

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



March 11, 2021
THIRTIETH DAY

Thursday, March 11, 2021

THIRTIETH DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, March 10, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

By Delegates D. Kelly, Ellington, Hanna, Holstein, Kessinger, Mandt, Pushkin, Reed, Rohrbach and Walker:

H. B. 3079 - "A Bill to amend and reenact §16-59-2 of the Code of West Virginia, 1931, as amended, relating to exempting recovery residences from certain standards."

The Speaker referred the bill to the Committee Health and Human Resources.

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

By Delegates D. Kelly, Ellington, Hanna, Holstein, Kessinger, Mandt, Reed and Rohrbach:

H. B. 3080 - "A Bill to amend and reenact §16-59-2 of the Code of West Virginia, 1931, as amended, relating to making the Bureau of Behavioral Health the certifying agency for recovery residences."

The Speaker referred the bill to the Committee Health and Human Resources.

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. 2379, Make criminal invasion of privacy a felony,

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. 2888, Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction,

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. 2776, Creating the Air Ambulance Patient Protection Act,

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

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

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

H. B. 2798, Relating to requiring the Health Department to mandate mucopolysaccharidosis type 1 (MPS1) test for newborn babies, to be known as Embie's Law,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2798) was referred to the Committee on Health and Human Resources.

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

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

H. B. 2524, Modifying the definition of child abuse or neglect to exclude accidental injury,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2524) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2044, Establishing Next Generation 911 services in this state,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2044) was referred to the Committee on Government Organization.

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

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

H. B. 2953, To clarify that counties can hire fire fighters as paid staff and to modify the existing procedures to include a procedure of public hearing to commission a vote,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2953) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 2345, Requiring each county school board to employ at least one full time school nurse,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2345) was referred to the Committee on Finance.

Delegate Storch, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2829) was referred to the Committee on Finance.

Delegate Queen, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

Com. Sub. for S. B. 42, Creating Zombie Property Remediation Act of 2021,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 42) was referred to the Committee on the Judiciary.

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

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

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2874) was referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

H. B. 2493, Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers,

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

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 10th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 11, Declaring work stoppage or strike by public employees to be unlawful,

Com. Sub. for S. B. 12, Relating to local health department accountability,

And,

S. B. 459, Relating to return of member's paid contributions to heirs after member's death under certain circumstances.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 10th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 345, Expanding alcohol test and lock program to include offenders with drug-related offense,

And,

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

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 10, 2021, he approved **Com. Sub. for S. B. 14** and **H. B. 2262**.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 2001, Relating generally to creating the West Virginia Jumpstart Savings Program.

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

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

“CHAPTER 11. TAXATION.

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-12m. Additional modifications related to a Jumpstart Savings Account.

(a) Modification for contributions. –

(1) For taxable years beginning on or after January 1, 2022, in addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12 of this code, a modification reducing federal adjusted gross income is hereby authorized in an amount equal to a West Virginia taxpayer’s contribution to a Jumpstart Savings Account for the taxable year in which the payment is made, in accordance with §18-30A-1 et seq. of this code, but only to the extent the amount is not allowable as a deduction when arriving at the taxpayer’s federal adjusted gross income for the taxable year.

(2) The decreasing modification allowed pursuant to this subsection may not exceed \$25,000 in a single taxable year: *Provided*, That the taxpayer may also elect to carry forward the modification over a period not to exceed five taxable years, beginning in the taxable year in which the contribution was made.

(b) Modification for distributions. –

(1) For taxable years beginning on or after January 1, 2022, in addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12 of this code, a modification

reducing federal adjusted gross income is hereby authorized in an amount equal to the portion of a distribution from a Jumpstart Savings Account received by a distributee that is used to pay for qualified expenses, as defined in §18-30A-11 of this code. Such decreasing modification is authorized for the taxable year the distribution is made to the distributee, but only to the extent the distribution amount is not allowable as a deduction when arriving at the distributee's federal adjusted gross income for the taxable year when the distribution was made. Any decreasing modification applied by a distributee shall be subject to disallowance to the extent that the distributed moneys are not used to pay for qualified expenses, as defined in §18-30A-11 of this code in the taxable year of receipt of the distribution or the next succeeding taxable year.

(2) The decreasing modification allowed pursuant to this subsection may not exceed \$25,000 for the taxable year.

(3) For the purposes of this section, the term "distributee" means the beneficiary or the owner of a Jumpstart Savings Account who is authorized to receive distributions from the account, according to §18-30A-1 *et seq.* of this code and the legislative rules and procedures adopted by the Jumpstart Savings Board.

(c) *Modification for rollover of certain distributions.* – In addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12 of this code, a modification reducing federal adjusted gross income is hereby authorized for the account owner, to the extent that the amount is not allowable as a deduction when arriving at the account owner's federal adjusted gross income, in the amount as follows:

(1) An amount equal to a distribution from a Jumpstart Savings Account received in the taxable year, if the account owner deposits such amount into a West Virginia ABLE Account within 30 days of receiving the distribution, according to the requirements of §18-30A-1 *et seq.* of this code; and

(2) An amount equal to the portion of a distribution received in the taxable year from a college savings account, established pursuant to §18-30-1 *et seq.* of this code, if the taxpayer deposits the amount into a Jumpstart Savings Account within 30 days of receiving the distribution according to the requirements of §18-30A-1 *et seq.* of this code.

(d) Nothing in this section shall be construed to decrease or otherwise impact any person's federal tax obligations or to authorize any act which violates federal law.

§11-21-25. Nonrefundable credit for matching contribution to employee's Jumpstart Savings Account.

(a) A nonrefundable credit against the tax imposed by the provisions of this article is allowed against the tax liability imposed under this article of a qualified employer, for a matching contribution made to a Jumpstart Savings Account in the taxable year, if the beneficiary of the account is an employee of the taxpayer and a West Virginia resident, subject to the requirements of §18-30A-1 *et seq.* and the following:

(1) The employer must directly contribute an amount to a Jumpstart Savings Account that is equal to a contribution made by the employee to such account in the same taxable year.

(2) The credit allowed by this section may not exceed \$5,000 per employee per taxable year.

(3) The amount of the credit may not exceed the portion of the contribution that is attributable to the employer and that would otherwise be derived by the employer as income from his or her business for the taxable year.

(4) The employer may not claim the credit if the employer himself or herself is the account beneficiary of the account to which the matching contribution was made.

(5) An employer may not claim a credit against more than one type of tax for a single contribution to a Jumpstart Savings Account.

(b) The credit provided by this section is only allowed to the extent the amount is not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the taxable year in which the contribution is made.

(c) In order to qualify for the credit provided by this section, an employer must submit any forms or other information, as required by the West Virginia Jumpstart Savings Board or the State Treasurer, and the Tax Commissioner, upon making the contribution.

(d) *Conduit Entities and Proprietorships Personal Income Taxes.* —

(1) If the employer directly contributing an amount to a Jumpstart Savings Account is an electing small business corporation (as defined in Section 1361 of the United States Internal Revenue Code of 1986, as amended), a partnership, a limited liability company that is treated as a partnership for federal income tax purposes, or a sole proprietorship, then credit authorized pursuant to this section is allowed as a credit against the taxes imposed by this article on the flow through income of S corporation shareholders, partners, owners, and limited liability company members derived from such electing small business corporation, partnership, or limited liability company attributable to business or other activity.

(2) If the employer directly contributing an amount to a Jumpstart Savings Account is a sole proprietor, then credit authorized pursuant to this section is allowed as a credit against the taxes imposed by this article on the income of the sole proprietor attributable to the business.

(3) Electing small business corporations, limited liability companies, partnerships, and other unincorporated organizations shall allocate the credit allowed by this article among its partners, owners, shareholders, or members in the same manner as profits and losses are allocated for the taxable year.

(4) No credit is allowed under this section against any employer withholding taxes imposed by this article.

(5) Credit allowed under this section must be used in the tax year in which the contribution is made. Credit may not be carried back to a prior tax year nor carried forward to a subsequent tax year. Any amount of unused credit is forfeited.

ARTICLE 24. CORPORATION NET INCOME TAX.

§11-24-10a. Nonrefundable credit for matching contribution to employee's Jumpstart Savings Account.

(a) A nonrefundable credit against the tax imposed by the provisions of this article is allowed for a matching contribution to a Jumpstart Savings Account made in the taxable year if the beneficiary of the account is an employee of the taxpayer and a West Virginia resident, subject to the requirements of §18-30A-1 *et seq.* and the following:

(1) The employer must directly contribute an amount to a Jumpstart Savings Account that is equal to a contribution made by the employee to such account in the same taxable year.

(2) The credit allowed by this section may not exceed \$5,000 per employee per taxable year.

(3) An employer may not claim the credit against more than one type of tax for a single contribution to a Jumpstart Savings Account.

(b) The credit provided by this section is only allowed to the extent the amount is not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the taxable year in which the contribution is made.

(c) In order to qualify for the credit provided by this section, an employer must submit any forms or other information, as required by the West Virginia Jumpstart Savings Board or the State Treasurer, or the Tax Commissioner, upon making the contribution.

(d) Conduit Entities Corporation Net Income Tax. —

(1) If the employer directly contributing an amount to a Jumpstart Savings Account is an electing small business corporation (as defined in Section 1361 of the United States Internal Revenue Code of 1986, as amended), a partnership, or a limited liability company that is treated as a partnership for federal income tax purposes, then credit authorized pursuant to this section is allowed as a credit against the taxes imposed by this article on the flow through income of S corporation shareholders, partners, owners, and limited liability company members derived from such electing small business corporation, partnership, or limited liability company attributable to business or other activity.

(2) Electing small business corporations, limited liability companies, partnerships, and other unincorporated organizations shall allocate the credit allowed by this article among its corporate partners, owners, shareholders, or members in the same manner as profits and losses are allocated for the taxable year.

(3) No credit is allowed under this section against any employer withholding taxes imposed by this article.

(4) The credit allowed under this section must be used in the tax year in which the contribution is made. Credit may not be carried back to a prior tax year nor carried forward to a subsequent tax year. Any amount of unused credit is forfeited.

CHAPTER 18. EDUCATION.

ARTICLE 30A. WEST VIRGINIA JUMPSTART SAVINGS ACT.

§18-30A-1. Short Title.

This article shall be known, and may be cited as, the 'West Virginia Jumpstart Savings Act'.

§18-30A-2. Findings.

The Legislature recognizes the importance of cultivating an environment in West Virginia where our tradespersons and entrepreneurs can be successful in their careers and remain in their home state. The Legislature finds that a savings and investment program to assist our citizens who wish to embark on a new trade or establish a new business within this state, is an investment in the future of West Virginia and its hardworking citizens.

§18-30A-3. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

(1) 'Account owner' means the person who opens and invests money into a Jumpstart Savings Account, as provided in this article.

(2) 'Beneficiary' means the person designated as a beneficiary at the time an account is established, or the individual designated as the beneficiary when the beneficiary is changed.

(3) The 'board' means the West Virginia Jumpstart Savings Board created in §18-30A-5 of this code.

(4) 'Contribution' means any amount of money deposited into a Jumpstart Savings Account according to the procedures established and required by the board or the Treasurer.

(5) 'Deduction' as used in this article has the same meaning as when used in a comparable context in the laws of the United States relating to income taxes, unless a different meaning is clearly required. Deduction means and refers to a deduction allowable under the federal income tax code for the purpose of determining federal taxable income or federal adjusted gross income, unless text clearly indicates otherwise.

(6) 'Distributee' has the same meaning provided in §11-21-12m of this code.

(7) 'Distribution' means any disbursement from an account.

(8) The term 'family member', as used to describe a person's relationship to a designated beneficiary, includes any of the following:

(A) The spouse of the beneficiary;

(B) A child of the beneficiary or a descendant of the beneficiary's child;

(C) A brother, sister, stepbrother, or stepsister of the beneficiary;

(D) The father or mother of the beneficiary, or an ancestor of either;

(E) A first cousin of the beneficiary;

(F) A stepfather or stepmother of the beneficiary;

(G) A son or daughter of a brother or sister of the beneficiary;

(H) A brother or sister of the father or mother of the beneficiary;

(I) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the beneficiary; or

(J) The spouse of any person described in paragraphs (A) through (I) of this subdivision.

(K) Any term set forth in this subdivision means and includes such term as established through a lawful adoption, including, but not limited to, adoptions of a child or children, or other natural person,

by a natural person or natural persons who are not the father, mother, or stepparent of the child or person.

(9) 'Labor organization' means any organization, agency, association, union, or employee representation committee of any kind that exists, in whole or in part, to assist employees in negotiating with employers concerning grievances, labor disputes, wages, rates of pay, or other terms or conditions of employment.

(10) The 'program' refers to the Jumpstart Savings Program established by this article.

(11) The 'Treasurer' refers to the West Virginia State Treasurer or his or her designee.

§18-30A-4. West Virginia Jumpstart Savings Program established.

The West Virginia Jumpstart Savings Program is hereby established, to be operable on or before July 1, 2022. The board shall implement and administer the program under the terms and conditions required by this article.

§18-30A-5. West Virginia Jumpstart Savings Board; members; terms; compensation; proceedings generally.

(a) The West Virginia Jumpstart Savings Program shall be administered by the West Virginia Jumpstart Savings Board.

(b) The board consists of seven members and includes the following:

(1) The State Treasurer;

(2) The State Superintendent of Schools, or his or her designee;

(3) The Chancellor of the West Virginia Community and Technical College System, or his or her designee;

(4) Four members, appointed by the Governor, with knowledge, skill, and experience in trade occupations or businesses, to be appointed as follows:

(A) A member representing a labor organization that represents tradespersons in this state;

(B) A member representing a business or entity offering apprenticeships in this state; and

(C) Two private citizens not employed by, or an officer of, the state or any political subdivision of the state.

(c) The members designated in this section to be appointed by the Governor are so appointed with the advice and consent of the Senate.

(d) Only state residents are eligible for appointment to the board.

(e) Members appointed by the Governor serve a term of five years and are eligible for reappointment at the expiration of their terms. If there is a vacancy among appointed members, the Governor shall appoint a person meeting the requirements of this section to fill the unexpired term. Members of the board serve until the later of the expiration of the term for which the member was appointed or the appointment of a successor.

(f) Members of the board serve without compensation. The Treasurer may pay all reasonable expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Expense payments are made from the Jumpstart Savings Expense Account and are made at the same rates and in the same manner as travel reimbursements are paid to state employees.

(g) The Treasurer is the chairman and presiding officer of the board and shall appoint the employees the board considers advisable or necessary.

(h) The board shall adopt bylaws and rules of procedure at its first official meeting. A majority of the members of the board constitutes a quorum for the transaction of the business of the board.

§18-30A-6. Powers of the board.

The board is authorized to take any lawful action necessary to effectuate the provisions of this article and successfully administer the program, subject to applicable state and federal law, including, but not limited to, the following:

(1) Adopt and amend bylaws;

(2) Execute contracts and other instruments for necessary goods and services, employ necessary personnel, and engage the services of private consultants, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice: *Provided*, That selection of these services is not subject to the provisions of §5A-3-1 *et seq.* of this code: *Provided, however, That* all expenditures and monetary and financial transactions shall be subject to periodic audits by the Office of Chief Inspector, or the Legislative Auditor, or both;

(3) Implement the program through use of financial organizations as account depositories and managers, as provided in §18-30A-9 of this code;

(4) Develop and impose requirements, policies, procedures, and guidelines to implement and manage the program;

(5) Establish the method by which funds shall be allocated to pay for administrative costs and assess, collect, and expend administrative fees, charges, and penalties;

(6) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the trust funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, the Board of Treasury Investments, or other professional managing or investing the trust funds and accounts;

(7) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or other professional investing the funds and accounts: *Provided*, That investments made under this article shall be made in accordance with the provisions of §44-6C-1 *et seq.* of this code;

(8) Solicit and accept gifts, including bequests or other testamentary gifts made by will, trust, or other disposition; grants; loans; aid; and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this article: *Provided*, That the board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within 90 days of receipt; and

(9) Propose legislative rules for promulgation in accordance with §29A-3-1 et seq. of this code.

§18-30A-7. Powers and duties of the Treasurer.

(a) In order to implement and administer the program, the Treasurer shall:

(1) Provide support staff and office space for the board;

(2) Establish and monitor, at the direction of the board, the methods and processes by which the funds held in accounts are deposited and distributed;

(3) Charge and collect any necessary administrative fees, penalties, and service charges in connection with any agreement, contract, or transaction relating to the program;

(4) Develop marketing plans and promotional material to ensure that potential program beneficiaries will be aware of the program and the advantages the program offers; and

(5) Present the annual evaluations and reports required by §18-30A-13 of this code at any meeting or proceeding of the Legislature or the Office of the Governor upon request.

(b) In order to implement and administer the program, the Treasurer may:

(1) Collect all necessary information from program account holders and beneficiaries;

(2) Create forms necessary for implementation of the program;

(3) Propose legislative rules for legislative approval, in accordance with the provisions of §29A-3-1 et seq. of this code, that are necessary to effectuate the provisions and purposes of this article; and

(4) Perform all other lawful actions necessary to effectuate the provisions of this article, subject to applicable state and federal law.

§18-30A-8. West Virginia Jumpstart Savings Trust; Trust Fund; and Expense Fund created.

(a) The board shall establish the Jumpstart Savings Program Trust, and a Jumpstart Savings Program Trust Fund Account, titled the Jumpstart Savings Trust Fund, within the accounts held by the Treasurer or with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or any other person for the purpose of managing and investing the trust fund. Assets of the Jumpstart Savings Program Trust are held in trust for account owners and beneficiaries.

(b) The Jumpstart Savings Trust Fund shall receive all moneys from account owners on behalf of beneficiaries or from any other source, public or private. Earnings derived from the investment of the moneys in the Jumpstart Savings Trust Fund shall remain in the fund, held in trust in the same manner as contributions, except as refunded, applied for purposes of the beneficiaries, and applied for purposes of maintaining and administering the program.

(c) The corpus, assets, and earnings of the Jumpstart Savings Trust Fund do not constitute public funds of the state and are available solely for carrying out the purposes of this article. Any contract entered into by, or any obligation of the board on behalf of and for the benefit of the program, does not constitute a debt or obligation of the state but is solely an obligation of the Jumpstart Savings Trust Fund.

(d) All interest derived from the deposit and investment of moneys in the Jumpstart Savings Trust Fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the trust fund may not be credited or transferred to the State General Fund or to any other fund.

(e) In order to fulfill the charitable and public purposes of this article, neither the earnings nor the corpus of the Jumpstart Savings Trust Fund is subject to taxation by the state or any of its political subdivisions.

(f) Notwithstanding any provision of this code to the contrary, money in the Jumpstart Savings Trust Fund is exempt from creditor process and not subject to attachment, garnishment, or other process; is not available as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge; and is not subject to seizure, taking, appropriation, or application by any legal or equitable process or operation of law to pay any debt or liability of any account owner, beneficiary, or successor in interest.

(g) (1) The Jumpstart Savings Program Expense Fund is hereby established in the State Treasury.

(2) The Jumpstart Savings Expense Fund shall receive all fees, charges, and penalties collected by the board. Expenditures from the fund are authorized from collections subject to appropriations made by the Legislature.

(3) All expenses incurred by the board or the Treasurer in developing and administering the program shall be payable from the Jumpstart Savings Expense Fund.

§18-30A-9. Use of financial organizations as program depositories and managers.

(a) The board may implement the program through use of financial organizations as account depositories and managers. The board may solicit proposals from financial organizations to act as depositories and managers of the program. Financial organizations submitting proposals shall describe the investment instruments which will be held in accounts. The board may select more than one financial organization and investment instrument for the program. The board shall select financial organizations to act as program depositories and managers from among the bidding financial organizations that demonstrate the most advantageous combination, both to potential program participants and this state, based on the following criteria:

(1) The financial stability and integrity of the financial organization;

(2) The safety of the investment instrument being offered;

(3) The ability of the financial organization to satisfy recordkeeping and reporting requirements;

(4) The financial organization's plan for promoting the program and the investment the organization is willing to make to promote the program;

(5) The fees, if any, proposed to be charged to the account owners;

(6) The minimum initial deposit and minimum contributions that the financial organization will require;

(7) The ability of the financial organization to accept electronic deposits and withdrawals, including payroll deduction plans; and

(8) Other benefits to the state or its residents included in the proposal, including fees payable to the state to cover expenses of operation of the program.

(b) The board may enter into any contracts with a financial organization necessary to effectuate the provisions of this article. Any management contract shall include, at a minimum, terms requiring the financial organization to:

(1) Take any action required to keep the program in compliance with requirements of this article and any other applicable state or federal law;

(2) Keep adequate records of each account, keep each account segregated from each other account, and provide the board with the information necessary to prepare the statements required by this article and other applicable state and federal laws;

(3) Compile, summarize, and total information contained in statements required to be prepared under this article and applicable state and federal laws and provide such compilations to the board;

(4) Provide the board with access to the books and records of the program manager and with any other information needed to determine compliance with the contract, this article, and any other applicable state or federal law;

(5) Hold all accounts for the benefit of the account owner or owners;

(6) Be audited at least annually by a firm of certified public accountants selected by the program manager and provide the results of such audit to the board;

(7) Provide the board with copies of all regulatory filings and reports made by the financial organization during the term of the management contract or while the financial organization is holding any accounts, other than confidential filings or reports that will not become part of the program. The program manager shall make available for review by the board and the Treasurer the results of any periodic examination of such manager by any state or federal banking, insurance, or securities commission, except to the extent that such report or reports may not be disclosed under law; and

(8) Ensure that any description of the program, whether in writing or through the use of any medium, is consistent with the marketing plan developed pursuant to the provisions of this article.

(c) The board may:

(1) Enter into contracts it deems necessary for the implementation of the program;

(2) Require that an audit be conducted of the operations and financial position of the program depository and manager at any time if the board has any reason to be concerned about the financial position, the record keeping practices, or the status of accounts of such program depository and manager; and

(3) Terminate or decline to renew a management agreement. If the board terminates or does not renew a management agreement, the board shall take custody of accounts held by such program manager and shall seek to promptly transfer such accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.

18-30A-10. Opening a Jumpstart Savings Account; deposits.

(a) Beginning on July 1, 2022, a person may open a Jumpstart Savings Account.

(b) To open a Jumpstart Savings Account, the account owner must:

(1) Provide all information required by the Treasurer;

(2) Make a minimum opening deposit of \$25; and

(3) Name a single person as the designated beneficiary: *Provided*, That the designated beneficiary may be the account owner himself or herself, or another person: *Provided, however, That* the beneficiary may not be a business, corporation, or enterprise.

(c) The Treasurer will deposit \$100 from the Jumpstart Savings Expense Fund into a newly opened Jumpstart Savings Account if the following criteria are met:

(1) The designated beneficiary is a resident of West Virginia; and

(2) The account is opened when the designated beneficiary is under 18 years of age; or

(3) The account is opened within the 180 days following the date of the designated beneficiary's enrollment in an apprenticeship or educational program described in §18-30A-11(c)(1)(A) of this code.

(d) Any person may make a contribution to a Jumpstart Savings Account after the account is opened, subject to applicable state and federal laws.

(e) The Treasurer shall prescribe all forms required to open and make deposits to a Jumpstart Savings Account and make the forms available in a prominent location on the Treasurer's website.

§18-30A-11. Distributions; qualified expenses.

(a) A distribution from a Jumpstart Savings Account that was used to pay for qualified expenses, as defined in subsection (c) of this section, shall establish entitlement of the distributee to the personal income tax decreasing modification authorized by §11-21-12m(b) of this code, and such decreasing modification may be applied to determine West Virginia adjusted gross income of the distributee in the taxable year in which such qualified expenses were paid.

(b) A change in the designated beneficiary of a Jumpstart Savings Account is not a distribution for the purposes of this article or §11-21-1 *et seq.* of this code if the new beneficiary is a family member of the prior beneficiary.

(c) *Qualified expenses.* —

(1) For the purposes of this article and §11-21-12m of this code, expenditures of distributions for the following purposes are qualified expenses:

(A) The purchase of tools, equipment, or supplies by the beneficiary to be used exclusively in an occupation or profession for which the beneficiary is required to:

(i) Complete an apprenticeship program registered and certified with the United States Department of Labor, as provided in 29 U.S.C. §50;

(ii) Complete an apprenticeship program required by any provision of this code or a legislative rule promulgated pursuant to this code;

(iii) Earn a license or certification from an Advanced Career Education (ACE) career center; or

(iv) Earn an associate degree or certification from a community and technical college.

(B) Fees for required certification or licensure for the beneficiary to practice a trade or occupation described in paragraph (A) of this subdivision in this state; and

(C) Costs incurred by the beneficiary that are necessary to establish a business in this state in which the beneficiary will practice an occupation or profession described in paragraph (A) of this subdivision, when the costs are exclusively incurred and paid for the purpose of establishing and operating such business.

(2) In no event shall any dues, fees, subscriptions, or any other payments to a labor organization constitute qualified expenses for the purposes of this article.

§18-30A-12. State tax benefits related to a Jumpstart Savings Account.

(a) As provided in §11-21-12m, §11-21-25, and §11-24-10a of this code, contributions, distributions, and employer matching contributions are eligible for specified decreasing modifications in determining taxable income, or specified tax credits against tax imposed by §11-21-1 *et seq.* and §11-24-1 *et seq.* of this code.

(b) Nothing in this article nor in §11-21-12m, §11-21-25, or §11-24-10a of this code shall be construed to decrease or otherwise impact any person's federal tax obligations or to authorize any act which violates federal law.

§18-30A-13. Reports and account; annual audit.

(a) In addition to any other requirements of this article, the board shall:

(1) Prepare and provide an annual summary of information on the financial condition of the Jumpstart Savings Trust Fund and Expense Fund and statements on the savings program accounts to the respective account owners; and

(2) Prepare, or have prepared, a quarterly report on the status of the program, including the Jumpstart Savings Trust Fund and Expense Fund, and provide a copy of the report to the Joint Committee on Government and Finance.

(b) All accounts administered under the program, including the Jumpstart Savings Trust Fund and Expense Fund, are subject to an annual external audit by an accounting firm, selected by the board, of which all members or partners assigned to head the audit are members of the American Institute of Certified Public Accountants. The audit shall comply with the requirements and standards in §5A-2-33 of this code.

§18-30A-14. Records; confidentiality.

(a) Notwithstanding any other provision of this code, the board and an apprenticeship provider, training or educational institution, or employer, are authorized to exchange information regarding participants in the program to carry out the purposes of this article: *Provided*, That the tax information

confidentiality provisions of §11-10-5d of this code shall apply to tax returns and tax return information.

(b) Records containing personally identifying information regarding Jumpstart Savings Account holders and beneficiaries is exempt from disclosure under §29B-1-1 et seq. of this code.

§18-30A-15. Limitation on liability.

Nothing in this article creates any obligation of the board, the Treasurer, the state, or any agency or instrumentality of the state to guarantee for the benefit of any account holder or designated beneficiary with respect to the:

- (1) Return of principal;
- (2) Rate of interest or other return on any account; or
- (3) Payment of interest or other return on any account.

§18-30A-16. Legislative rules required.

Prior to the commencement of the program, the board shall promulgate legislative, procedural, or emergency rules, or any combination thereof, in accordance with the provisions of §29A-3-1 et seq. of this code, that include at a minimum, the following:

- (1) Requirements for any contract to be entered between the board and an account holder upon opening a Jumpstart Savings Account to ensure compliance with the requirements of this article and applicable state and federal laws;
- (2) Examples of qualified expenses, as described in §18-30A-11 of this code; and
- (3) Procedures for opening Jumpstart Savings Accounts, making contributions thereto, requesting distributions therefrom, and instructions for accessing any necessary forms.”

And,

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

Com. Sub. for H. B. 2001 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-21-12m and §11-21-25; to amend said code by adding thereto a new section, designated §11-24-10a; to amend said code by adding thereto a new article, designated §18-30A-1, §18-30A-2, §18-30A-3, §18-30A-4, §18-30A-5, §18-30A-6, §18-30A-7, §18-30A-8, §18-30A-9, §18-30A-10, §18-30A-11, §18-30A-12, §18-30A-13, §18-30A-14, §18-30A-15, and §18-30A-16, all relating generally to creating the West Virginia Jumpstart Savings Program; providing a short title; providing legislative findings; defining terms; requiring the program to be operable by a certain date; creating the West Virginia Jumpstart Savings Board; establishing requirements for board membership, appointment, and procedures; allowing board members to be reimbursed for reasonable expenses; establishing the powers of the board; authorizing the board to promulgate legislative rules; establishing the duties and powers of the Treasurer related to the program; establishing the Jumpstart Savings Trust and Trust Fund and requirements for said fund; establishing the Jumpstart Savings Expense Fund and establishing requirements for said fund; authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; establishing requirements for opening a Jumpstart Savings account and making deposits to an account; authorizing the Treasurer to make a deposit into a newly opened

Jumpstart Savings account when certain conditions are met; providing requirements for distributions from an account; specifying when a distributee is entitled to tax benefits; providing that a change in account beneficiary is not a distribution if the new beneficiary is a family member of the previous beneficiary; providing when expenditures of account distributions are qualified expenses; allowing a personal income tax decreasing modification for certain contributions to an account and allowing said modification to be carried forward over five years; allowing a personal income tax decreasing modification for distributions from an account used for qualified expenses; allowing a personal income tax decreasing modification for a rollover of distributions from a college savings account to a Jumpstart Savings account; allowing a personal income tax decreasing modification for a rollover of distributions from a Jumpstart Savings account to a West Virginia ABLE account; allowing a tax credit against personal income tax or corporate net income tax for certain matching contributions to accounts of employees; providing reporting and auditing requirements for the Jumpstart Savings Program; authorizing certain training and educational entities and employers to share information with the board and the Treasurer related to program participation; exempting certain personal information regarding program participants from disclosure under the state's Freedom of Information Act; limiting liability of the Treasurer, the board, and the state related to the program; and requiring the board to promulgate certain legislative rules."

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 123**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Miller.

Absent and Not Voting: Dean and Linville.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2001) passed.

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

A message from the Senate, by

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

Com. Sub. for S. B. 466 - "A Bill to amend and reenact §30-38-3, §30-38-4, §30-38-6, §30-38-11, and §30-38-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-38A-3, §30-38A-4, §30-38A-8, and §30-38A-10 of said code, all relating to real estate appraisal; clarifying requirement that classification and license or certification number be shown on documents; authorizing real estate appraisal licensing and certification board to hire certain persons; clarifying definition of "appraisal management company" for purposes of Appraisal Management Companies Registration Act; expanding list of individuals prohibited from owning registered appraisal management companies; requiring owners of more than 10 percent of appraisal management company to submit to background check; and making technical changes throughout"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 475 - “A Bill to amend and reenact §21-1-5 of the Code of West Virginia, 1931, as amended, relating to dedicating fees collected by the Division of Labor to General Revenue Fund; providing for exceptions; and setting out an effective date”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 517 - “A Bill to amend and reenact §29A-3-19 of the Code of West Virginia, 1931, as amended, relating to sunset provisions of legislative rules; removing the five-year sunset requirement for new legislative rules after initial five-year sunset provision; requiring all legislative rules to sunset on July 1 of the applicable year effective July 1, 2021; authorizing the Secretary of State to modify all active legislative rules with sunset provisions in accordance with this requirement; and requiring the Secretary of State to file a notice of sunset in the State Register upon the expiration of a legislative rule”; which was referred to the Committee on Government Organization.

Resolutions Introduced

Delegates Hanshaw (Mr. Speaker) and Skaff offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 14 - “Recognizing Clean Energy’s Importance to West Virginia’s Energy Future.”

Whereas, West Virginia has a rich history cultivating domestic energy; and

Whereas, West Virginia can continue to expand in-state energy production by taking advantage of opportunities in clean energy, thereby expanding and diversifying our economic base; and

Whereas, Clean energy, including generation from renewable sources such as wind, solar, and hydro sources as well as nuclear, natural gas, and energy storage, is part of our state’s energy future; and

Whereas, Over 10,000 clean energy jobs were here in West Virginia by the end of 2019; and

Whereas, Growing our clean energy workforce will also help grow employment and economic opportunities elsewhere in our state; therefore, be it

Resolved by the House of Delegates:

That the West Virginia Legislature recognizes the value of clean energy including abundant job opportunities, economic growth, energy independence, consumer choice, lower energy prices, and a cleaner environment; and, be it

Further Resolved, That clean energy—including generation from renewable sources such as wind, solar, and hydro power as well as nuclear, natural gas, and energy storage— plays an important role in West Virginia’s diverse energy portfolio; and, be it

Further Resolved, That investing in an all-of-the-above energy approach to in-state production and development can help build a stronger, more diversified, and more resilient economy in the Mountain State.

Delegates Conley, Mallow, Kimes, Horst, Longanacre and Bruce offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 36 - "Urging Congress to censure U.S. Senator Joe Manchin for his recent votes against the beliefs of the majority of West Virginians."

Whereas, Senator Manchin has routinely referred to himself as a "moderate" or "conservative Democrat;" and

Whereas, Instead, Senator Manchin routinely votes against the will of the majority of his West Virginia constituents; and

Whereas, oftentimes, Senator Manchin will wait until the eve of a vote or moments before a vote is to be cast to decide how he is going to vote; and

Whereas, Twice, Senator Manchin has voted to impeach President Trump, which has wasted untold amounts of taxpayer dollars for what has amounted to nothing more than a witch hunt; and

Whereas, In doing so, Senator Manchin, during the first sham impeachment, said "The House impeachment managers' case against Trump, on the other hand, was proven," according to a Politico article: <https://www.politico.com/news/2020/02/13/joe-manchin-trump-reelection-impeachment-114679>; and,

Whereas, In reiterating his support for the first sham impeachment, Senator Manchin said, according to the same Politico article, "I had no doubt when everything [came] the way it came across;" and

Whereas, In the second sham impeachment, Senator Manchin said, according to a Business Insider article, located at <https://www.businessinsider.com/joe-manchin-impeach-trump-joe-biden-2021-1>, that ""There is no doubt about it he should be impeached;" and

Whereas, Even after President Trump was not-reelected, but carried a large majority of the vote in West Virginia, Senator Manchin has nevertheless continued his crusade of voting against the wishes of both President Trump and a large majority of West Virginians, including his opposition to the Keystone XL pipeline, and his unwillingness to stand up for West Virginia in the fight against coal; therefore, be it

Resolved by the Legislature of West Virginia:

That it hereby requests that the United States Senate hereby censure Senator Manchin for his blatant disregard of the large majority of values held by the voters and citizens of West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this State, including Senator Manchin.

Delegates Conley, Haynes, Horst, Mallow, Longanacre, Holstein and Barnhart offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 37 - "Declaring the State of West Virginia as a United States Constitution Sanctuary State."

Whereas, In order to ensure the rights of the citizens of the state of West Virginia which are protected by the United States Constitution, and the Bill of Rights of that Constitution, which reserves the right of the citizens to decide on matters which concern their lives, liberty, and property in the ordinary course of affairs:

Whereas, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble; or to petition the government for a redress of grievances; and

Whereas, A well regulated militia, being necessary to the security of a free state, and the right of the people to keep and bear arms, shall not be infringed; and

Whereas, No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner to be prescribed by law; and

Whereas, The right of the people to secure in his or her persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and persons or things to be seized; and

Whereas, No person shall be held to answer for a capital, or infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in a militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation; and

Whereas, In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which shall have been previously ascertained by law; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him or her; to have compulsory process for obtaining witnesses in his or her favor; and to have the assistance of counsel for his or her defense; and

Whereas, In lawsuits at common law, where the value in controversy shall exceed \$20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, except according to the rules of common law; and

Whereas, Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; and

Whereas, The enumeration in the Constitution of the United States of certain rights shall not be construed to deny or disparage others retained by the people; and

Whereas, The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people; and

Whereas, The Legislature finds that Section 1 of the Fourteenth Amendment to the Constitution of the United States declares that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside, and no

state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws; and

Whereas, The right of the people is further protected from infringement by state, federal and local governments under the Ninth, Tenth, and Fourteenth amendments to the Constitution of the United States; and

Whereas, Notwithstanding any law, regulation, rule or order to the contrary, no agent, department, employee or official of the State of West Virginia or political subdivision thereof, while acting in his or her official capacity, shall knowingly and willingly, participate in any way in the enforcement of any unlawful or unconstitutional act, as defined in this resolution, regarding freedom of religion, freedom of speech, freedom of the people to peaceably assemble, freedom of the press, freedom to petition the government for a redress of grievances, or the right of the people to keep and bear arms; and

Whereas, As used in this resolution, an “unlawful act” means any federal, state or local act, law, order, rule, or regulation, which restricts an individual’s constitutional rights, and shall include, but not be limited to, the following:

(a) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services on the purchase or ownership of those items by citizens;

(b) Any registration or tracking of firearms, firearm accessories, or ammunition;

(c) Any registration or tracking of the owners of firearms, firearm accessories, or ammunition;

(d) Any act forbidding the possession, manner of carry, ownership, use, or transfer of any type of firearm, firearm accessory, or ammunition by citizens of the legal age;

(e) Any act ordering the confiscation of firearms, firearm accessories, or ammunition from citizens;

(f) Any prohibition, regulation, and or use restriction related to ownership or the constitutionally guaranteed lawful use or carry of firearms;

(g) Any use of State funds or funds given to the State by any entity, to participate in a “gun buyback” program or event; and

(h) Any use of State funds given to the State by any entity that has violated an individual’s rights as outlined in the Bill of Rights; and

Whereas, The right to bear arms protection, as provided to citizens by this resolution, does not apply to persons who have been convicted of felony crimes, and this resolution is not intended to prohibit or affect in any way the prosecution of any crime for which the use of, or possession of, a firearm is an aggravating factor or enhancement to an otherwise independent crime, unless such crimes have been expunged by order of a court of competent jurisdiction; and

Whereas, The provisions of this resolution are hereby declared to be severable, and if any provision of this resolution or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this resolution; and

Whereas, The Legislature finds that the citizens of the state of West Virginia have taken notice and voiced concerns for their rights under the United States Constitution and Bill of Rights, therefore, an emergency is declared to exist in the state of West Virginia; and

Whereas, The state of West Virginia has the right to be free from the commanding hand of the state and federal government, to refuse to cooperate with state and federal government officials in response to unconstitutional state and federal government measures, and to proclaim a U.S. Constitution sanctuary for law-abiding citizens in the state of West Virginia; therefore, be it:

Resolved by the Legislature of West Virginia:

That West Virginia hereby is declared a U.S. Constitution sanctuary state; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this state.

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

H. C. R. 38 - "Requesting the Division of Highways to name bridge number 26-001/01-000.01 (26A080), (40.02115, -80.73147) locally known as 4th Street Overpass, carrying CR 1/1 over US 250 & WV 2 in Marshall county, the 'U. S. Marine Sergeant David Andrew Green Memorial Bridge'."

Whereas, David A. Green was born December 29, 1980, at Reynolds Memorial Hospital in Glendale, in Marshall County, West Virginia, to Greg and Karen Green and was a lifelong resident of Marshall County until entering the United States Marine Corps in 2002; and

Whereas, David A. Green attended St. John's Catholic School in Benwood and graduated from Bishop Donahue in 1999, where he lettered in football, wrestling, and baseball, and was crowned Homecoming King his senior year; and

Whereas, David A. Green enlisted in the United States Marine Corps in 2002, stationed at the Marine Corps Air Station in Yuma, Arizona; and

Whereas, Sgt. Green graduated from The Louis F. Garland Fire Academy in San Angelo, Texas, earning the title Aircraft Rescue and Fire Fighting Specialist, served one tour in Operation Iraqi Freedom, was awarded the Good Conduct Medal, and was honorably discharged; and

Whereas, Sgt. Green later returned to Iraq as a contract worker with Halliburton in which he spent two years as a contract firefighter on various bases; and

Whereas, Once he returned to the states, Sergeant Green began work as a railroad conductor with CSX, while also serving with Benwood Volunteer Fire Department for years; and

Whereas, Sgt. Green struggled with re-engaging and transitioning into civilian life, while battling PTSD, and sadly took his own life on October 13, 2013; and

Whereas, It is fitting that an enduring memorial be established to commemorate Sergeant David A. Green and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number: 26-001/01-000.01 (26A080), (40.02115, -80.73147) locally known as 4th Street Overpass, carrying CR 1/1 over US 250 & WV 2 in Marshall county, the “U. S. Marine Sergeant David Andrew Green Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the “U. S. Marine Corps Sgt. David A. Green Memorial Bridge”; and, be it

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

Delegates B. Ward, Reynolds, D. Kelly, L. Pack, Haynes, Barnhart and D. Jeffries offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 39 - “Requesting the Division of Highways name bridge number 16-048/00-028.54 (EB-WB) (16A132, 16A133), locally known as Sauerkraut Run (EB-WB), carrying US 48 over Sauerkraut Run & CR 23/9 in Hardy County, the ‘U. S. Navy Seaman 2nd Class Wilbur “Webb” Hahn and John W. Hahn Memorial Bridge’.”

Whereas, Wilbur “Webb” Lee Hahn was born on January 4, 1925, in Dutch Hollow/Sauerkraut Hollow, Wardensville, WV, a son of the late Lorenza M. and Amanda Michael Hahn. He was a veteran in the United States Navy during World War II, serving as a Seaman Second Class. He worked as a sawyer and co-owner for Hahn & Hahn Timber Company in Wardensville, WV until he was 83 years old; and

Whereas, Wilbur never met a stranger. He could have a conversation with a fence post and walk away smiling. He enjoyed the simple things in life, including living off the land that he loved so much. He also enjoyed telling stories of times past; and

Whereas, Wilbur’s brother, John William Hahn, was born July 6, 1922, into the family of Lorenza and Amanda Michael Hahn, in Dutch Hollow, WV. His occupation of timberman and co-owner with Wilbur and son Mickey as sawmill operators provided him with a happy life. He cut timber until the age of 85. He loved his life, the outdoors, hunting and fishing; he spent his evenings in the garden, tending to his zinnias and sunflowers that would draw the attention of the tourist traveling through town; and

Whereas, The brothers were everything that defines “brotherly love”. They had their differences, their sibling rivalries and their share of mischief growing up in Dutch Hollow. They walked Sauerkraut Road five days a week to attend school in Wardensville in their early years. They enjoyed their long treks and talks so much that they continued the tradition every day throughout older years; and

Whereas, The Hahn brothers were hardworking men who worked tirelessly to provide for, not only their own family but for many others in need. Wilbur and wife, Marie “fostered” numerous children in their home, whose family did not have the means to care for them or had fallen on hard times. No one would ever leave their home without a full belly and some new tall tales from Webb; and

Whereas, John William Hahn departed this life on July 22, 2010. He was survived by his wife Elda Rinard Hahn, whom he married in 1945, who passed away in January 2016. He is survived by his three children; Karen Findley, Larry Hahn, Ivan Michael “Mickey” Hahn and three grandchildren: Sherri Heishman, Amanda Simmons, Kimberly Hahn and two great-grandchildren; and

Whereas, Wilbur “Webb” Lee Hahn passed away on July 5, 2016 at his home surrounded by family. His wife of 62 years, Marie Naomi Combs Hahn, passed away in 2017. Surviving are three sons: Fredrick Hahn, Dr. Jerry Hahn, Dr. John Hahn, and his daughter: Debra Miller, 33 grandchildren, 35 great-grandchildren and 10 great-great-grandchildren; and

Whereas, As John and Wilbur were the last of their generation, they passed on their lands in Dutch Hollow to their descendants and their descendants’ descendants. The house that they were born and raised in, still stands a few miles back Sauerkraut Road. The home has been named the *Hahn Homestead* and is open yearly during the Hardy County Heritage Days, as well as the schoolhouse that they attended in grade school, Maple Grove School House and the Hahn & Hahn Timber Sawmill runs every year to give visitors the experience of hearing the old Buick engine roar to life and the sawdust begin to fly. The Hahn family worked together to restore the Maple Grove School House to its original glory and continue to invite visitors from far and wide to visit their “homeplace”; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Navy SSC Wilbur “Webb” Lee Hahn and John William Hahn and their contributions to Dutch Hollow, their state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 16-048/00-028.54 (EB-WB) (16A132, 16A133), locally known as Sauerkraut Run (EB-WB), carrying US 48 over Sauerkraut Run & CR 23/9 in Hardy County, the “U.S. Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn Memorial Bridge”; and, be it

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

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

H. C. R. 40 - “Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the ‘USMC Cpl Guy Maywood Edwards Memorial Bridge’.”

Whereas, United States Marine Corps Corporal Guy Maywood Edwards was born on September 13, 1918, in Myra, West Virginia, to Hiram Otho Edwards and Elmyra Elizabeth Porter Edwards; and

Whereas, Corporal Edwards graduated from Hamlin High School, and enlisted in the Marines during the winter of 1942; and

Whereas, Corporal Edwards was serving with the Fourth Division of the Marines and, despite having been wounded in October 1944 on Saipan in the Marina Islands, landed on Iwo Jima on February 20, 1945, ready for duty. Corporal Edwards was killed in action six days later on February 26, 1945; and

Whereas, Corporal Edwards’ brother PFC Donald Edwards was also serving in the Fourth Marine Division on Iwo Jima and was wounded on February 28, 1945; and

Whereas, It is right and just to honor the memory of United States Marine Corps Corporal Guy Maywood Edwards, who so ably served his country and state, and having made the ultimate sacrifice, by naming this bridge after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the "USMC Cpl Guy Maywood Edwards Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "USMC Cpl Guy Maywood Edwards Memorial Bridge"; and, be it

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

Delegates Pinson, Wamsley, Burkhammer, Linville, Maynard, Higginbotham, D. Jeffries, Keaton and Graves offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 41 - "Requesting the Division of Highways name a set of twin bridges, number 11349, carrying US Route 35 over County Route 78 and 16-Mile Creek in Mason County, West Virginia as the 'Halstead Brothers WWII Veterans Memorial Bridge'."

Whereas, James Norton Halstead, U.S. Army Corporal, was born at Page, Fayette County, West Virginia, on June 18, 1919, to John and Bertha Wolford Halstead; and

Whereas, Eugene Paul Halstead, T/5 U.S. Army, was born in Montcoal, Raleigh County, West Virginia on September 24, 1921, to John and Bertha Wolford Halstead; and

Whereas, Herman Lee Halstead, U.S. Army Cpl., was born in Montcoal, Raleigh County, West Virginia, on September 4, 1923, to John and Bertha Wolford Halstead; and

Whereas, Samuel Edward Halstead, U.S. Army Sgt., was born in Montcoal, Raleigh County, West Virginia on September 16, 1925, to John and Bertha Wolford Halstead; and

Whereas, James was the eldest child, but John and Bertha's large family would come to consist of four brothers in addition to James—Eugene Paul, Herman Lee, Samuel Edward, and Millard William; and

Whereas, In the household were also three sisters—Mary Madeline Halstead (married name: Bocook), Florence Louise Halstead (married name: Taylor), and Elizabeth Lucille Halstead (married name: Bauer); and

Whereas, U.S. Army Enlistment Records, 1938-1946, indicate that James's education consisted of grammar school, and his entry in Young American Patriots notes that the school he attended was Sebrell; and

Whereas, The family attended the United Brethren Church in Point Pleasant; and

Whereas, With the advent of World War II, Bertha would see four of her sons enlist in the U.S. Army, and ultimately she would become a Gold Star Mother; and

Whereas, T/5 Eugene Paul Halstead entered service on July 30, 1942, and served in North Africa, Sicily, and Italy; Cpl. Herman Lee Halstead entered service on March 15, 1943, and served in India; Sgt. Samuel Edward Halstead entered service on January 12, 1944, and served in England, France, and Italy; and after the war, Herman Halstead continued his service with the West Virginia National Guard; and

Whereas, It was the oldest, Corporal James Norton Halstead, who was the first to enlist, signing up at Huntington on March 30, 1942, and became a medical corpsman in the 325th Glider Infantry Regiment, 82nd Airborne Division; and

Whereas, The 325th's first battle was reached not by air, but by sea. By September, the regiment was sent to Salerno from Sicily to reinforce units already there. They were attached to the 2nd Battalion and intended to relieve Ranger units on Mount St. Angelo di Cava. German artillery barrages attempted to throw the glidermen off the mountain, but the Americans held their ground. It was here the Regiment met their first casualties. Service in Salerno is consistent with Cpl. Halstead's war record; Young American Patriots indicates he was there; and

Whereas, The Regiment landed in Normandy on D-Day plus one (June 7, 1944). According to the unit history, "As soldiers of the 325th Glider Infantry Regiment swooped down to Normandy, other elements of the 82nd Airborne were in the process of capturing the town of St. Mere Eglise on an airborne operation behind enemy lines. It was for the success of their effort that the soldiers of the 82nd Airborne Division were awarded the red and green braided French Fourregerre." ("The 325th Glider Infantry Regiment", The 82nd Airborne: World War II, accessed 23 October 2020, <https://www.ww2-airborne.us/units/325/325.html>.); and

Whereas, Twenty-one of the 850 gliders carrying infantrymen were wrecked in landing. Of the roughly 4,000 men who participated in the initial airborne assault phase of Operation Overlord, 10 percent became casualties, either killed or maimed. ("Glider Phase of D-Day Begins", World War II Day by Day: The Daily Chronicles of World War II, 2012-2020, accessed 23 October 2020, <https://ww2days.com/glider-phase-of-d-day-begins-2.html>.); and

Whereas, Sadly, Cpl. James Halstead was one of those 10 percent; he was wounded on June 15 during his landing, he died of wounds in France on June 16, 1944, just two days shy of his 25th birthday; and

Whereas, The 325th persisted, minus their fallen brothers, and the glidermen-turned-infantrymen soldiered on Cpl. Halstead's 325th would become embroiled in the Battle of the Bulge (December 1944-January 1945), where, ironically, his brother Samuel became a participant; and

Whereas, Sergeant Samuel Edward Halstead, the youngest family member to enter World War II, was drafted in January of 1944; trained at Camp Blanding, Florida; and saw service in England, France, and Italy, and

Whereas, It was not unusual for groups of brothers to enlist for World War II; and

Whereas, On March 15, 1945, Sgt. Samuel Halstead was shot while serving near Strasbourg, France. He always believed that he was very lucky as German snipers were renowned as highly accurate shots. He believed that he got excellent medical attention. He was transported to a field hospital, to a traditional hospital in France, and finally to a hospital in England. His ultimate destination was the U.S.; and

Whereas, He emphasized the importance of letter-writing during the war. According to Samuel's biographer, although he never saw his three brothers while at war, he could write them. One day, he

wrote to his oldest brother, James Norton Halstead, and sadly the letter was returned with the word "Deceased." This was how [Samuel] Halstead discovered that James had been killed while a member of the 82nd Airborne in France; and

Whereas, James Norton Halstead (1919-1944), Eugene Paul Halstead (1921-1981), Herman Lee Halstead (1923-1986), and Samuel Edward Halstead (1925-2016) served their country well in World War II, with James paying the ultimate sacrifice; and

Whereas, James was awarded the Purple Heart, the Bronze Star, the Good Conduct Medal, and the Combat Infantry Badge; and

Whereas, In fact, all four brothers received the latter medal, T/5 Paul Eugene Halstead, with two battle stars. Additionally, Samuel Edward Halstead was awarded the Combat Infantryman Badge, the Presidential Unit Citation, the Purple Heart, the Bronze Star, the World War II Victory Medal, the Marksman Badge and Rifle Bar, and the European-Africa-Middle Eastern Campaign Medal; and

Whereas, The Halstead family must certainly be one of the most decorated in the history of World War II; and

Whereas, Samuel's family (he and his wife Helen Louise Zuspan Halstead, to whom he was married for 69 years, had four sons: Samuel Edward Jr. [Ed]; Steve; Michael Bruce, who lived for only two days; and Tim) continued the Halstead military legacy with his son Sam Jr. serving in the U.S. Navy in Vietnam and his granddaughter Shonna Rae Halstead Miller (Tim's daughter) serving in Kuwait as a member of the West Virginia National Guard; and

Whereas, James Norton Halstead was originally buried in the Normandy American Cemetery in France, but Cpl. James Norton Halstead's remains were returned to the States in 1949, and he was buried in the Suncrest Cemetery at Point Pleasant, West Virginia; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of the Halstead Brothers; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a bridge built in 2018 bearing the number NHPP-035(202)(11349)(35-19.01) carrying U.S. Route 35 in Mason County, crossing over Black Oak Road, County Route 78, as the "Halstead Brothers WWII Veterans Memorial Bridge," and, be it

Further Resolved, That the commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "Halstead Brothers WWII Veterans Memorial Bridge"; and, be it

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

Delegates Conley, Rohrbach, J. Kelly, Holstein, Anderson, Reynolds, Toney, J. Pack, Nestor, Hott, Pritt, Phillips, Skaff, Storch, B. Ward, G. Ward, Tully, Mallow, Longanacre, Keaton, J. Jeffries, Ferrell, Bruce, Booth, Barnhart and Jennings offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. C. R. 42 - "Recognizing the roles and the contributions of all of the members of West Virginia's medical profession for their exemplary and heroic work under very difficult situations during this COVID-19 Pandemic and their role in providing quality health care for the public."

Whereas, The medical profession of West Virginia, is essential to West Virginia's health care system, providing high-quality, cost-effective care for our residents; and

Whereas, The COVID-19 Pandemic has created a medical situation the likes of which have not been experienced in our country and state in 100 years; and

Whereas, West Virginia's medical profession became our first responders on the front lines to face the effects of this deadly virus and to provide care to its victims, while they risked contracting this virus and strived to develop the methods of treating the victims, developing means and methods of protection from its grip; and

Whereas, West Virginia's medical profession performed to treat COVID-19 victims in every setting in which treatment is delivered, including all hospital services, emergency rooms, doctors' offices the offices of dentists, podiatrists, ophthalmologists, and plastic surgeons; ambulatory surgical centers; paramedics and other medical facilities, therefore, be it

Resolved by the Legislature of West Virginia:

The roles and the contributions of all of the members of West Virginia's medical profession for their exemplary and heroic work under very difficult situations during this COVID-19 Pandemic and their role in providing quality health care for the public are hereby recognized with the thanks of a grateful state.

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

H. C. R. 43 - "Requesting the Division of Highways name that portion of County Route 1, beginning at Toney Fork Road at the Clear Creek Presbyterian Church and ending at the Clear Fork Unincorporated sign next to Goodie's Place Lane, in Raleigh County, the 'U.S. Army CSM Hugh H. "Smokey" Stover Memorial Road'."

Whereas, U.S. Army Command Sergeant Major Hugh H. "Smokey" Stover was born at Clear Creek, West Virginia on September 30, 1919, to Huey H and Nora Clay Stover, and passed away on March 12, 2010, in Shady Spring, West Virginia; and

Whereas, Command Sergeant Major Stover retired from the Army with more than 27 years of service, having entered the Army in 1940 as the United States began its military buildup for World War II. During the 35 months he spent in the Pacific, including the New Guinea Campaign, and earned the Bronze Star medal for meritorious service. In addition to the Bronze Star, he earned the Army Commendation Medal, the Combat Infantryman Badge, the Good Conduct Medal with eight clasps, the National Defense Service Medal with two Oak Leaf Clusters, the American Defense Service Medal, the Pacific Campaign Medal and the Army Occupation Medal (Germany); and

Whereas, Upon his retirement from the Army, Command Sergeant Major Stover was a truck driver for Raleigh Ready Mix. He helped in the construction of the New River Gorge Bridge; and

Whereas, Command Sergeant Major Stover was an avid baseball fan and played for the Raleigh County League "B" Division in Ameagle. He continued playing baseball and ran track while in the military. He was a member of the First Baptist Church of Shady Spring; and

Whereas, In addition to his parents, Command Sergeant Major Stover was preceded in death by his wife of 56 years, Christine Stover; brothers, Glen, Wade, Tracy, Gerald Wayne "Jim", Sheldon, Nelson; sisters, Ora Dunbar, Farris Buzzard, Sally Scarbro and Vicky Stover; and

Whereas, At the time of his passing, Command Sergeant Major Stover's left behind his daughter, Karen and her husband, Danny Wood; son, Stephen and wife, Evangeline; grandchildren, Eric Wood and his wife, Amy; Adam Wood and wife, Angela; Ryan Wood, Matthew Stover; Megan and husband, Chris Genge; Zach Stover and his wife, Tiffany; Great-grandchildren Amanda and Lacie Wood, Brett Wood, Payton, Gavin Stover and Jonas Genge; his sisters, Wanda Craddock; Ruby and husband, Chuck Gloch; Susie and husband, Harvey Atkins; and his brothers, Elbert and wife, Kitty Stover; Doff and wife, Dorlene Kincaid; and

Whereas, It is fitting that an enduring memorial be established to commemorate Command Sergeant Major Stover and his contributions to our nation, state and his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that portion of County Route 1, beginning at Toney Fork Road at the Clear Creek Presbyterian Church and ending at the Clear Fork Unincorporated sign next to Goodie's Place Lane, in Raleigh County, the "U.S. Army CSM Hugh H. 'Smokey' Stover Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the road as the "U.S. Army CSM Hugh H. 'Smokey' Stover Memorial Road"; and, be it

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

Delegates Gearheart, Smith, Ellington, Evans, Cooper, Toney, Paynter and J. Pack offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 44 - "Requesting the Division of Highways name bridge number 28-019/00-020.58 (28A187), (37.43298, -81.11005) locally known as Gardner Road Bridge, carrying US 19 over Bluestone River in Mercer County, the 'Timothy Wayne Farley Memorial Bridge'."

Whereas, Timothy Wayne Farley, a Spanishburg native, founding Chief of the Bluestone Valley Volunteer Fire Department and 16-year veteran of the Mercer County Emergency Management Director and Flood Plain Manager died suddenly and unexpectedly on January 23, 2021 at the age of 64. Tim is survived by his wife, Debbie, son, Lt. Col. Matthew Tad Farley, US Air Force, his wife Rebecca and their three children; and

Whereas, Tim was a devoted community servant with a lifelong commitment to service that shown brightly during his teenage years when he led the Spanishburg High School Wildcats to an undefeated 20-0 season in 1974 and earned All-Area Team honors. He continued that commitment to excellence in college where he played basketball for the Bluefield State Big Blues earning All-West Virginia Conference Honorable Mention honors in 1976 and later graduated with a dual degree in electrical engineering and business administration; and

Whereas, Tim and his childhood sweetheart, Debbie (Henry) Farley, lived and worked in the Spanishburg area. While Tim worked various jobs including truck driver, he and his wife owned and operated the Valley General store across US Route 19 from the high school. The Farleys dedicated their lives to raising their son, Matthew and serving their community. Tim took a leadership role in the effort to establish the Bluestone Valley Volunteer Fire Department and became the departments first chief — a role he still held at the time of his death; and

Whereas, In 2005, Tim was appointed to serve as Mercer County Emergency Services Director/Flood Plain Manager. His education, life experiences, dedication to helping others and willingness to meet intense challenges during times of trouble combined to earn him the highest level of respect locally, statewide, and regionally in emergency service circles. His calm demeanor and clarity of focus were called to the forefront during the period of local, regional, national, and international emergency the COVID-19 Pandemic. Tim's steadfast heart and unyielding focus gave guidance and comfort to all those he worked tirelessly to help during this time of uncertainty. A Christian soldier at heart, Tim's life of service appeared to be driven by the words in Isaiah 6:8 — Then I heard the voice of the Lord saying, "Whom shall I Send? And who will go for us?" And I said, "Here am I. Send me"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Timothy Wayne Farley and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 28-019/00-020.58 (28A187), (37.43298, -81.11005) locally known as Gardner Road Bridge, carrying US 19 over Bluestone River in Mercer County, the "Timothy Wayne Farley Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Timothy Wayne Farley Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways. Delegate Linville offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 45 - "Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the 'USMC CPL Guy Maywood Edwards Memorial Bridge'."

Whereas, United States Marine Corps Corporal Guy Maywood Edwards was born on September 13, 1918, in Myra, West Virginia, to Hiram Otho Edwards and Elmyra Elizabeth Porter Edwards; and

Whereas, Corporal Edwards graduated from Hamlin High School, and enlisted in the Marines during the winter of 1942; and

Whereas, Corporal Edwards was serving with the Fourth Division of the Marines and, despite having been wounded in October, 1944 on Saipan in the Marina Islands, landed on Iwo Jima on February 20, 1945, ready for duty. Corporal Edwards was killed in action six days later on February 26, 1945; and

Whereas, Corporal Edwards' brother PFC Donald Edwards was also serving in the Fourth Marine Division on Iwo Jima and was wounded on February 28, 1945; and

Whereas, It is right and just to honor the memory of United States Marine Corps Corporal Guy Maywood Edwards, who so ably served his country and state, and having made the ultimate sacrifice by naming this bridge after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the "USMC CPL Guy Maywood Edwards Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "USMC CPL Guy Maywood Edwards Memorial Bridge"; and, be it

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

Bills Introduced

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

By Delegate Linville:

H. B. 3059 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating to contract terms and conditions and the inability of government officials to agree with certain contract terms"; to the Committee on Government Organization.

By Delegate Griffith:

H. B. 3060 - "A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended; and to amend the code by adding thereto a new section, designated §61-8-19c, all relating to animal cruelty; defining standards for unlawful animal tethering"; to the Committee on the Judiciary.

By Delegate Wamsley:

H. B. 3061 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to exempting disabled veterans with any percentage of disability from the payment of registration fees under the provisions of this chapter"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Mallow, Forsht, Booth, Bridges, Holstein, Mazzocchi and Kimble:

H. B. 3062 - "A Bill to amend and reenact §5C-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-6A-5a of said code; and to amend and reenact §11-13A-6 of said code, all relating to ensuring that coal remains the primary source of power in West Virginia during emergency weather events; limiting the new amount of permits to construct wind power plant, wind power farm, or 'windmills' for power generally in West Virginia; and providing that for each new wind powered facility built in West Virginia, there is an offset in the amount of taxes paid by new and existing coal fired power plants"; to the Committee on Energy and Manufacturing then Finance.

By Delegates Mandt, Ferrell, Criss, Fast, Hanna, Pritt, McGeehan, Phillips, Worrell and Hott:

H. B. 3063 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-16-1, relating to ensuring that the West Virginia Legislature has the power and authority to review presidential executive orders and federal actions; and prohibiting implementation of unconstitutional actions"; to the Committee on the Judiciary.

By Delegate Wamsley:

H. B. 3064 - "A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to providing that any resident of West Virginia, honorably discharged from the Armed Forces of the United States of America, who has a service related disability, regardless of

percentage, as certified to by the Veterans Administration, may hunt, trap, or fish in this state without obtaining a license”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegate Wamsley:

H. B. 3065 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6M-1 and §11-6M-2, relating to personal property tax exemptions for certain veterans and persons; and providing rulemaking authority to the Tax Commissioner”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate Wamsley:

H. B. 3066 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to expanding state income tax exemptions to all disabled veterans as certified by the Veteran Administration in connection with their military service, and the next of kin (Gold star certified family) to all military members killed in action and those who are prisoners of war”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Cooper, Dean, Haynes, Zatezalo and Barnhart:

H. B. 3067 - “A Bill to amend and reenact §11-6B-3 and §11-6B-7 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of the homestead exemption in West Virginia from \$20,000 to \$30,000”; to the Committee on Finance.

By Delegates Cooper, Haynes, Toney, Reynolds, B. Ward and Anderson:

H. B. 3068 - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from taxation the primary residence of combat injured veterans with 100 percent disability as a result of the combat”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Hanshaw (Mr. Speaker) and Jennings:

H. B. 3069 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-10-7, relating to cooperation between law-enforcement personnel and military authorities”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegate Higginbotham:

H. B. 3070 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-6c, relating to creating a decreasing modification reducing federal taxable income subject to the corporate net income tax for the income of businesses relocating from The People’s Republic of China; effective date”; to the Committee on Finance.

By Delegate Higginbotham:

H. B. 3071 - “A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to adding one to the number of magistrates serving Putnam County”; to the Committee on the Judiciary.

By Delegates Steele and Foster:

H. B. 3072 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §19-1A-7 and §30-19-18, both relating to permitting the Director of the Division of Forestry to maintain a list of foresters in the state of West Virginia; allowing for rulemaking; and establishing a sunset provision”; to the Committee on Government Organization.

By Delegates Worrell, Lovejoy, Rowan, Rohrbach, Rowe, Hansen, Brown, Young, Wamsley, Hanna and Kessinger:

H. B. 3073 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-6, relating to establishing the West Virginia Emergency School Food

Act; providing findings; directing a county-by-county assessment of noninstructional or nontraditional remote learning day and public virtual school student feeding initiative; food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other noninstructional or nontraditional remote or virtual learning day time periods; providing county board reporting requirements to the Office of Child Nutrition; and directing the Office of Child Nutrition to collect and distribute information regarding available food resources and to create a crisis management and prevention plan that includes an assessment and plan to feed students”; to the Committee on Education then Finance.

By Delegates Higginbotham, Ellington and Rohrbach:

H. B. 3074 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-19-24, relating to information on organ and tissue donations; requiring the state’s Department Of Education to develop a curriculum for students in grades nine through 12; allowing parents of children to opt out of receiving instruction or materials relating to anatomical donation; and authorizing public institutions of higher education to provide information to its students”; to the Committee on Education.

By Delegates Gearheart, Smith, Ellington, Fast, Rowan, Longanacre, Paynter, Jennings, Burkhammer and Mazzocchi:

H. B. 3075 - “A Bill to amend and reenact §17-3-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22A-10 and §29-22A-10d of said code, all relating to the Racetrack Modernization Fund; transferring funds remaining in the Racetrack Modernization Fund to the State Road Fund; and closing the Racetrack Modernization Fund”; to the Committee on Finance.

By Delegates Gearheart, Smith, Ellington, Longanacre, Riley and Paynter:

H. B. 3076 - “A Bill to amend and reenact §17-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-16A-6a, all relating to eliminating courtesy patrol programs operated by the Division of Highways and the Parkways Authority”; to the Committee on Government Organization then Finance.

By Delegates Hanshaw (Mr. Speaker) and Jennings:

H. B. 3077 - “A Bill to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, relating to permitting the National Guard to use of established Federal or State Contracts”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

Special Calendar

Unfinished Business

In the absence of objection, **H. B. 2598**, Altering the definition of an above ground storage tank, was taken up for further consideration.

On motion of Delegate J. Kelly, the title of the bill was amended to read as follows:

H. B. 2598 - “A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to modifying an exception to the definition of an aboveground storage tank; expanding an exception by removing a phrase concerning a location requirement for devices having a capacity of 210 barrels or less, containing brine water or other fluids produced in connection with hydrocarbon production activities.”

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

Third Reading

Com. Sub. for S. B. 126, Authorizing Department of Administration to promulgate legislative rules; 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. 124**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Dean.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 126) passed.

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

On this question, the yeas and nays were taken (**Roll No. 125**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Dean.

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 S. B. 126) takes effect from its passage.

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

Com. Sub. for H. B. 2671, Relating to financial exploitation of elderly persons, protected persons or incapacitated adults; 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. 126**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan, Steele and Thompson.

Absent and Not Voting: Dean.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2671) 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. 2722, Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals; 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. 127**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Dean.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2722) 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. 2852, Relating to distribution of the allowance for increased enrollment; 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. 128**), and there were—yeas 99, nays none, absent and not voting 1, with absent and not voting being as follows:

Absent and Not Voting: Dean.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2852) passed.

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

H. B. 2852 - "A Bill to amend and reenact §18-9A-15 of the Code of West Virginia, 1931, as amended, relating to distribution of the allowance for increased enrollment; removing mandated distribution of 60 percent of allowance based on projected increased enrollment prior to September 1; authorizing advance at district request prior to availability of actual increased enrollment of partial distribution of up to 60 percent of school districts estimated share; and providing for refund of excess distribution."

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

Second Reading

S. B. 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Education, was reported by the Clerk and adopted, amending the bill on page 2, section 113, line 33, after the words "or is", by inserting the following: "an out-of-school time, summer recreation camp or day camp program".

On page 2, section 113, line 42, as follows: after the words "church school", by striking the word who and replacing it with the word "that".

On page 2, section 113, line 43 by adding the following:

"(10) Any school education program which is operated by a grantee under 42 USC 9801, *et seq.*, the federal Head Start Program. *Provided*, That these programs are required to continue to perform criminal background checks on all employees with a service that includes a RAP back system."

And,

On page 3, section 113, line 50 after the words "All facilities or programs" by inserting the following: "with the exception of programs operated by county parks and recreation commissions, boards and municipalities".

The bill was then ordered to third reading.

Com. Sub. for S. B. 295, Relating generally to economic development loans and loan insurance issued by state; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk on page eight, section eleven, beginning on line one hundred forty-four, following the words "transaction records" and the period, by striking out the words "Records of the authority that may be held from time to time by the board pursuant to this subsection shall not be considered public records and shall be exempt from disclosure pursuant to the provisions of §29B-1-1 et seq. of this code" and the period, and inserting in lieu thereof the words "Records of the authority held from time to time by the board pursuant to this subsection that are not considered public records and that are exempt from disclosure pursuant to the provisions of §31-15-22 of this code or §29B-1-1 et seq. of this code shall remain so while held by the board" and a period.

On page ten, section eleven-a, line forty-one, following the words "authorized by this", by striking out the word "subsection" and inserting in lieu thereof the word "section".

On page ten, section eleven-a, line forty-four, following the word "pool" and the period, by striking out the words "The rate shall be set on July 1, 2017" and the comma and inserting in lieu thereof the words "The rate shall be the rate set on July 1, 2017, under prior enactment of §12-6C-11(h) of this code" and a comma.

On page eleven, section eleven-a, line eighty, following the words "insurance agreements" and the comma, by striking out the word "board" and inserting in lieu thereof the words "authority meeting".

On page eighteen, section eight-a, line thirty, by striking out the section designation "§31G-1-1" and inserting in lieu thereof the section designation "§31G-1-2".

On page eighteen, section eight-a, line thirty-two, following the words "wireless technology" and the semicolon, by inserting the word "and".

On page eighteen, section eight-a, line thirty-six, following the words "by the council", by striking out the period and inserting in lieu thereof a semicolon and the word "or".

On page twenty-one, section eight-a, line one hundred twelve, following the subdivision designation "(4)" and the word "This", by striking out the word "provision" and inserting in lieu thereof the word "subsection".

On page twenty-one, section eight-a, line one hundred eighteen, following the word "section", by striking out the words "for such applications".

And,

On page twenty-two, section eight-a, line one hundred thirty-two, following the words "reports and", by striking out the words "annual legislative audit" and inserting in lieu thereof the words "biennial legislative audits".

On motion of Delegate Householder, the amendment was amended on page one, line seven, following the words "pursuant to this subsection", by striking out the words "that are not considered public records and".

On the question of adoption of the Committee on Finance amendment, as amended, the same was put and prevailed.

Delegate McGeehan moved to amend the bill on page three, section eleven, line seventeen, following the words "authorizes a", by striking out "\$80" and inserting in lieu thereof "\$50".

Delegate McGeehan had closed debate on the amendment when Delegate Steele requested to speak to the amendment. Objection being heard, Delegate Steele then so moved.

On the question of reopening debate on the amendment, the same was put and did not prevail.

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. 129**), and there were—yeas 20, nays 79, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Bates, Booth, Conley, Diserio, Fleischauer, Fluharty, Gearheart, Jeffries, Kimble, Kimes, Longanacre, Martin, McGeehan, Nestor, Paynter, Pritt, Steele, Thompson, G. Ward and Young.

Absent and Not Voting: Dean.

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

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

Com. Sub. for H. B. 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; on second reading, coming up in regular order, was read a second time.

Delegates Hansen, Barach, Doyle, Evans, Fleischauer, Fluharty, Griffith, Hornbuckle, Lovejoy, Pushkin, Rowe, Thompson, Walker, Williams, Young, Zukoff moved to amend the bill on page 3, section 1, line 29, following the word "authorized", by striking out the period and inserting in lieu thereof, the following:

"with the following amendment:

To amend Appendix E, Table 1, for the parameter Cyanide (ug/l) to be 4.0 for Human Health A.

To amend Appendix E, Table 1, for the parameter Acenaphthene (ug/l) to be 90 for Human Health C, and 70 for Human Health A.

To amend Appendix E, Table 1, for the parameter Acrylonitrile (ug/l) retaining the 0.66 for Human Health C, and 0.059 for Human Health A.

To amend Appendix E, Table 1, for the parameter Aldrin (ng/l) to be 0.00077 for Human Health C, and 0.00077 for Human Health A.

To amend Appendix E, Table 1, for the parameter alpha-BHC (alpha- Hexachloro-cyclohexane) (ug/l) to be 0.00039 for Human Health C, and 0.00036 for Human Health A.

To amend Appendix E, Table 1, for the parameter Anthracene (ug/l) to be 400 for Human Health C, and 300 for Human Health A.

To amend Appendix E, Table 1, for the parameter Benzene (ug/l) to be 16 for Human Health C, and 0.58 for Human Health A.

To amend Appendix E, Table 1, for the parameter Benzo(a) Anthracene (ug/l) to be 0.0013 for Human Health C, and 0.0012 for Human Health A.

To amend Appendix E, Table 1, for the parameter Benzo(a) Pyrene (ug/l) to be 0.00013 for Human Health C, and 0.00012 for Human Health A.

To amend Appendix E, Table 1, for the parameter Benzo(b) Fluoranthene (ug/l) to be 0.0013 for Human Health C, and 0.0012 for Human Health A.

To amend Appendix E, Table 1, for the parameter Benzo(k) Fluoranthene (ug/l) to be 0.013 for Human Health C.

To amend Appendix E, Table 1, for the parameter beta-BHC (beta- Hexachloro-cyclohexane) (ug/l) to be 0.0140 for Human Health C, and 0.008 for Human Health A.

To amend Appendix E, Table 1, for the parameter Bromoform (ug/l) retaining the 4.3 for Human Health A.

To amend Appendix E, Table 1, for the parameter Carbon tetrachloride (ug/l) retaining the 4.4 for Human Health C, and 0.25 for Human Health A.

To amend Appendix E, Table 1, for the parameter Chlordane (ng/l) to be 0.32 for Human Health C, and 0.31 for Human Health A.

To amend Appendix E, Table 1, for the parameter Chlorobenzene (mg/l) to be 0.8 for Human Health C, and 0.1 for Human Health A.

To amend Appendix E, Table 1, for the parameter Chloroform (ug/l) retaining the 470 for Human Health C, and 5.7 for Human Health A.

To amend Appendix E, Table 1, for the parameter Dibenzo(a,h)Anthracene (ug/l) to be 0.0001 for Human Health C, and 0.0001 for Human Health A.

To amend Appendix E, Table 1, for the parameter Dichlorobromomethane (ug/l) retaining the 17 for Human Health C, and 0.55 for Human Health A.

To amend Appendix E, Table 1, for the parameter Dieldrin (ng/l) to be 0.0012 for Human Health C, and 0.0012 for Human Health A.

To amend Appendix E, Table 1, for the parameter Dioxin (2,3,7,8- TCDD) (pg/l) to be 0.005 for Human Health C, and 0.0051 for Human Health A.

To amend Appendix E, Table 1, for the parameter Endrin retaining the 2.3 for Human Health C, and 2.3 for Human Health A and all other uses.

To amend Appendix E, Table 1, for the parameter Ethylbenzene (mg/l) to be 0.13 for Human Health C, and 0.068 for Human Health A.

To amend Appendix E, Table 1, for the parameter Fluoranthene (ug/l) to be 20 for Human Health C, and 20 for Human Health A.

To amend Appendix E, Table 1, for the parameter Fluorene (ug/l) to be 70 for Human Health C, and 50 for Human Health A.

To amend Appendix E, Table 1, for the parameter Heptachlor (ng/l) to be 0.0059 for Human Health C, and 0.0059 for Human Health A.

To amend Appendix E, Table 1, for the parameter Hexachlorobenzene (ng/l) to be 0.079 for Human Health C, and 0.079 for Human Health A.

To amend Appendix E, Table 1, for the parameter Indeno(1,2,3-cd)Pyrene (ug/l) to be 0.0013 for Human Health C, and 0.0012 for Human Health A.

To amend Appendix E, Table 1, for the parameter Methoxychlor (ug/l) to be 0.02 for Human Health C, and 0.02 for Human Health A.

To amend Appendix E, Table 1, for the parameter Methylene Chloride (ug/l) retaining the 590 for Human Health C, and 4.6 for Human Health A.

To amend Appendix E, Table 1, for the parameter Pyrene (ug/l) to be 30 for Human Health C, and 20 for Human Health A.

To amend Appendix E, Table 1, for the parameter Tetrachloroethylene (ug/l) retaining the 8.85 for Human Health C, and 0.8 for Human Health A.

To amend Appendix E, Table 1, for the parameter 1,1,2,2-tetrachloroethane (ug/l) retaining the 0.17 for Human Health A.

To amend Appendix E, Table 1, for the parameter 1,1-dichloroethylene (ug/l) retaining the 3.2 for Human Health C, and 0.03 for Human Health A.

To amend Appendix E, Table 1, for the parameter 1,2-dichlorobenzene (mg/l) to be 3 for Human Health C, and 1 for Human Health A.

To amend Appendix E, Table 1, for the parameter 1,2-dichloroethane (ug/l) retaining the 99 for Human Health C, and 0.035 for Human Health A.

To amend Appendix E, Table 1, for the parameter 2-Chloronaphthalene (ug/l) to be 1,000 for Human Health C, and 800 for Human Health A.

To amend Appendix E, Table 1, for the parameter 2-Chlorophenol (ug/l) retaining the 400 for Human Health C.

To amend Appendix E, Table 1, for the parameter 2,4-Dimethylphenol (ug/l) retaining the 2,300 for Human Health C.

To amend Appendix E, Table 1, for the parameter Pentachlorophenol (ug/l) to be 0.04 for Human Health C, and 0.03 for Human Health A.

To amend Appendix E, Table 1, for the parameter 2,4,6-Trichlorophenol (ug/l) to be 2.8 for Human Health C, and 1.5 for Human Health A.

To amend Appendix E, Table 1, for the parameter 2,4-Dichlorophenol (ug/l) to be 60 for Human Health C, and 10 for Human Health A.

To amend Appendix E, Table 1, by adding the parameter Bis(2-Ethylhexyl) Phthalate (ug/l) with criteria of 0.37 for Human Health C, and 0.32 for Human Health A.

To amend Appendix E, Table 1, by adding the parameter Butylbenzyl Phthalate (ug/l) with criteria of 0.1 for Human Health C, and 0.1 for Human Health A.

To amend Appendix E, Table 1, by adding the parameter Diethyl Phthalate (ug/l) with criteria of 600 for Human Health C, and 600 for Human Health A.

To amend Appendix E, Table 1, by adding the parameter Dimethyl Phthalate (ug/l) with criteria of 2,000 for Human Health C, and 2,000 for Human Health A.

And,

To amend Appendix E, Table 1, by adding the parameter Di-n-Butyl Phthalate (ug/l) with criteria of 30 for Human Health C, and 20 for Human Health A.”

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

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

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

The yeas and nays having been ordered, they were taken (**Roll No. 130**), and there were—yeas 24, nays 75, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Dean.

So, a majority of the members present 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. 2682, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements; 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. 2758, Requiring the Insurance Commissioner to regulate professional bondsmen; 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. 2763, Creating WV Cyber Incident Reporting; 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. 2770, Including home confinement officers in definition of law-enforcement officers; on second reading, coming up in regular order, was read a second time.

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

H. B. 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund; 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. 2789, Supplementing and amending the appropriations to Public Defender Services; 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. 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management; 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. 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021; 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. 2891, Creating minimum statutory standards for law-enforcement officers; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

Com. Sub. for H. B. 2916, Creating the Semiquincentennial Commission for the celebration of the 250th anniversary of the founding of the United States of America; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2932, Protections for Charitable Organizations; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2688, Allow county political parties to have building funds in a similar manner that state parties are allowed,

Com. Sub. for H. B. 2702, To require all public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation,

Com. Sub. for H. B. 2705, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments,

Com. Sub. for H. B. 2785, Relating to public school enrollment for students from out of state,

Com. Sub. for H. B. 2797, Declaring certain claims to be moral obligations of the State,

Com. Sub. for H. B. 2834, Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission,

Com. Sub. for H. B. 2877, Expand direct health care agreements beyond primary care to include more medical care services,

H. B. 2969, To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility,

And,

Com. Sub. for H. B. 2972, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption.

Leaves of Absence

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

Miscellaneous Business

The House of Delegates met at 5:30 p.m. on Wednesday, March 10, 2021 for **Remarks by Members**, in accordance with House Rule 65. The Honorable John Hardy, Assistant Majority Whip, called the House to order and presided while several members proceeded to make remarks. At 6:14 p.m., Remarks by Members was adjourned.

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

- Delegate Fleischauer during Remarks by Members on yesterday

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

H. B. 2052: Delegate Rowe;

H. B. 2057: Delegate L. Pack;

H. B. 2174: Delegate Barnhart;

H. B. 2484: Delegate Rowe;

H. B. 2493: Delegate J. Pack;

H. B. 2524: Delegate Mandt;

H. B. 2602: Delegate Mandt;

H. B. 2681: Delegate Rowe;

H. B. 2695: Delegate Rowe;

H. B. 2721: Delegate Rowe;

H. B. 2742: Delegate Rowe;

H. B. 2752: Delegate Pushkin;

H. B. 2798: Delegates Haynes, Kelly, Paynter, Sypolt, Walker and Zukoff;

H. B. 2874: Delegate Zukoff;

H. B. 3009: Delegate Smith;

H. B. 3060: Delegate Booth;

At 12:29 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 12, 2021.

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

SPECIAL CALENDAR

Friday, March 12, 2021

31st Day

11:00 A. M.

THIRD READING

- S. B. 89 - Exempting certain kindergarten and preschool programs offered by private schools from registration requirements (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 295 - Relating generally to economic development loans and loan insurance issued by state (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2382 - Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2682 - Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2758 - Requiring the Insurance Commissioner to regulate professional bondsmen (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2763 - Creating WV Cyber Incident Reporting (STEELE) (REGULAR)
- Com. Sub. for H. B. 2770 - Including home confinement officers in definition of law-enforcement officers (CAPITO) (REGULAR) [RIGHT TO AMEND]
- H. B. 2788 - Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

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

SECOND READING

- Com. Sub. for H. B. 2688 - Allow county political parties to have building funds in a similar manner that state parties are allowed (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2702 - To require all public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation (ELLINGTON) (REGULAR)

- Com. Sub. for H. B. 2705 - Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments (STEELE) (REGULAR)
- Com. Sub. for H. B. 2785 - Relating to public school enrollment for students from out of state (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2797 - Declaring certain claims to be moral obligations of the State (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2834 - Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission (STEELE) (REGULAR)
- Com. Sub. for H. B. 2877 - Expand direct health care agreements beyond primary care to include more medical care services (J. PACK) (REGULAR)
- Com. Sub. for H. B. 2891 - Creating minimum statutory standards for law-enforcement officers (CAPITO) (REGULAR)
- H. B. 2969 - To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility (STEELE) (REGULAR)
- Com. Sub. for H. B. 2972 - Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption (CAPITO) (REGULAR)

FIRST READING

- H. B. 2379 - Make criminal invasion of privacy a felony (CAPITO) (REGULAR)
- H. B. 2493 - Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers (HOUSEHOLDER) (REGULAR)

H. B. 2776 -

Creating the Air Ambulance Patient Protection Act (CAPITO)
(REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]

H. B. 2888 -

Relating to when contentions can be revived based on forensic
scientific evidence that was not available at time of conviction
(CAPITO) (REGULAR)

HOUSE CALENDAR

Friday, March 12, 2021

31st Day

11:00 A. M.

THIRD READING

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

SECOND READING

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

FIRST READING

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, MARCH 12, 2021

HOUSE CONVENES AT 11:00 A.M.

**TECHNOLOGY AND INFRASTRUCTURE
8:00 A.M. – HOUSE CHAMBER**

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

**COMMITTEE ON THE JUDICIARY
10:00 A.M. – ROOM 418 M**

**COMMITTEE ON RULES
10:45 A.M. – ROOM 434 M**

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