553 - "A Bill to amend and reenact §49-2-913 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §49-2-914; and to amend and reenact §49-5-106 of said code, all relating to the juvenile justice reform oversight committee and averted costs reinvestment; creating a juvenile justice account and providing its purpose, funding and disbursements; requiring new data to be collected and compiled to allow calculation of juvenile recidivism and the outcome of programs and making this information available to the public"; to the Committee on the Judiciary then Finance.

By Delegates Fast and Martin:

H. B. 2554 - "A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to notice of discontinuance of service by a utility"; to the Committee on the Judiciary.

By Delegates Fast, Rowan, Foster, Hanna and Martin:

H. B. 2555 - "A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required courses of instruction; and incorporating into these courses the original texts of the Declaration of Independence, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, the Federalist Papers, the Emancipation Proclamation, the Constitution of West Virginia, and their original context; and including the Federalist Papers in Celebrate Freedom Week instruction"; to the Committee on Education.

By Delegate Fast:

H. B. 2556 - "A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to commercial motor carriers generally; providing an exemption from regulation by the Public Service Commission for motor vehicles used exclusively in the transportation of roll-off

solid waste containers; and requiring the commission to propose rules for legislative approval to implement the amended provisions of this section”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Pushkin:

H. B. 2557 - “A Bill to repeal §33-16E-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-16E-2, §33-16E-4, §33-16E-5, §33-16E-6 and §33-16E-7, all relating to increasing access to contraceptive drugs, devices, and procedures”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Pushkin:

H. B. 2558 - “A Bill to amend and reenact §15-2C-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §15-2C-2a; and to amend and reenact §15-2C-3, §15-2C-4 and §15-2C-8 of said code, all relating to creating a domestic violence registry; providing a purpose; directing the Criminal Identification Bureau of the West Virginia State Police to establish and maintain the registry; providing for confidential inquiry of persons on the registry; establishing criteria for placement on and releasing information from the registry; requiring prosecuting attorneys to provide certain information; and defining terms”; to the Committee on the Judiciary then Finance.

By Delegate Pushkin:

H. B. 2559 - “A Bill to amend and reenact §25-5-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting the private ownership or operation of a prison in West Virginia”; to the Committee on the Judiciary.

By Delegate Pushkin:

H. B. 2560 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-24-7x, to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to requiring the Public Employees Agency and other health insurance providers to provide mental health parity between behavioral health, mental health, substance use disorders and medical and surgical procedures; providing definitions; providing mandatory coverage; providing for mandatory annual reporting; providing for rulemaking; and setting forth an effective date”; to the Committee on Banking and Insurance then Finance.

By Delegate Williams:

H. B. 2561 - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; defining food, water, shelter, and treatment; providing specifics for tethering an animal; providing for seizure of an animal for violations; increasing criminal penalties; and providing that a person in violation of this statute for a second time shall be added to a state-wide, publicly available, do not adopt or sell, registry”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Hott, D. Jeffries and D. Kelly:

H. B. 2562 - “A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section designated §22-15A-4a; all relating to litter control; providing for relocating civil and criminal penalties; providing for mirrored fines between water-based litter and land-based litter; providing for ranges of fines; providing for a specific penalty for litter relating to commercial waste that is improperly disposed of in this state; providing for

verification of any court imposed community service sentence by the Department of Environmental Protection; and providing for other technical changes”; to the Committee on the Judiciary.

By Delegates Hanna and Haynes:

H. B. 2563 - “A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring certain municipalities to pay for the incarceration of inmates arrested by the municipality’s police”; to the Committee on Political Subdivisions then Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 2001, Relating generally to creating the West Virginia Jumpstart Savings Program; 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. 14**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Brown, Conley, Hamrick 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. 2001) 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. 2005, Relating to health care costs; 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. 15**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Brown, Conley, Hamrick 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. 2005) 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. 2006, Relating to the West Virginia Contractor Licensing 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. 16**), and there were—yeas 68, nays 29, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Barrett, Bates, Boggs, Booth, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Paynter, Pethtel, Pushkin, Rohrbach, Rowe, Skaff, Storch, Thompson, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Brown, Conley 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. 2006) 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. 2012, Relating to public charter schools; on third reading, coming up in regular order, was read a third time.

During debate on the bill, Delegate Rowe arose to a point of order regarding Fiscal Notes under House Rule 95a. The Speaker ruled that the point was not well taken because the rule does not preclude further consideration of acts by the body.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 17**), and there were—yeas 66, nays 32, absent and not voting 2, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Brown 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. 2012) 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. 2262, Relating to the controlled substance monitoring database; 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. 18**), and there were—yeas 98, nays none, absent and not voting 2, with absent and not voting being as follows:

Absent and Not Voting: Brown and Linville

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2262) 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. 2264, Hospital exemptions from certificate of need; 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. 19**), and there were—yeas 61, nays 37, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Boggs, Capito, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hanna, Hansen, Hornbuckle, Keaton, Lovejoy, Martin, Maynard, Nestor, Pack, L., Pethtel, Phillips,

Pinson, Pushkin, Queen, Reynolds, Rowe, Skaff, Statler, Storch, Thompson, Walker, Westfall, Williams, Young, Zatezalo and Zukoff.

Absent and Not Voting: Brown 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. 2264) passed.

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

On this question, the yeas and nays were taken (**Roll No. 20**), and there were—yeas 69, nays 29, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Boggs, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Martin, Maynard, Pethtel, Pinson, Pushkin, Rowe, Skaff, Statler, Steele, Storch, Thompson, Walker, Westfall, Williams, Young and Zukoff.

Absent and Not Voting: Brown 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. 2264) 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.

Second Reading

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

First Reading

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

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

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

And,

H. B. 2536, Relating to expressions of legislative intent regarding equivalent instruction time.

Leaves of Absence

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

Miscellaneous Business

Delegate Fluharty asked and obtained unanimous consent that the remarks of Delegate Diserio regarding Com. Sub. for H. B. 2006 be printed in the Appendix to the Journal.

Delegate Fluharty asked unanimous consent that the remarks of Delegates Thompson, Griffith, Young, Garcia, Hornbuckle, Zukoff, Evans and Walker regarding Com. Sub. for H. B. 2012 be printed in the Appendix to the Journal, which consent was not obtained, objection being heard.

Delegate Fluharty then so moved.

On this question, the yeas and nays were taken (**Roll No. 21**), 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, Barrett, Bates, Boggs, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, McGeehan, Pethtel, Pushkin, Rowe, Skaff, Thompson, Toney, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Brown, Gearheart and Linville.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

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

H. B. 2042: Delegate Mallow;

H. B. 2081: Delegates Hott and Reynolds;

H. B. 2174: Delegate J. Jeffries;

H. B. 2209: Delegate Mallow;

H. B. 2217: Delegate Mallow;

H. B. 2266: Delegate Fleischauer;

H. B. 2330: Delegate Steele;

H. B. 2497: Delegate Wamsley;

H. B. 2500: Delegate Dean and Steele;

H. B. 2501: Delegate Wamsley;

H. B. 2550: Delegate Hanna;

H. B. 2582: Delegate Longanacre;

And,

H. J. R. 18; Delegate Hanna.

At 12:57 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 17, 2021.

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

SPECIAL CALENDAR

Wednesday, February 17, 2021

8th Day

11:00 A. M.

THIRD 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)

SECOND 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)

FIRST READING

- Com. Sub. for H. B. 2009 - Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2325 - Removing the requirement of continuing education for barbers and cosmetologists (STEELE) (REGULAR)
- H. B. 2366 - Requiring agencies who have approved a proposed rule that affects fees or other special revenues to provide to the committee a fiscal note (STEELE) (REGULAR)
- H. B. 2582 - Relating to creating a third set of conditions for the professional teaching certificate (ELLINGTON) (REGULAR)

HOUSE CALENDAR

Wednesday, February 17, 2021

8th 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**

WEDNESDAY, FEBRUARY 17, 2021

HOUSE CONVENES AT 11:00 A.M.

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

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

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

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

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

**WORKFORCE DEVELOPMENT
1:00 P.M. – HOUSE CHAMBER**

**SENIOR, CHILDREN AND FAMILY ISSUES
1:00 P.M. – ROOM 215 E**

**POLITICAL SUBDIVISIONS
2:00 P.M. – HOUSE CHAMBER**

**PREVENTION AND TREATMENT OF SUBSTANCE ABUSE
2:00 P.M. – ROOM 215 E**

**VETERANS' AFFAIRS AND HOMELAND SECURITY
3:00 P.M. – ROOM 215 E**

**TECHNOLOGY AND INFRASTRUCTURE
3:00 P.M. – HOUSE CHAMBER**

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